

ORDINANCE 957
CITY OF LACEY

AN ORDINANCE RELATING TO INDUSTRIAL PRETREATMENT REQUIREMENTS AND REGULATIONS OF DISCHARGES INTO THE CITIES WASTEWATER SYSTEM, REPEALING SECTIONS 13.08.090 THROUGH SECTION 13.08.170 OF THE LACEY MUNICIPAL CODE AND ADOPTING THE "LOTT DISCHARGE AND INDUSTRIAL PRETREATMENT REGULATIONS" AS A NEW CHAPTER, 13.10 OF SAID CODE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LACEY, WASHINGTON, as follows:

Section 1. Sections 13.08.090 through 13.08.170 of the Lacey Municipal Code are hereby repealed.

Section 2. There is hereby added to the Lacey Municipal Code a new Chapter, 13.10, to read as follows:

Section 13.10.010. That certain document titled "LOTT Discharge and Industrial Pretreatment Regulations" is hereby adopted as the official rules and regulations of the City of Lacey setting forth industrial pretreatment requirements and regulations of discharges into the City's wastewater system.

Section 3. Any other provisions of the Lacey Municipal Code or other regulations of the City not otherwise repealed by this Ordinance which are inconsistent with the terms of the regulations adopted herein are hereby repealed to the extent of such inconsistency or conflict.

Section 4. The Summary of this Ordinance, which is attached hereto, is approved for publication.

PASSED BY THE CITY COUNCIL OF THE CITY OF LACEY, WASHINGTON,
this 25th day of March, 1993.

CITY COUNCIL

Gene Carque Liddell
BY _____
Mayor

Attest:

Approved as to form:

Charlotta M. Taylor
City Clerk

[Signature]
City Attorney

Published: Tuesday March 30, 1993

LOTT DISCHARGE AND INDUSTRIAL PRETREATMENT REGULATIONS

1. PURPOSE AND POLICY.

This ordinance sets forth uniform requirements for direct and indirect contributors into the wastewater collection systems and the Regional Wastewater Treatment Facility for the Cities of Lacey, Olympia and Tumwater and for Thurston County. This ordinance enables the Cities of Lacey, Olympia, and Tumwater and Thurston County to comply with all applicable State and Federal laws required by the Clean Water Act of 1977 and the General Pretreatment Regulations (40 CFR, Part 403). The objectives of this ordinance are:

- A. To prevent the introduction of pollutants into the municipal wastewater system which will interfere with the operation of the system or contaminate the resulting sludge;
- B. To prevent the introduction of pollutants into the municipal wastewater system which will pass through the system, inadequately treated, into receiving waters or the atmosphere or otherwise be incompatible with the system;
- C. To improve the opportunity to recycle and reclaim wastewaters and sludges from the system; and
- D. To provide for equitable distribution of the cost of the municipal wastewater system.

This ordinance provides for the regulation of direct and indirect contributors to the municipal wastewater system through the issuance of permits to certain non-domestic users and through enforcement of general requirements for the other users; authorizes monitoring and enforcement activities, requires user reporting, assumes that existing customer's capacity will not be preempted, and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

2. DEFINITIONS.

Whenever used in this chapter:

A. ACT - The Clean Water Act (33 U.S.C. 1251 et. seq.), as amended.

B. APPLICABLE PRETREATMENT STANDARD shall mean federal, state, and/or local standard or pretreatment limit used to establish the need for pretreatment of waste flow prior to discharge into the municipal sewer system.

C. AVAILABILITY means those premises which are allowed by the Uniform Plumbing Code or other pertinent ordinance to be connected to a sanitary sewer.

D. BOD (denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20 degrees C., expressed in parts per million (mg/l) by weight.

E. CATEGORICAL PRETREATMENT STANDARDS shall mean the National Categorical Pretreatment Standards specifying quantities or concentrations of pollutants or pollutant properties which may be discharged or introduced into the Municipal Sewer System by specific Industrial Dischargers.

F. DISCHARGER-INDUSTRIAL DISCHARGER shall mean any non-residential user who discharges an effluent into the Municipal Sewer System by means of pipes, conduits, pumping stations, force mains, tank trucks, constructed drainage ditches, intercepting ditches, and all constructed devices and appliances appurtenant thereto.

G. INTERFERENCE - any discharge which, alone or in conjunction with a discharge or discharges from other sources, both:

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

NOTE: POTW--Publicly Owned Treatment Works

2. DEFINITIONS - Continued...

2. Therefore is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance the following statutory provisions and regulations or permits issued thereunder (or more stringent State or local regulations); Section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA) (including Title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA), and including State Regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the SWDA), the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection, Research and Sanctuaries Act.

H. **MANAGER** shall mean the Manager of the regional Publicly Owned Treatment Works (POTW) facilities as described in and built pursuant to the "Intergovernmental Contract for Wastewater Facilities Management" of November, 1976, or that person's duly authorized representatives, designated by the Participant as the person responsible for technical direction of this code.

I. **MINOR INDUSTRIAL DISCHARGER OR USER** a non-categorical industrial or commercial user of the POTW, identified by the Manager as having the potential to spill or discharge chemicals or slugs of wastewater to the municipal wastewater system, or the potential to discharge a waste stream that, when taken into account with the waste streams of other industrial users, may have a significant impact on the POTW.

J. **MUNICIPAL SEWER SYSTEM** shall mean the system of conduits, pumps, treatment plants, structures and properties, including without limitation all properties, interests, physical and intangible rights of every kind or nature owned or held by the Participant and all appurtenances thereto, however acquired, insofar as they relate to or concern drainage, transportation, storage, or treatment, in any manner whatsoever, of waste matter or storm and surface water of any nature now or hereafter permitted by this chapter to enter the Municipal Sewer System which is tributary to treatment facilities described in or built pursuant to the Intergovernmental Contract for Wastewater Facilities Management of November, 1976. Sanitary Sewers and Storm Drains, separately and in combination, are, without limitation, included in the Municipal Sewer System.

2. DEFINITIONS - Continued...

K. NPDES - National Pollutant Discharge Elimination System permit program as administered by the USEPA or State.

L. NEW SOURCE - Any building, structure, facility, or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed Pretreatment Standards under Section 307 (c) of the Act, which will be applicable to such source if such Standards are thereafter promulgated in accordance with that section.

M. pH - The logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

N. PARTICIPANT means the city or county of Lacey Washington, a municipal corporation or county organized and existing under and by virtue of the laws of the State of Washington. "WITHIN THE PARTICIPANT JURISDICTION" shall mean within the Participant jurisdiction boundaries as now or hereafter constituted.

O. PASS THROUGH - Discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation).

P. POLLUTANT - Any substance discharged into the Municipal Sewer System or its collection system which if discharged directly would alter the chemical, physical, biological, or radiological integrity of the water of the state. This includes, but is not limited to the priority pollutant list listed in 40 CFR Part 403.

