

FILED FOR RECORD AT REQUEST OF:
City of Pasco, Washington

WHEN RECORDED RETURN TO:
City of Pasco
525 North 3rd
Pasco WA 99301

**MULTI-JURISDICTIONAL AGREEMENT
BETWEEN
CITY OF PASCO, WASHINGTON
AND
PORT OF WALLA WALLA**

**Pretreatment Program Implementation
Enforcement Agreement**

THIS AGREEMENT is entered into this 29th day of September, 2014, by and between the City of Pasco, Washington, as the "*Control Authority*", hereinafter referred to as "City"; and the Port of Walla Walla, as the "*Contributing Jurisdiction*", hereinafter referred to as "Port", and jointly referred to as the "Parties."

WHEREAS, the City owns and operates Publicly Owned Treatment Works (POTW) with the capacity for treatment of industrial, commercial and residential wastewater and, by agreement of February 21, 2012, entered into an Interlocal Agreement with the Port of Walla Walla for wastewater treatment and disposal services serving commercial and industrial uses located within the Port's Burbank Industrial Park and Burbank Business Park; and

WHEREAS, the Port leases buildings and properties within the Burbank Industrial Park and Burbank Business Park, and in addition, offsite commercial, public and residential users may likewise contribute wastewater through connections to the Port's wastewater facility which will be processed by the City's POTW, collectively referred to herein as "users"; and

WHEREAS, the City has pursuant to RCW 90.48.165, been delegated authority from the Department of Ecology for the issuance of permits for the discharge of wastes,

including the implementation and enforcement of regulations for the protection of its POTW; and

WHEREAS, the City is authorized by RCW 43.21B.300 to assess penalties for the violation of its regulations for discharges into its POTW for the protection of the public and its POTW; and

WHEREAS, as a condition under 40 CFR Part 403 and Chapter 90.48 RCW, the City and the Port must enter into a Multi-Jurisdictional Agreement whereby the City's Wastewater Standards Ordinance is adopted ~~and~~ subjects the users upon the Port's Burbank Industrial and Burbank Business Park property, as well as those offsite users, for compliance with the necessary pretreatment controls for discharge into the City's POTW.

NOW, THEREFORE, in consideration of the mutual covenants contained herein and other valuable consideration, the parties agree as follows:

1. Adoption of Standards.

A) The Port will adopt, directly or by reference, the City's Wastewater Standards Ordinance codified as Chapter 13.62 "Wastewater Pretreatment Requirements" of the Pasco Municipal Code which shall be applicable to and binding upon users within the Burbank Business Park and the Burbank Industrial Park including any offsite users contributing to the wastewater treated by the City's POTW. The Port will adopt its Wastewater Standards Ordinance on or before December 31, 2014.

B) Whenever the City revises its Wastewater Standards Ordinance, it will forward a copy of the revisions to the Port. The Port will adopt revisions to its Wastewater Standards Ordinance that are at least as stringent as those adopted by the City. The Port will forward to the City for review its proposed revisions within 90 days of receipt of the City's revisions. The Port will adopt its revisions within 180 days of receiving approval from the City of the content thereof.

C) The Port, by adoption by reference of the City's Wastewater Standards Ordinance, adopts the City's pollutants specific local limits. If the City makes any revisions or additions to its local limits, the City will forward to the Port a copy of such revisions or additions within 30 days of enactment thereof. The Port will adopt such revisions or additions within 180 days of receipt thereof.

2. Designation for Enforcement and Implementation.

A) The Port designates the City as the agent of the Port for the purpose of implementation and enforcement of the Port's Wastewater Standards Ordinance at the Burbank Business Park and Burbank Industrial Park, as well as any user contributing to the wastewater facilities subject to this Agreement. The City may take any action under the Port's Wastewater Standards Ordinance that could have been taken by the Port, including the enforcement of the ordinance in courts of law. Jurisdiction and venue for the enforcement of the Wastewater Standards Ordinance shall be placed in Franklin County, Washington.

B) The Port shall provide, on or before October 1, 2014, a listing of all tenants within the Burbank Business Park and Burbank Industrial Park and those users contributing to the wastewater facilities subject to this Agreement; and, thereafter, provide a current listing of such tenants, within thirty (30) days, of the entry or connection of users and any terminating users; thereby, providing a current listing of all users contributing to the wastewater facilities.