Q. POTW - Publicly Owned Treatment Works; any sewage treatment works and the sewers and conveyance appurtenances discharging thereto, owned and operated by any of the Participant jurisdictions.

R. PREMISES shall be defined as a continuous tract of land, building, or group of adjacent buildings under a single control with respect to use of water and responsibility for payment therefore. Subdivision of such use or responsibility shall constitute a division into separate premises as herein defined, except where more than one dwelling is being served through the same water meter, in which case, each of said dwellings shall constitute a separate premises and shall be subject to the same separate charges as if separate single-family dwellings.

2. DEFINITIONS - Continued...

S. PRETREATMENT - The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in waste water to a less harmful state, as required by the State or local Pretreatment Regulations, prior to or in lieu of discharging or otherwise introducing such pollutants to a POTW in order to be consistent with the discharge requirements of this Ordinance.

T. PRIORITY POLLUTANT - Any of the substances so designated by the Washington State Department of Ecology or the United States Environmental Protection Administration such as the Priority Pollutants listed in 40 CFR Part 403.

U. SANITARY SEWERS shall mean only those portions of the Municipal Sewer System which are designated by the Participant to carry, treat or dispose of waste matter not constituting storm or surface water permitted by or under this chapter to enter the Municipal Sewer System.

V. SIGNIFICANT INDUSTRIAL USER OR DISCHARGER - An industrial user of the municipal sewer system who:

1. Is subject to national pretreatment standards promulgated under Section 307(b) or (c) of the Clean Water Act; or
2. Has in its wastes any priority toxic pollutants listed in 40 CFR Part 403; or
3. Has in its wastes toxic pollutants as defined pursuant to Section 307 of the Act; or
4. Has a discharge flow of 25,000 gallons or more per average work day; or
5. Has a discharge flow greater than 5 percent of the flow in the Participant's wastewater treatment system; or
6. Is determined by the Manager to have a significant impact, either singly or in combination with other contributing industries, on the wastewater treatment system, the quality of sludge, the system's effluent quality, or air emissions generated by the system.

W. SLUGLOAD shall mean any substance released in a single extraordinary discharge at a rate and/or concentration which causes interference to the Municipal Sewer System.

2. DEFINITIONS - Continued...

X. STORM DRAINS shall mean only those portions of the Municipal Sewer System which do, or are designated by the Participant to, detain or retain, carry or dispose of storm and surface water and such other waters as are not required by or under this chapter or other applicable law to be disposed of through Sanitary Sewers, in accordance with the provisions hereinafter set forth. Storm Drains shall, without limitation, include all properties, interests, and rights of the Participant insofar as they relate to or concern storm or surface water sewerage, whether natural or constructed, in and to the drainage or storage, or both, of storm or surface waters, or both, including without limitation through, under or over lands, landforms, watercourses, sloughs, streams, ponds, lakes, and swamps.

Y. SUSPENDED SOLIDS shall mean solids that either float on the surface of or are in suspension in water, sewage, or other liquid; and which are removable by laboratory filtration.

Z. TOXIC POLLUTANT shall mean those pollutants, or combination of pollutants, including disease-causing agents, which after discharge and upon exposure, ingestion, inhalation, or assimilation into any organism, either directly from the environment or indirectly by ingestion through food chains, will, on the basis of information available to the Manager, cause death, disease, behavioral abnormalities, cancer, genetic mutations, physiological malfunctions (including malfunctions in reproduction), or physical deformations, in such organisms or their offspring.

AA. UPSET shall mean an exceptional incident in which a Discharger unintentionally and temporarily is in a state of noncompliance with the applicable pretreatment standards due to factors beyond the reasonable control of the Discharger, and excluding noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventative maintenance, or careless or improper operation thereof.

BB. WASTEWATER - Industrial waste, sewage, or any other waste including that which may be combined with any ground water, surface water or storm water, that may be discharged to the municipal sewer system.

3. GENERAL PROHIBITIONS.

No person, business, industry or entity shall discharge or permit or cause the discharge of waste or wastewater of any kind or nature into the Municipal Sewer System with any of the following properties:

A. Any liquids, solids or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction to cause fire or explosion or be injurious in any other way to the operation of the POTW. At no time shall two successive readings on a combustible gas meter, at the point of discharge into the system, (or at any point in the system) be more than five percent (5%) or any single reading over ten percent (10%) of the Lower Explosive Limit (LEL) of the meter. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromines, carbides, hydrides, sulfides, and any other substances which the Participant, State, or the EPA has notified the user is a fire hazard or hazard to the system.

B. Solid or viscous substances which will or may cause obstruction to the flow in a sewer or other interference with the operation of the POTW, including but not limited to, any garbage or putrescible material that has not been properly comminuted to one-fourth inch or less in any direction.

C. Any wastewater having a pH of less than 6.0 or greater than 9.0 or having any other corrosive property capable of causing damage or hazard to structures, equipment, or personnel of the system.

D. Any wastewater having a fat waste, oil, or grease (whether or not emulsified) content in excess of fifty (50) milligrams per liter; or any substance which may solidify or become discernably viscous at temperatures above zero degrees Centigrade (32 degrees F.)

E. Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, or be in violation of any applicable statute, rule, regulation or ordinance of any public agency, including USEPA.

F. Any noxious or malodorous liquids, gases, or solids which either singly or by interaction are capable of creating a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for their maintenance and repair.

3. GENERAL PROHIBITIONS - Continued...

G. Any substance which may cause the POTW's effluent or treatment residues, sludges, or scums to be unsuitable for reclamation and reuse or permitted disposal or to interfere with the reclamation or disposal process. In no case shall a substance be discharged to the POTW that will cause the POTW to be in noncompliance with sludge use or disposal criteria, guidelines or regulations developed under Section 503 of the Act; or with any criteria, guidelines, or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act; or with the Clean Air Act, the Toxic Substances Disposal Act, or State standards applicable to the sludge management method being used.

H. Any substance which will cause the POTW to violate its NPDES and/or other Disposal System Permits, or cause a violation of any state air or water quality standard or solid and hazardous waste regulation.

I. Any substance with objectionable color not removed in the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions.

J. Any wastewater having a temperature which will inhibit biological activity in the POTW treatment plant resulting in interference; but in no case wastewater with a temperature at the entry to the collection system that exceeds sixty five degrees Centigrade, (one hundred fifty degrees Fahrenheit).

K. Any slugload of any type of pollutant, including Oxygen Demanding Pollutants.

L. Persistent pesticides and/or pesticides regulated by the Federal Insecticide Fungicide Rodenticide Act (FIFRA).

M. Concentrations of dissolved solids including but not limited to, sodium chloride, calcium chloride, or sodium sulfate which are so high as to constitute a danger to the wastewater treatment processes or equipment.

N. Concentrations of inert suspended solids such as, but not limited to, fuller's earth, lime slurries, lime residue, or fly ash which are so high as to constitute a danger to the POTW.

O. Any infectious wastes that, in the opinion of the County Health Officer, significantly increases the risk of disease transmission beyond the level of risk normally associated with domestic sewage.