C) The City, on behalf of and as agent for the Port will perform all technical and administrative duties necessary to implement and enforce the Port's Wastewater Standards Ordinance. The City will:

- 1) Update the industrial waste survey.
- 2) Issue permits to all users required to obtain a permit.
- 3) Conduct inspection, sampling, and analysis.
- 4) Perform enforcement activities.
- 5) Perform any other technical or administrative duties the parties deem appropriate.

In addition, the City may take emergency action to stop or prevent any discharge which presents or may present an imminent danger to the health or welfare of humans, which reasonably appears to threaten the environment, or which threatens to cause interference, pass through or sludge contamination, or other damage to the City's POTW.

D) If the City takes enforcement actions against any Port tenant or user contributing wastewater to the facility, the City will also notify the Port of said pending action.

3. Offsite User. Before an offsite user located outside the Burbank Business Park and/or Burbank Industrial Park, is allowed to discharge any wastewater into lines which would flow into the City's POTW, the Port and the City will enter into an agreement, or secure a binding user agreement for such discharge. Such agreement will be substantially equivalent to this Agreement and must be entered into prior to a discharge from any subsequent user.

4. General Terms.

A) If any term of this Agreement is held to be invalid in any judicial action, the remaining terms will be unaffected.

B) The parties will review and revise this Agreement to ensure compliance with the Federal Clean Water Act (42 U.S.C § 1251 et seq.) and rules and regulations (see 40 CFR Part 403) issued thereunder, as necessary, but at least once every six years on a date to be determined by the parties.

C) The term of this Agreement shall be commensurate with the term of that Interlocal Agreement for wastewater treatment and disposal services between the City and Port commencing upon the full execution of this Agreement, together with the adoption of the City's Wastewater Ordinance on or before December 31, 2014, and terminate as provided in Section 9 of the Interlocal Agreement.

D) This Agreement allows the City and its employees, agents and contractors to come upon the Port's Burbank Park and Burbank Industrial Park properties and take such actions as reasonably necessary for the implementation and enforcement of the Wastewater Standard Ordinance and this Agreement. During such events, each party agrees to indemnify and hold harmless the other party, its employees, agents and contractors from any and all claims that may arise from such actions due to the negligent acts or omissions of its own employees, agents, and contractors.

E) If the authority of the City to act as agent for the Port under this Agreement is challenged by a user in an administrative proceeding or court of law, or otherwise, the Port will take whatever action is necessary to ensure the implementation and enforcement of its Wastewater Standards Ordinance against its users, including, but not limited to, implementing and enforcing its

Wastewater Standards Ordinance on its own behalf and/or amending this Agreement to clarify the City's authority.

F) The Port hereby authorizes the City to seek reimbursement for implementing and enforcing this Wastewater Standard Ordinance by directly charging those participating tenants or users for said costs and/or recovering said costs through the user permits.

G) For the purpose of this Agreement, time is of the essence.

H) Should any dispute arise concerning the enforcement, breach or interpretation of this Agreement, the parties shall first meet in a good faith attempt to resolve the dispute. Any unresolved dispute shall be submitted to arbitration. The dispute shall be submitted to a single arbitrator mutually agreed by the parties. If the parties are unable to agree, the arbitrator shall be determined by the Franklin County Superior Court, and arbitration shall be conducted pursuant to RCW 7.04A, with both parties waiving the right to jury trial in the event of a de novo appeal. Arbitration shall be conducted in Pasco, Franklin County, Washington, and the costs of the arbitration shall be equally borne by the parties, and the arbitrator shall award, as additional judgment against the other, attorney's fees and costs to the prevailing party.

IN WITNESS WHEREOF, the undersigned are authorized to sign this Agreement on the date and year first written above.

CITY OF PASCO

By: [Signature]
Title: City Manager

PORT OF WALLA WALLA

By: [Signature]
Title: Executive Director

ATTEST:
[Signature]
Debra L. Clark, City Clerk

APPROVED AS TO FORM:

[Signature]
Leland B. Kerr, City Attorney

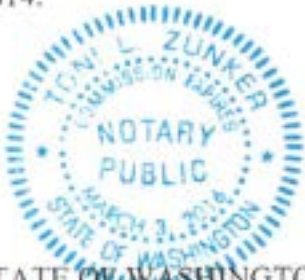
STATE OF WASHINGTON)

ss.