4. PROHIBITIONS ON STORM DRAINAGE, GROUNDWATER AND UNPOLLUTED WATER.

Storm water, groundwater, rainwater, street drainage, subsurface drainage, yard drainage, roof drainage, or unpolluted water, including, but not limited to, cooling water, process water, or blow-down from cooling towers or evaporative coolers, shall not be discharged through direct or indirect connection to any Sanitary Sewer. With the approval of the Manager, the Participant may, but shall not be required to, permit such discharge when no reasonable alternative method of disposal is available. If a permit is granted for the discharge of such water into a Sanitary Sewer, the user shall pay the applicable charges and fees and meet such other conditions as required from time to time by the Participant.

5. DISCHARGE LIMITATIONS.

No person, business, industry or entity may discharge any wastewater or waste which contains a toxic or poisonous substance, in sufficient quantity to injure or interfere with any sewage treatment process, to constitute a toxic or poisonous hazard to humans or animals, or to create any hazard to receiving waters or to the effluent of the wastewater treatment facility.

A. No person or industry shall discharge wastewater containing in excess of:

mg/l	component
0.2 mg/l	arsenic
0.2 mg/l	cadmium
0.25 mg/l	chrome, hexavalent
1.0 mg/l	chromium, total
0.5 mg/l	copper
0.2 mg/l	free cyanide
0.64 mg/l	cyanide
0.4 mg/l	lead
0.05 mg/l	mercury
0.5 mg/l	nickel
0.2 mg/l	non-halogenated phenols or cresols
0.2 mg/l	silver
1.0 mg/l	zinc

B. A person, business, industry or entity shall be subject to limits more stringent than the above when required by the United States Environmental Protection Administration Federal Categorical Pretreatment Standards, State requirements, or permit conditions based on available pretreatment technology.

5. DISCHARGE LIMITATIONS - Continued...

C. No person, business, industry or entity shall increase the use of potable or process water in any way, nor mix separate waste streams for the purpose of diluting a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the standards set forth in this chapter.

D. The discharge into the municipal sanitary sewer of any wastewater or wastes having:

1. a 5 day biochemical oxygen demand greater than three hundred (300) parts per million by weight.
2. containing more than three hundred (300) parts per million by weight of suspended solids,
3. containing any quantity of substances having the characteristics described above in this section; or
4. having an average daily flow greater than two percent (2%) of the average daily flow of the POTW;

shall require review and approval of the Manager and be subject to payment as determined by applicable fees for waste strength and flow.

E. The Manager may allow for higher concentrations to be discharged at a reduced flow rate or limited period of time so as not to exceed the individually determined daily mass emission flow rate for a particular discharger.

6. LIMITATIONS ON RADIOACTIVE WASTES.

No person, business, industry or entity shall discharge or cause to be discharged any radioactive waste into the Municipal Sewer System except when that person is licensed for the use of those radioactive materials by the Department of Health and the waste meets all requirements of WAC 402-24-140, Disposal By Release Into Sanitary Sewerage Systems, and all other applicable local, state and federal regulations.

7. LIMITATIONS ON THE USE OF GARBAGE GRINDERS.

Waste from garbage grinders shall not be discharged into the Municipal Sewer System except wastes generated in preparation of food normally consumed on the premises. Such grinders must shred the waste to such a degree that all particles are comminuted to one fourth inch or less in any direction and are carried freely under normal flow conditions prevailing in

7. LIMITATIONS ON THE USE OF GARBAGE GRINDERS - continued...

Sanitary Sewers. Garbage grinders shall be connected to an approved grease trap. No discharge permitted by this section may contain plastic, paper products, or inert material.

8. LIMITATIONS ON POINT OF DISCHARGE.

No person, business, industry or entity shall discharge any substance directly into a manhole or other opening in the Municipal Sewer System other than through an approved building sewer, unless that person has been issued a permit by the Participant. If a permit is issued for such direct discharge, the user shall pay the applicable charges and fees and shall meet such other conditions as required by the Manager.

9. MATTER EXCLUDED FROM STORM DRAINS.

Unpolluted water regulated by this ordinance including, but not limited to, cooling water, process water, or blow-down from cooling towers or evaporative coolers may not be directed into a Storm Drain except under the authorization and direction of the Participant and under engineering and technical conditions set by the Manager to carry out the purposes of this chapter.

10. SAMPLING AND TESTING OF WASTEWATER.

Subject to any constitutional requirement, the Manager, bearing proper credentials and identification, shall be permitted to enter upon any and all premises at all reasonable times for the purpose of inspection, observation, measurement, sampling, and testing of wastewater (including storm or surface water) in accordance with the provisions of this chapter.

11. APPROVAL OF INDUSTRIAL DISCHARGES.

No industry shall be allowed to discharge industrial wastewater to the sewer system until said industry obtains approval from the Participant. No statement contained in this section shall be construed as preventing any special agreement or arrangement between the Participant and a customer, whereby an industrial waste of unusual strength or character may be accepted by the Participant for treatment, provided the waste does not interfere with or upset the

11. APPROVAL OF INDUSTRIAL DISCHARGES - continued...

treatment process, as determined by the Manager, and the flow is subject to payment by the industry concerned.

12. PRETREATMENT OF INDUSTRIAL WASTES.

When at any time it becomes apparent to the Manager that there is or will be discharged into the Municipal Sewer System any matter from any source which does not conform to the requirements outlined in Section 3, or the applicable pretreatment standards as defined in Section 5, it is hereby required that before such matter may be discharged into the Municipal Sewer System, the producer thereof shall pretreat same at the producer's own expense to a degree that will produce an effluent which does conform to the said requirements.

Dischargers 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 Participant shall be supplied, properly operated and maintained, at the discharger's expense. Such pretreatment plants may include, but shall not be limited to, grease traps, chemical or biochemical plants, sedimentation chambers, and any other devices which effect a change of any nature in the characteristics of the matter being treated toward the characteristics of matter permitted.

Detailed plans showing the pretreatment facilities shall be submitted to the Manager for review and must be acceptable to the Participant before construction of the facility. The review of such plans by the Participant shall in no way relieve the discharger from the responsibility of modifying its facility as necessary to produce an effluent acceptable to the Participant under the provisions of this chapter. The discharger shall obtain all necessary construction-operating permits from the Participant. Prior to completion of the Wastewater Treatment Facility, the discharger shall furnish its plan of operations and maintenance procedures for the Manager to review. All pretreatment devices shall be subject to the approval of the Manager.

13. GREASE AND OIL INTERCEPTORS.

Grease and oil interceptors shall be provided if, in the Manager's opinion, they are necessary, or if required by the Uniform Plumbing Code, for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand and other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Manager and shall be located as to be readily and easily accessible for cleaning and inspection at the expense of the user or applicant. Where installed, all grease, oil and sand interceptors shall be maintained by the owner, or at his expense, in a manner that will always prevent fat wastes, oil, grease and sediments from being carried into the sewer system. Fat waste, oil, grease or solids removed from such a facility shall not be disposed of in sanitary or storm sewers.

14. MONITORING FACILITIES.

When required by the Participant, the owner of any property served by a building sewer carrying industrial wastes shall install a suitable control manhole in the building sewer to facilitate observation, sampling and measurement of any wastes. Such manholes, when required, shall be accessible and safely located, and shall be constructed in accordance with plans approved by the Participant. The manhole shall be installed by the owner at his expense and shall be maintained by him so as to be safe and accessible at all times.

15. ACCIDENTAL DISCHARGES.

Each discharger shall provide protection from accidental discharge of prohibited or regulated materials or substances established by this Chapter. Where necessary, facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the discharger's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted as specified in section 33.

Dischargers shall immediately take action to correct the situation and verbally notify the Manager upon the occurrence of a "slugload" or accidental discharge of substances prohibited by this Chapter. Written notification including location of the discharge, date and time thereof, type of waste, concentration and volume, and corrective actions must be filed with the Manager within five days of the accidental discharge. Any discharger who discharges a slugload of prohibited materials shall be liable for any expense, loss, or

15. ACCIDENTAL DISCHARGES - continued ...

damage to the POTW, in addition to any other liabilities established by this chapter and the amount of any fines imposed on the Participant on account thereof under State or Federal law.

Signs shall be permanently posted in conspicuous places on the discharger's premises, advising employees whom to call in the event of a slug or accidental discharge. Employers shall instruct all employees who may cause or discover such a discharge with respect to emergency notification procedures.

16. LEACHATE AND CONDENSATE.

Leachate from a solid waste landfill, and condensate from gas recovery systems at a solid waste landfill shall be considered an industrial wastewater and a permit shall be required by the Manager in accordance with this ordinance.

17. EXCESS STRENGTH CHARGES.

For industrial waste or other discharges exceeding the BOD and/or Suspended Solids limits defined in Section 5., the following formula shall be used to determine the ERU equivalency of the waste flow. For purposes of calculation, the minimum industrial BOD and/or Suspended Solids concentration shall be 300 mg/l.

A. ERU Equivalent for High Strength Waste shall be the sum of the following:

(1.) Flow Calculation

$$(P-FLOW) \times \frac{\text{Industry flow in cu. ft.}}{900 \text{ cu. ft.}}$$

(2.) BOD Calculation

$$(P-BOD) \times \frac{\text{Industry BOD in mg/l}}{300 \text{ mg/l}}$$

(3.) Suspended Solids (SS) Calculation

$$(P-SS) \times \frac{\text{Industry SS in mg/l}}{300 \text{ mg/l}}$$

17. EXCESS STRENGTH CHARGES - continued...

B. Explanation of terms

(1.) (P-Flow)

Wastewater treatment costs associated with hydraulic flow
Total cost of wastewater treatment

(2.) (P-BOD)

Wastewater treatment costs associated with BOD
Total cost of wastewater treatment

(3.) (P-SS)

Wastewater treatment costs associated with SS
Total cost of wastewater treatment

(4.) ERU: (Equivalent Residential Unit) equals 900 cubic feet of flow containing no more than 300 mg/l of suspended solids and no more than 300 mg/l of BOD.

(5.) Wastewater Treatment costs used in items 1,2 and 3 above are calculated at years end. The ratios determined shall apply throughout the following year.

18. DISCHARGE PERMIT FEES.

The Manager shall develop, for the advisory committee's review and approval, a system of charges uniform among all Partners to recover the cost of implementing this ordinance. The system of charges shall reflect actual cost of service based on classification of customers or for specific services provided by the Participant.

19. PERMITS REQUIRED.

All existing Significant and Minor Industrial Dischargers and those new Significant and Minor Industrial Dischargers proposing to connect to or discharge sewage, industrial wastes and other wastes to the POTW shall obtain a Wastewater Discharge Permit before connecting to or discharging to the POTW. All existing Significant and Minor Industrial Dischargers connected to or discharging to the POTW shall apply for a Wastewater Discharge Permit within 90 days after the effective date of this Ordinance or at a later time if approved in writing by the Manager. The Manager may accept

19. PERMITS REQUIRED - continued...

a completed industrial survey form from minor industries in lieu of a permit application. New Significant and Minor Dischargers shall obtain a Wastewater Discharge Permit prior to discharging.

20. INDUSTRIAL WASTE SURVEY.

Industrial Dischargers shall complete and file with the Participant an Industrial Waste Survey in a form prescribed by the Manager.

21. PERMIT APPLICATION.

Significant and Minor Industrial Dischargers shall complete and file with the Participant, a permit application in the form prescribed by the Manager, and submit the appropriate fee. Existing Significant and Minor Industrial Dischargers shall apply for a Wastewater Discharge Permit within 90 days after the effective date of this Ordinance, and proposed new Significant and Minor Dischargers shall apply at least 90 days prior to connecting to the POTW. No discharge permit shall be issued to a Significant Industrial Discharger unless and until all of the following information requested by the Manager has been supplied:

A. Disclosure of name, address and location of the Discharger;

B. Disclosure of Standard Industrial Classification (SIC) numbers according to the Standard Industrial Classification Manual, Bureau of the Budget, 1972, as amended;

C. Disclosure of wastewater constituents and characteristics as requested by the Manager and determined by chemical and biological analysis performed by a certified laboratory. Sampling and analysis shall be performed in accordance with procedures established by the EPA and contained in 40 CFR, Part 136, as amended;

D. Disclosure of time and duration of discharges;

E. Disclosure of average daily and instantaneous peak wastewater flow rates, in gallons per day, including daily, monthly and seasonal variations, if any. All flows shall be measured unless other verifiable techniques are approved by the Manager due to cost or nonfeasibility;

21. PERMIT APPLICATION - Continued...

F. 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;

G. Description of activities, facilities, and plant processes on the premises, including all materials which are or may be discharged to the sewers or works of the Participant.

H. Disclosure of the nature and concentration of any pollutants or materials discharged that are prohibited by this Chapter. (Industries with processes regulated by Federal Categorical Pretreatment Standards must supply information about their discharge which meets the requirements of 40 CFR 403.12 (b) (5). Other significant industries must supply information generally equivalent to the requirements of 40 CFR 403.12 (b) (5) about their discharges of pollutants prohibited by this Chapter or limited in section 5.

I. Disclosure of each product produced, by type, amount, process or processes and rate of production;

J. Disclosure of the type and amount of raw materials (including chemicals) utilized (average and maximum per day);

K. Provision for an inspection and sampling manhole or structure with an opening of no less than 24 inches diameter and an internal diameter of no less than 36 inches diameter containing flow measuring, recording and sampling equipment as required by the Manager to assure compliance with this Chapter.

L. All permit applications for new or modified permits shall be signed by a principal executive officer of the Discharger.