County of Franklin)

On this 7th day of October, 2014, personally appeared before me DAVE ZABELI, City Manager for the City of Pasco, Washington, described in and who executed the within and foregoing instrument, and acknowledged he signed the same as his free and voluntary act and deed for the uses and purposes therein mentioned.

GIVEN under my hand and official seal this 7th day of October, 2014.



Tom L Zunker
NOTARY PUBLIC in and for the State of Washington
Residing at Kennelworth
My Commission Expires 3/3/16

STATE OF WASHINGTON)

ss.

County of Walla Walla)

On this 29 day of September, 2014, personally appeared before me James M. Kuntz, Executive Director for the Port of Walla Walla, described in and who executed the within and foregoing instrument, and acknowledged he/she signed the same as his/her free and voluntary act and deed for the uses and purposes therein mentioned

GIVEN under my hand and official seal this 29 day of September, 2014.



S. Noel Sanders
NOTARY PUBLIC in and for the State of Washington
Residing at 345 E. Birch Walla Walla WA 99362
My Commission Expires 02/18/2018

ORDINANCE NO. 4169

AN ORDINANCE of the City of Pasco, Washington, adopting Chapter 13.62 "Pretreatment Regulations"; amending Section 13A.52.220 "Specific Prohibitions for Discharge", Section 13A.52.270 "Preliminary Treatment by Owner"; and repealing Section 13A.52.230 "Limitations on Wastewater Strength", Section 13A.52.280 "Permit Required", Section 13A.52.290 "Maintenance of Pretreatment Equipment and Facilities", Section 13A.52.300 "Acceptable Types of Pretreatment Facilities", Section 13A.52.310 "Location of Facilities", Section 13A.52.320 "Installation of Facilities", Section 13A.52.330 "Installation Schedule", Section 13A.52.340 "Pretreatment Waste Disposal", Section 13A.52.350 "Pretreatment Accidental Spill Containment Program", Section 13A.52.360 "Pretreatment Records Required", Section 13A.52.380 "Testing Methods and Responsibility", Section 13A.52.390 "Special Arrangements Concerning Industrial Wastes", and Section 13A.52.400 "Powers and Authority of Inspectors"

WHEREAS, the City of Pasco, as a result of its increase in population and the size of its wastewater utility facility, has become responsible, under the Regulatory Standards of the Washington State Department of Ecology, and the United States Environmental Protection Agency for the assumption of the regulation of pretreatment of domestic and industrial wastewater, and to establish uniform requirement for dischargers into the City of Pasco wastewater treatment facilities; and

WHEREAS, it is necessary for the City to assume regulatory responsibility for pretreatment of generated wastewater to protect the public health within the City, and to protect the transmission and treatment components of its wastewater system, it is necessary for the City to enact regulations creating a pretreatment program that meets the Washington State and Federal rules regarding the treatment of wastewater, comply with the conditions of its natural pollutant discharge elimination system permit. NOW, THEREFORE,

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

Section 1. That a new Chapter 13.62 entitled "Pretreatment Regulations" of the Pasco Municipal Code shall be and hereby is adopted and shall read as follows:

Chapter 13.62

PRETREATMENT REGULATIONS

Sections:

13.62.010	General Provisions.
13.62.020	General Sewer Use Requirements.
13.62.030	Pretreatment of Wastewater.
13.62.040	Wastewater Discharge Permits - Required.
13.62.050	Wastewater Discharge Permits - Issuance.
13.62.060	Reporting Requirements.
13.62.070	Compliance Monitoring.
13.62.080	Confidential Information.
13.62.090	Publication of Users in Significant Noncompliance.
13.62.100	Administrative Enforcement Remedies.
13.62.110	Judicial Enforcement Remedies.
13.62.120	Supplemental Enforcement Action.
13.62.130	Affirmative Defenses to Discharge Violations.
13.62.140	Wastewater Treatment Rates and Surcharges (Reserved).
13.62.150	Miscellaneous Provisions.
13.62.010	GENERAL PROVISIONS.

A) Purpose and Policy. This Chapter sets forth uniform requirements for dischargers into the City of Pasco's, hereinafter referred to as "the City", domestic and industrial publically owned treatment works (POTW), and enables the City to protect public health in conformity with all local, state, and federal laws relating thereto, including the Clean Water Act (33 United States Code [USC] 1251 et seq.) and the General Pretreatment Regulations (40 Code of Federal Regulations [CFR] Part 403).