M. If pretreatment facilities are necessary to comply with the provisions of this Chapter, this must be indicated in the permit application. The Participant and the industry will work out a compliance schedule for the construction of these facilities, and this schedule will become part of the permit. An engineering report, plans and specifications, or a schedule for submission of an engineering report, plans and specifications and other information relating to construction or installation of pretreatment facilities necessary to comply with the provisions of this Chapter shall be submitted for review of the Manager.

21. PERMIT APPLICATION - Continued...

N. If additional pretreatment and/or operation and maintenance activities will be required to comply with this Chapter, the Discharger shall provide a declaration of the shortest schedule by which the Discharger will provide such additional pretreatment and/or implementation of additional operational and maintenance activities; provided, that new Dischargers shall comply with applicable National Standards upon commencement of discharge.

1. The schedule shall contain milestone dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the Discharger to comply with the requirements of this Chapter, including, but not limited to, dates relating to hiring an engineer, hiring other appropriate personnel, completing preliminary plans, completing final plans, executing contracts for major components, commencing construction, completing construction, and all other acts necessary to achieve compliance with this Ordinance.

2. Under no circumstances shall the Discharger take longer than nine (9) months for any single step directed toward compliance.

3. Not later than fourteen (14) days following each milestone date in the schedule and the final date for compliance, the Discharger shall submit a progress report to the Manager, including no less than a statement as to whether or not it complied with the increment of progress represented by that milestone 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 Discharger to return the construction to the approved schedule. In no event shall more than nine (9) months elapse between such progress reports to the Manager.

The Manager will evaluate the completed application and data furnished by the Discharger and may require additional information. Within 75 days after full evaluation and written acceptance of the data furnished by the industry, the jurisdiction providing sewer service tributary to the POTW system shall issue a Wastewater Discharge Permit subject to terms and conditions provided herein.

22. PERMIT MODIFICATIONS.

The Participant reserves the right to amend any Wastewater Discharge permit issued hereunder in order to assure compliance or continued compliance by the Participant 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. Where a Discharger, subject to a National Categorical Pretreatment Standard, has not previously submitted an application for a Wastewater Discharge Permit as required by section 21; the Discharger shall apply for a Wastewater Discharge Permit from the Participant within 90 days after the promulgation of the applicable National Categorical Pretreatment Standards by the EPA. In addition, the Discharger with an existing Wastewater Discharge Permit shall submit to the Manager within 90 days after the promulgation of an applicable National Categorical Pretreatment Standard, the information required by paragraphs (c) and (h) of section 21. The Discharger shall be informed of any proposed changes in its permit at least 30 days prior to the effective date of change. Any changes or new conditions upon the Discharger may require modifications of the Wastewater Discharge Permit, as well as include a reasonable time schedule for compliance.

23. PERMIT CONDITIONS.

Wastewater Discharge Permits for Significant Industrial Dischargers shall specify no less than all of the following, and for Minor Industrial Dischargers, shall specify the provisions from the following, as determined applicable by the Manager:

- A. Fees and charges to be paid upon initial permit issuance.
- B. Limits on the average and maximum discharge of wastewater constituents and characteristics.
- C. Limits on average and maximum rate and time of discharge or requirements for flow regulations and equalization.
- D. Requirements for installation and maintenance of inspection and sampling facilities.
- E. Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types and standards for tests and reporting schedule;
- F. Compliance schedules.

23. PERMIT CONDITIONS - Continued...

- G. Requirements for submission of technical reports or discharge reports.
- H. Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the Manager, and affording the Participant access thereto;
- I. Requirements for notification of the Manager of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the wastewater treatment system.
- J. Requirements for notification of slug discharges.
- K. Other conditions as deemed appropriate by the Manager to ensure compliance with this ordinance.

24. PERMITS DURATION.

All wastewater discharge permits shall be issued for a period of five years, subject to appendment or revocation as provided in this ordinance. Under extraordinary circumstances, a permit may be issued for a shorter period or may be stated on its face to expire on a specific date.

25. LIMITATIONS ON PERMIT TRANSFER.

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

26. PROPERTY RIGHTS.

The issuance of a permit shall not convey any property rights in either real or personal property, or any exclusive privileges, nor shall it authorize any invasion of personal rights nor any infringement of Federal, State or Local regulations.

27. PUBLIC NOTICE.

Public notice shall be given in accordance with Section 173-216-090 WAC. The Participant may initiate the Public Notice rather than requiring it of the Discharger.

28. APPEAL OF PERMIT CONDITIONS.

A Discharger shall have the right to appeal permit conditions pursuant to the provisions of applicable codes. The official hearing the appeal shall have authority to remove or modify permit conditions only upon a finding that such conditions are arbitrary and capricious under the circumstances and that removal or modification of such permit conditions will not allow a potential discharge in violation of this chapter or any other valid laws or regulations.

29. REPORTING REQUIREMENTS FOR DISCHARGER.

Reporting requirements specified in this section shall be inclusive of all Significant Industrial Dischargers and shall also apply to those Minor Industrial Dischargers as specifically required in their Waste Discharge Permits.

- A. Within 90 days following the date for final compliance with Applicable Pretreatment Standards set forth in this Chapter, or following commencement of the discharge of wastewaters into the POTW, any Discharger subject to this Chapter shall submit a report to the Manager that indicates the nature and concentrations of all prohibited or regulated substances contained in its discharge and the average and maximum daily flow in gallons. The report shall state whether the Applicable Pretreatment Standards or requirements are being met on a consistent basis and, if not, what additional O & M and/or pretreatment is necessary to bring the Discharger into compliance with the Applicable Pretreatment Standards or requirements. This statement shall be signed by an authorized representative of the Discharger. If permit conditions are not being met, the statement also must be signed by an engineer qualified in pretreatment system design.
- B. Any Discharger subject to the Pretreatment Standards set forth in this Chapter, after the Compliance date of such Pretreatment Standard or, in the case of a new Discharger, after commencement of the discharge to the POTW, shall submit to the Manager during the months of May and November of each year, unless required more frequently by the Manager, a report indicating the nature and concentration of prohibited or regulated substances in the effluent which are limited by the Permit and/or Pretreatment Standards hereof. In addition, this report shall include a record of all measured or estimated average and maximum daily flows during the reporting period specified in Section

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29. REPORTING REQUIREMENTS FOR DISCHARGER - Continued...

hereof. Flows shall be reported on the basis of actual measurement, provided however, where cost or feasibility considerations justify, the Manager may accept reports of average and maximum flows estimated by verifiable techniques. The Manager, for good cause shown, considering such factors as local high or low flow rates, holidays, budget cycles, or other extenuating factors, may authorize the submission of said reports on months other than those specified above.