In this regard, the objectives of this Chapter are the following:

- 1) To prevent the introduction of pollutants into the domestic or industrial sewer which could cause interference with the operation of the POTW;
- 2) To prevent the introduction of pollutants into the domestic or industrial sewer which could pass through the POTW, inadequately treated, into the environment or otherwise be incompatible with the POTW;
- 3) To prevent damage to the transmission or treatment systems;
- 4) To ensure that the qualities of the domestic and industrial biosolids are maintained at a level that allows their use and disposal in compliance with applicable statutes and regulations;

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

6) To improve the opportunity to reuse and reclaim wastewater and biosolids of the domestic and industrial POTW;

7) To promote strategies which reduce the amounts of pollution generated by Users of the domestic and industrial POTW, thereby reducing the associated hazards to the POTW and the environment;

8) To enable the City to run a pretreatment program that meets Washington State rules in Chapter 173-216 of the Washington Administrative Code (WAC), federal rules of 40 CFR part 403, conditions of its National Pollutant Discharge Elimination System (NPDES) permit, State Waste Discharge Permit (SWD), sludge use and disposal requirements, and any other Federal or State laws to which the POTW is subject; and

9) To provide for fees for the equitable distribution of the cost of operation, maintenance, and improvement of the POTWs.

This Chapter shall apply to all persons connected (or believed connected) to the sanitary sewer or industrial sewer collection systems. The Chapter compels the production of information, authorizes the issuance of wastewater discharge permits; provides for 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.

B) Administration. This Chapter provides for the regulation of discharges to the City's domestic and industrial POTWs through the enforcement of administrative regulations. The Public Works Director shall administer, implement, and enforce the provisions of this Chapter, except as otherwise provided herein. Any powers granted to or duties imposed upon the Public Works Director may be delegated by the Public Works Director to other City personnel.

C) Abbreviations. The following abbreviations, when used in this Chapter, shall have the designated meanings:

- 1) AKART- All known, available, and reasonable methods of treatment.
- 2) ASPP- Accidental Spill Prevention Plan.
- 3) BMPs - Best Management Practices.
- 4) BMR- Baseline Monitoring Report.
- 5) BOD5- Biochemical Oxygen Demand.

- 6) CFR - Code of Federal Regulations.
- 7) CIU - Categorical Industrial User.
- 8) cm- Centimeter.
- 9) COD- Chemical Oxygen Demand.
- 10) CWA- Clean Water Act.
- 11) CWF- Combined Wastestream Formula.
- 12) DMR- Discharge Monitoring Report.
- 13) DOE- Washington State Department of Ecology.
- 14) EPA - U.S. Environmental Protection Agency.
- 15) gpd - gallons per day.
- 16) IU- Industrial User.
- 17) LEL- Lower Explosion Limit.
- 18) MDL- Maximum Daily Limit.
- 19) mg/l - milligrams per liter, interchangeable with part per million (ppm).
- 20) NAICS- North American Industry Classification System.
- 21) nm- Nanometer.
- 22) NPDES- National Pollutant Discharge Elimination System.
- 23) NSCIU – Non-Significant Categorical Industrial User.
- 24) O&M- Operations and Maintenance.
- 25) POTW - Publicly Owned Treatment Works.
- 26) ppb- parts per billion, interchangeable with ug/l.
- 27) ppm- parts per million, interchangeable with mg/l.

- 28) PWRF- Process Water Reuse Facility.
- 29) RCRA - Resource Conservation and Recovery Act.
- 30) RCW- Revised Code of Washington.
- 31) SIC- Standard Industrial Classification.
- 32) SIU - Significant Industrial User.
- 33) SWD- State Waste Discharge Permit.
- 34) TDS- Total Dissolved Solids.
- 35) TRC- Total Residual Chlorine.
- 36) TSS - Total Suspended Solids.
- 37) TTO- Total Toxic Organics.
- 38) ug/l- micrograms per liter, interchangeable with parts per billion (ppb).
- 39) USC -United States Code.
- 40) WAC- Washington Administrative Code.

D) Definitions. Unless a provision explicitly states otherwise, the following terms and phrases, as used in this Chapter, shall have the meanings hereinafter designated.

1) Act, "the Act", or CWA. The Federal Water Pollution Control Act, also known as the Clean Water Act (CWA), as amended, 33 USC Section 1251 et. seq.