- C. Reports of permittees shall contain all results of sampling and analysis of the discharge, including the flow and the nature and concentration, or production and mass where required by the Manager. The frequency of monitoring by the Discharger shall be as prescribed in the Wastewater Discharge Permit. All analyses shall be performed in accordance with 40 CFR, Part 136 and amendments thereto. Where 40 CFR, Part 136 does not include a sampling or analytical technique for the pollutant in question, sampling and analysis shall be performed in accordance with the procedures set forth in the EPA publication, Sampling and Analysis Procedures for Screening of Industrial Effluents for Priority Pollutants, April 1977, and amendments thereto, or with any other sampling and analytical procedures approved by the Administrator of the EPA.
- D. Requirements for Notification of Change in Operation. Any Discharger subject to this chapter shall promptly report to the Manager any changes in its operations or processes which significantly affect its waste water constituents or characteristics, or storage of chemicals, and which take place after the last permit application or environmental survey. These changes include, but are not limited to, the commencement of discharge of any prohibited or limited substance under Part 3 of this Chapter, and addition of any process covered by National Categorical Pretreatment Standards.

30. MONITORING FACILITIES.

Each Discharger as directed in its permit shall provide 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 Participant 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

30. MONITORING FACILITIES - continued...

or cause undue hardship on the Discharger, the Participant may allow such facility to be constructed in an accessible public street or sidewalk area.

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 Manager. The facility, sampling and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the Discharger.

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

31. INSPECTION AND SAMPLING.

The Manager shall have the right to inspect all monitoring facilities, sewer lines, and plant facilities during all hours that a Discharger is in operation or at any time upon 24 hours notice. The Manager shall have the right to erect or install on the Discharger's property such devices as are reasonably necessary to conduct sampling, inspection, compliance monitoring or metering operations.

Failure to allow inspection, sampling, monitoring, or metering as authorized by this section shall be grounds for revocation of the Discharger's permit.

Nothing herein shall be construed to limit the Participant's rights to obtain a criminal search warrant.

32. CONFIDENTIAL INFORMATION.

Information and data furnished to the Manager and/or Participant with respect to the nature and frequency of discharge shall be available without restriction unless the Discharger specifically requests and is able to demonstrate to the satisfaction of the Manager and/or Participant that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets or proprietary information of the Discharger under the laws or regulations of the State or Federal Government. If a Discharger furnishing a report requests that information provided as part of a report or permit process be kept confidential, and the Discharger marks said pages as confidential, then the portions of a report or other information which may disclose trade secrets or secret processes protected by State or Federal law shall not be made

32. CONFIDENTIAL INFORMATION - continued...

available for inspection by the public, subject to the provisions of RCW chapter 42.17, but shall be made available upon written request to governmental agencies for uses related to this Chapter, the National Pollutant Discharge Elimination System (NPDES) Permit, State Disposal System Permit and/or the Pretreatment Programs; provided however that such portions of a report or other information shall be available for use by the State or any State Agency in judicial review or enforcement proceedings involving the Discharger furnishing the report.

Information accepted by the Manager and/or Participant as confidential, shall not be transmitted to any governmental agency or to the general public by the Manager and/or Participant until and unless a ten-day notification is given to the Discharger.

Once notice of intent to release information has been given to the Discharger, if the Discharger fails to contest the release, then any rights created by this section shall be deemed to have been waived.

33. ACCIDENTAL SPILL PREVENTION.

All Significant Industrial Dischargers, and those Minor Industrial Dischargers specified by the Manager in their Wastewater Discharge Permit, shall prepare Accidental Spill Prevention Plans (ASPP) and Spill Prevention, Control, and Countermeasure Plans (SPCC) showing facilities and operating procedures necessary to provide the protection required by Section 15. These plans shall be submitted to the Manager for review and approval.

All existing significant Dischargers shall submit such a plan within six (6) months of the effective date of this ordinance or as scheduled in the Discharger's permit. A discharger commencing wastewater services after the effective date of this ordinance shall have its ASPP and SPCC, if required, approved prior to commencing any discharge, or at the date specified in the discharge permit.

Review and approval of such plans and operating procedures by the Participant shall not relieve the Discharger from the responsibility to modify its facility as necessary to meet the requirements of this Chapter.

34. EMERGENCY SUSPENSION OF SERVICE AND PERMIT.

The Participant may order the suspension of wastewater treatment service and of the Discharge Permit of a Discharger without advance notice if it appears to the Manager that an actual or potential discharge:

- A. Presents or threatens a substantial danger to the health or welfare of persons or to the environment; or,
- B. threatens to interfere with the operation of the POTW or to violate any pretreatment limits imposed by this chapter or by any Discharge Permit issued pursuant to this Chapter.

Any discharger notified of the Participant's suspension order shall cease immediately all discharges.

Any Discharger whose permit has been suspended pursuant to this section shall have the right to a post-suspension hearing to be conducted in accordance with the procedures set forth in Section 37. The Participant shall reinstate the Discharge Permit and wastewater treatment services upon proof by the Discharger of the elimination of the risk of actual or potential discharge, unless the Participant has commenced proceedings for service termination and permit revocation pursuant to Section 35.

In addition to all other rights and remedies, the Participant shall have the authority to physically cap, block, or seal the side sewer line at its juncture with the sewer line or elsewhere (whether on public or private property) if the Manager determines that such action is reasonably necessary to suspend service as authorized by this section. The Participant shall have the right of access onto the Discharger's private property to accomplish such capping, blocking, or sealing of the sewer line.

35. TERMINATION OF TREATMENT SERVICES, PERMIT REVOCATION.

The Participant shall have authority to terminate wastewater treatment services and to revoke the Discharge Permit of any Discharger if it determines that the Discharger has:

- A. Failed to accurately report wastewater constituents and characteristics;
- B. Failed to report significant changes in wastewater constituents or characteristics;
- C. Refused reasonable access to the Discharger's premises for purposes of inspection or monitoring;
- D. Violated conditions of the Wastewater Discharge Permit;

**35. TERMINATION OF TREATMENT SERVICES, PERMIT REVOCATION -
Continued...**

E. Violated any of the provisions of this Chapter or regulations promulgated thereunder; or

F. Violated any lawful order of the Participant issued with respect to the Discharger's Permit or this Chapter.

The Discharger shall be given written notice of the Participant's decision (and basis or bases therefore) to terminate wastewater services and shall have the right to a pretermination hearing in accordance with the provisions of Section 37.

36. COMPLIANCE SCHEDULE ORDER.

The Participant and the Discharger may agree to a compliance schedule order in lieu of termination under Sections pertaining to wastewater services and revocation of the Discharge Permit. The order shall establish specific actions to be taken and/or procedures to be implemented by the Discharger to assure compliance with this Chapter and with the Discharge Permit. The order shall also establish specific time limits for such actions or procedures.

Failure to comply with any terms or requirements of a compliance schedule order by the Discharger shall be additional and independent grounds for termination of wastewater treatment services and revocation of the Discharge Permit.