2) Applicable Pretreatment Standards. For any specified pollutant, the more stringent of the City's prohibitive discharge standard, local limit, or categorical pretreatment standard, and any other local, state, or federal standard.

3) Approval Authority. The Washington State Department of Ecology, Water Quality Program Manager.

4) Authorized or Duly Authorized Representative of the User.

a) If the User is a corporate entity:

(1) The president, manager, member secretary, treasurer, or a vice-president or manager in charge of a principal business function, or any

other person who performs similar policy or decision-making functions for the corporate entity; or

(2) The manager of one or more manufacturing, production, or operating facilities, provided the manager is: authorized to make management decisions which govern the operation of the regulated facility, including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to provide long-term environmental compliance with environmental laws and regulations; can provide that the necessary systems are established or actions taken to gather complete and accurate information for control mechanism requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

b) If the User is a limited partnership or sole proprietorship: a general partner, partner, or proprietor, respectively.

c) If the User is a federal, state, or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.

d) The individuals described in sections a, b, or c above, may designate another authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company and the written authorization is submitted to the City.

5) Best Management Practices (BMPs). Means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in Section 13.62.020(A) and (B) as well as [40CFR 403.5(a)(1) and (b)]. BMPs may also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, drainage from raw materials storage, FOG (fats, oils, or greases) waste management, or mercury waste management.

6) Biochemical Oxygen Demand (BOD₅). The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five (5) days at 20 degrees centigrade, usually expressed as a concentration (e.g., mg/l).

7) Biosolids. Municipal sludge that meets federal and state standards for beneficial use application to the land.

8) Bypass. The intentional diversion of wastestreams from any portion of the

pretreatment or treatment process.

9) Categorical Pretreatment Standard or Categorical Standard. Any regulation containing pollutant discharge limits promulgated by EPA in accordance with Sections 307(b) and (c) of the Act (33 USC Section 1317) which apply to a specific category of Users and which appear in 40 CFR Chapter I, Subchapter N, Parts 405-471.

10) Categorical Industrial User (CIU). An Industrial User subject to a Categorical Pretreatment Standard or Categorical Standard.

11) City. The City of Pasco or the City Council of the City of Pasco, or its authorized officer, employee, agent, or representative.

12) Chemical Oxygen Demand. A measure of the decomposable substances in water or wastewater which uses a chemical oxidant instead of bacteria as in the BOD5 test.

13) Color. The optical density at the visual wave length of maximum absorption, relative to distilled water. One hundred percent transmittance is equivalent to zero optical density.

14) Composite Sample. A representative composite of samples of a waste stream taken throughout the period of a day when discharges are produced by a regulated activity. Samplers and sample techniques are subject to approval by the Public Works Director. Composite samplers must interface with a flow metering device to produce a representative "flow proportionate" composite sample unless the Public Works Director has determined that flow proportionate samples are not required or the analyte is not amenable to composite sampling (pH, temperature, oil, etc.).

15) Control Authority. The local government entity recognized by Washington State Department of Ecology or the EPA with the responsibility to enforce the pretreatment program applicable to an area with flows received at the POTW.

16) Conventional Pollutants. Pollutants typical of municipal sewage and defined as BOD, TSS, fecal coliform, pH, and oil/grease (40 CFR 401.16).

17) Daily Concentration. The concentration obtained through analysis of a composite sample of all discharges over a day (or 24-hour period) or the average of all discrete samples taken over such period.

18) Daily Limit (Maximum Daily Limit or MDL). The maximum allowable discharge of a pollutant over a calendar day or equivalent 24-hour period. Where daily limits are expressed in units of mass, compliance is the product of the Daily Concentration and the flow over the same period.

19) Department of Ecology (DOE). The Washington State Department of Ecology.

20) Discrete Sample. A single sample of wastewater taken at neither set time nor flow. Also known as a grab sample or single sample.

21) Discharge Monitoring Report (DMR). A report submitted by a permittee (usually monthly or quarterly), which gives the results of the monitoring tests performed.

22) Domestic Publically Owned Treatment Works. That portion of the POTW intended primarily for the collecting, pumping, treating, and disposing of domestic wastewater.

23) Domestic Wastewater. Wastewater of a similar volume and chemical makeup to that from a residential dwelling unit. Discharges from a residential dwelling unit typically include up to 900 cubic feet of flow per month, with a concentration of up to 300 mg/l of BOD, 300 mg/l TSS, and 60 mg/l Ammonia.