37. ADMINISTRATIVE HEARING.

A. A Discharger shall have the right to an administrative hearing to contest the Participant's determination:

1. of the Wastewater Permit conditions pursuant to section 23.
2. to suspend the Discharger's wastewater services and to suspend the Discharger's Discharge Permit;
3. to terminate the Discharger's wastewater services and to revoke the Discharger's Discharge Permit;
4. to impose civil penalties against the Discharger; or
5. 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 fifteen (15) business days after the Discharger receives notice of the Participant's decision. The Discharger's written request for hearing shall be filed with the Manager. The

37. ADMINISTRATIVE HEARING - Continued...

Manager and Participant 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 Discharge Permit.)

C. The administrative hearing authorized by this section shall be held before the Manager and two other representatives designated by the Participant. Formal rules of evidence shall not apply but the Discharger and the Participant shall have the right to present witnesses and documentary evidence. The Participant shall issue a written decision within five (5) business days of the conclusion of the hearing.

D. Any Discharger requesting a hearing shall have the right to make an electronic or stenographic record of the proceedings. Such record shall be made at the Discharger's expense.

E. The Participant may by resolution adopt additional rules for the conduct of hearings pursuant to this section.

38. CIVIL PENALTIES.

In lieu of or in addition to any other enforcement action authorized herein, the Participant shall have authority to assess against a Discharger civil penalties in the manner and amounts specified section 45.

39. JUDICIAL REVIEW.

Any decision of the Participant rendered pursuant to Section 37 may be reviewed only by the Superior Court. The review shall be initiated by a petition filed by the Discharger. Such review shall be timely filed no later than ten (10) business days after the Discharger has received notice of the decision.

40. ANNUAL PUBLICATION OF ENFORCEMENT ACTIONS.

A list of all Significant Dischargers which experience a significant violation of applicable pretreatment standards or other pretreatment requirements during the previous twelve (12) months shall be published annually by the Participant in a local daily newspaper of general circulation. For the purposes of this provision, a significant violation is a violation which remains uncorrected 45 days after notification of non-compliance; which is part of a pattern of non-compliance over a twelve month period; which involves a failure to accurately report noncompliance; or which resulted in the POTW exercising its emergency authority under Section 34.

41. RIGHT TO WRITTEN INTERPRETATION OF CHAPTER.

Any Discharger or any interested party shall have the right to request an interpretation or ruling by the Participant on any matter covered by this chapter. The request must be in writing and must be addressed to the Participant. The Manager shall provide a prompt written response. A request pursuant to this section shall not stay or otherwise affect enforcement proceedings.

42. OPERATING UPSETS.

Any Discharger that experiences an upset in operations which places the Discharger in a temporary state of non-compliance with this Chapter or a Discharge Permit issued pursuant to this Chapter shall inform the Manager of the upset immediately upon discovering the upset. A written report describing the upset shall be filed with the Manager by the Discharger within five days after the discovery. This report shall include:

- A. A description of the upset, the cause of the upset and the impact of the upset on the Discharger's compliance with this chapter and the Discharge Permit.
- B. Duration of non-compliance (including exact dates and times) and, if noncompliance is continuing, the time at which the Discharger expects to be in compliance.
- C. All steps which have been taken or will be taken to prevent the recurrence of the upset.

A timely documented and properly verified operating upset shall be an affirmative defense to any enforcement action brought by the Participant against the Discharger for failure to comply with this Chapter or a discharge permit issued pursuant to this chapter to the extent that the enforcement

42. OPERATING UPSETS - continued...

action arises out of violations which occurred during the period of upset. Provided, however, that such an upset shall not relieve the Discharger of any other liability for the upset including, but not limited to, liability for damages sustained by the POTW, the Participant, or third persons.

43. RECORDS RETENTION.

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 analyses made by or in behalf of a Discharger in connection with its discharge. All records which pertain to matters which are the subject of an enforcement action or litigation shall be retained and preserved by the discharger until all enforcement activities have concluded and all periods of limitation with respect to any and all appeals have expired.

44. REGULATIONS.

The Manager shall propose, subject to approval and adoption by the Participant, additional regulations consistent with this Chapter when necessary to reflect changes in applicable State and/or Federal regulations.

45. CIVIL LIABILITIES.

Any Discharger who intentionally or through negligence fails to comply with any provision of this Chapter or any regulation, rule or permit issued pursuant to this chapter, relating to (1) pretreatment of industrial waste which would otherwise be detrimental to the treatment works or its operation, and (2) the prevention of entry of such waste into the collection system or treatment works; shall be liable to the Participant for a civil penalty. The amount of such civil penalty shall be not more than \$1,000 per day per violation. Each day upon which a violation occurs or continues shall constitute a separate violation. Such penalties may be recovered by judicial actions. A Discharger's failure to pay such civil penalties shall be grounds for termination of wastewater services and revocation of the Discharge Permit.

46. RECOVERY OF COSTS INCURRED BY THE PARTICIPANT.

Any discharger violating any of the provisions of this chapter who discharges or causes a discharge producing a deposit or obstruction or causes damage to or impairs the POTW shall be liable to the Participant for any reasonable expense, loss, fines or damage caused by such violation or discharge. The Participant shall bill the Discharger for the cost incurred by the Participant for any cleaning, repair, replacement work, or other damages caused by the violation or discharge. Refusal to pay the assessed costs shall constitute a violation of this Chapter enforceable under the provisions of Part 35 of this Chapter.

47. FALSIFYING INFORMATION.

Any person who 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 (in addition to civil and/or criminal penalties otherwise provided by law) shall be guilty of a misdemeanor punishable by fine not to exceed \$500 and/or imprisonment not to exceed 90 days.

48. GENERAL CRIMINAL PENALTIES.

Any person who intentionally or through negligence violates any provision of this Chapter shall be guilty of a misdemeanor punishable by a fine not to exceed \$500 and/or imprisonment not to exceed 90 days.

49. STATE REQUIREMENTS.

State requirements and limitations on discharges to the municipal sewer system shall be met by all dischargers in any instance in which they are more stringent than federal requirements and limitations, or those in this or any other applicable chapter.

50. RIGHT OF REVISION.

The Participant reserves the right to amend this Chapter and any permits it issues under it in a manner consistent with Section 4 of the Intergovernmental Agreement for Industrial Waste Pretreatment Program 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 this Ordinance, or are otherwise in the public interest. No vested right shall be created by the issuance of any permit under this chapter.

51. SEVERABILITY.

If any provision, paragraph, word, section or article of this Ordinance is invalidated by any court of competent jurisdiction, the remaining provisions, paragraphs, words, sections, and chapters shall not be affected and shall continue in full force and effect.

SUMMARY FOR PUBLICATION
ORDINANCE 957

CITY OF LACEY

The City Council of the City of Lacey, Washington, passed on the 25TH day of March, 1993, Ordinance No. 957 entitled "AN ORDINANCE RELATING TO INDUSTRIAL PRETREATMENT REQUIREMENTS AND REGULATIONS OF DISCHARGES INTO THE CITIES WASTEWATER SYSTEM, REPEALING SECTIONS 13.08.090 THROUGH SECTION 13.08.170 OF THE LACEY MUNICIPAL CODE AND ADOPTING THE "LOTT DISCHARGE AND INDUSTRIAL PRETREATMENT REGULATIONS" AS A NEW CHAPTER, 13.10 OF SAID CODE."

A section by section summary of this Ordinance is as follows:

Section 1 repeals Sections 13.08.090 through 13.08.170 of the Lacey Municipal Code.

Section 2 adds a new Chapter, 13.10 to the Lacey Municipal Code. The specific sections of that Chapter are summarized as follows:

Section 1 declares the purpose and policy of the Ordinance to adopt uniform requirements for direct and indirect contributors into the wastewater collection systems of the County and the Cities which systems eventually flow into the regional wastewater treatment facility.

Section 2 defines the terms used within the Ordinance.

Section 3 sets forth the general prohibitions against discharging of waste or wastewater of the kinds or nature as described in this Section into the municipal sewer system.

Section 4 prohibits the discharge of stormwater and other unpolluted waters into the sanitary sewer unless approval has been obtained pursuant to the conditions of this Section.

Section 5 limits the type of wastewater or waste which may be discharged into the sanitary sewer system.

Section 6 limits the discharge of radioactive waste into the municipal sewer system.

Section 7 limits the discharge of waste from garbage grinders into the municipal sewer system.

Section 8 prohibits the discharge of substances directly into a manhole or other opening in the sewer system unless a permit has been granted for such discharge.

Section 9 specifies the types of waters that may be discharged into storm drains.

Section 10 provides for inspection and testing of wastewater discharges and the right of access for such purposes.

Section 11 prohibits the discharge of industrial wastewater except with approval from the City.

Section 12 prescribes pretreatment for certain industrial waste prior to their discharge into the municipal sewer system.

Section 13 requires grease and oil interceptors under certain conditions.

Section 14 specifies the conditions under which a control manhole may be required for monitoring of discharge.

Section 15 provides for steps to be taken to prevent and deal with accidental discharges.

Section 16 defines leachate from a solid waste landfill and condensation from gas recovery systems at a solid waste landfill as industrial wastewater.

Section 17 specifies the formulas which will be used in determining charges for industrial waste or other discharges.

Section 18 provides for the setting of fees for discharge permits.

Section 19 requires permits for significant and minor dischargers.

Section 20 requires that all industrial dischargers complete and file with the City an Industrial Waste Survey.

Section 21 specifies the information required and steps to be taken in applying for discharge permits.

Section 22 reserves to the City the right to amend wastewater discharge permits in order to comply with national categorical pretreatment standards.

Section 23 details the provisions which must be included in each wastewater discharge permit for significant industrial dischargers.

Section 24 provides that wastewater discharge permits shall be issued for a period of five (5) years unless extraordinary circumstances require a shorter period of duration.

Section 25 limits the transfer of discharge permits.

Section 26 limits the rights gained by the issuance of a permit.

Section 27 requires public notice in accordance with Section 173-216-090 WAC.

Section 28 provides for an appeal by a discharger of permit conditions.

Section 29 specifies the reporting requirements for all significant industrial dischargers and those minor industrial dischargers as are specified in a waste discharge permit.

Section 30 requires monitoring facilities to be provided at the dischargers expense.

Section 31 allows for inspection of such monitoring facilities and other lines and plant facilities involved in discharges regulated by this Chapter.

Section 32 provides that information gained through the provisions of this Chapter shall be public information unless a discharger can show that the release of such information would divulge information processes or methods of production entitled to protection as trade secrets or proprietary information under the regulations of the State or Federal government.

Section 33 requires the preparation by each defined discharger of an accident spill prevention plan.

Section 34 allows the City to order emergency suspension of wastewater treatment service under the conditions set forth in said Section.

Section 35 provides for the termination of treatment services and permit revocation after findings of violations as set forth in said Section.

Section 36 allows for agreement as to a compliance schedule order to serve in lieu of termination of a permit.

Section 37 provides for an administrative hearing on contests or appeals of the City's imposition of permit conditions, suspensions or terminations of such permits or wastewater services, civil penalties and violations of compliance schedule orders.

Section 38 provides: "In lieu of or in addition to any other enforcement action authorized herein, the Participant shall have authority to assess against a Discharger civil penalties in the manner and amounts specified section 45."

Section 39 allows for appeal to the Superior Court of actions taken pursuant to this Chapter but requires the filing of a Petition for such review within ten (10) business days after receipt of notice of a decision.

Section 40 specifies that the City will publish annually a list of significant violations of pretreatment standards or requirements.

Section 41 provides the right to a discharger or any interested party to request and receive a written interpretation of matters covered by the Chapter.

Section 42 requires notification by a discharger of temporary upset which places or may place the discharger in a temporary state of noncompliance and allows such notice to provide a defense to enforcement action.

Section 43 requires records to be retained by dischargers.

Section 44 allows the Director to suggest additional regulations to be reviewed and adopted by regulatory authorities.

Section 45 provides: "Any Discharger who intentionally or through negligence fails to comply with any provision of this Chapter or any regulation, rule or permit issued pursuant to this chapter, relating to (1) pretreatment of industrial waste which would otherwise be detrimental to the treatment works or its operation, and (2) the prevention of entry of such waste into the collection system or treatment works; shall be liable to the Participant for a civil penalty. The amount of such civil penalty shall be not more than \$1,000 per day per violation. Each day upon which a violation occurs or continues shall constitute a separate violation. A Discharger's failure to pay such civil penalties shall be grounds for termination of wastewater services and revocation of the Discharge Permit."

Section 46 provides: "Any discharger violating any of the provisions of this chapter who discharges or causes a discharge producing a deposit or obstruction or causes to or impairs the POTW shall be liable to the Participant for any reasonable expense, loss, fines or damage caused by such violation or discharge. The Participant shall bill the Discharger for the cost incurred by the Participant for any cleaning, repair, replacement work, or other damages caused by the violation or discharge. Refusal to pay the assessed costs shall constitute a violation of this Chapter enforceable under the provisions of Part 35 of this Chapter."

Section 47 provides: "Any person who 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 (in addition to civil and/or criminal penalties otherwise provided by law) shall be guilty of a misdemeanor punishable by fine not to exceed \$500 and/or imprisonment not to exceed 90 days."

Section 48 provides: "Any person who intentionally or through negligence violates any provision of this Chapter shall be guilty of a misdemeanor punishable by a fine not to exceed \$500 and/or imprisonment not to exceed 90 days."

Section 49 requires compliance with State requirements if such requirements are more stringent than Federal or City requirements.

Section 50 provides for amendment of the Chapter and the affect of such amendment upon existing permits.

Section 51 is a severability clause applicable to the provisions of the Ordinance.

Section 3 provides that this Ordinance shall prevail in case of conflict with any other provisions of the Ordinances of the City.

Section 4 approves this Summary.

A copy of the full text of this Ordinance will be mailed without charge to any person requesting the same from the City of Lacey.

Published: Tuesday, March 30, 1993.