24) Draft Permit. A document which, usually in the form of a permit, indicates a decision to issue or deny, modify, revoke and reissue, terminate, or reissue a permit. A Proposed Permit is not a Draft Permit (40 CFR 122.2).

25) Environmental Protection Agency (EPA). The U.S. Environmental Protection Agency or, where appropriate, the Regional Water Management Division Director, the Regional Administrator, or other duly authorized official.

26) Existing Source. Any source of discharges subject to pretreatment standards and discharging prior to the promulgation of those standards or otherwise not meeting the definition of a "New Source" in this section.

27) General Permit. A wastewater discharge permit issued to a group of Users with similar types of operations, waste discharges, limits, and monitoring requirements; must meet all applicable requirements for a wastewater discharge permit. See wastewater discharge permit.

28) Grab Sample. A sample which is taken from a wastestream without regard to the flow in the wastestream and over a period of time not to exceed fifteen (15) minutes.

29) Indirect Discharge or Discharge. The introduction of pollutants into the POTW from any nondomestic source subject to this Chapter, Section 307(b), (c), or (d) of the Act, or any other State or Federal regulations.

30) Industrial Wastewater. Water or liquid-carried waste from commercial or industrial processes, as distinct from domestic wastewater. These wastes may result from

any process or activity of industry, manufacture, trade or business, from the development of any natural resource, or from animal operations such as feed lots, poultry houses, or dairies. The term includes contaminated storm water and, also, leachate from solid waste facilities.

31) **Instantaneous Limit.** The maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of a discrete sample. For analytes for which Users must take a grab sample for compliance purposes, this standard is the same as the MDL standard. For all other pollutants the Instantaneous Limit shall be twice the Daily Limit.

32) **Interference.** A discharge which causes (either by itself or in combination with other discharges) a violation of the City's NPDES permit, SWD permit, or prevents the intended biosolids sludge use or disposal by inhibiting or disrupting the POTW, including its collection systems, pump stations, and wastewater and sludge treatment processes. For example, a discharge from a User which causes a blockage resulting in a discharge at a point not authorized under the City's NPDES permit or SWD permit.

33) **Local Limits.** Effluent limitations developed for Users by the Public Works Director to specifically protect the POTW from the potential of Pass Through, Interference, vapor toxicity, explosions, sewer corrosion, and intended biosolids uses. Such limits shall be based on the POTW's site-specific flow and loading capacities, receiving water and or receiving land considerations, and reasonable treatment expectations for non-domestic wastewater. See Section 13.62.020(D)(E) and (F) for a full list of Local Limits.

34) **Lower Explosive Limit (LEL).** The lowest concentration of a gas-in-air mixture at which the gas can ignite.

35) **Maximum Allowable Discharge Limit.** The maximum concentration (or loading) of a pollutant allowed to be discharged by a User at any time, determined from the analysis of a discrete or composited sample collected.

36) **Medical Waste.** Isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.

37) **Monthly Average.** The arithmetic mean of the monitoring sample results collected during a calendar month or specified 30-day period. Where the Control Authority has taken a sample during the period, it must be included in the monthly average if provided in time. However, where composite samples are required, grab samples taken for process control or by the Control Authority are not to be included in a monthly average.

38) **Monthly Average Limit.** The limit to be applied to the Monthly Average to

determine compliance with the requirements of this Chapter.

39) National Pollutant Discharge Elimination System (NPDES). A national program under Section 402 of the Act for regulation of discharges of pollutants from a point source to waters of the United States. Discharges are illegal unless authorized by an NPDES permit. The authority for issuing these permits has been delegated to the State. NPDES permits issued by State permit writers are NPDES / State permits issued under both federal and state law.

40) New Source.

a) A facility whose construction began after categorical pretreatment standards applicable to its operations were proposed and with a real or potential discharge provided the facility is:

(1) Constructed at a site at which no other source is located;

(2) Totally replaces the process or production equipment that generate regulated process waste streams at an existing source; or

(3) The new processes are substantially independent of an existing source at the same site.

b) Construction on a site with an existing source does not make the source a new source if the construction merely alters, partially replaces, or adds to an existing process or production equipment.

c) Construction of a new source is considered to have begun when the owner or operator either began significant site preparation work, including earthwork or removal of structures, to allow the new facilities or equipment, began constructing a facility or emplacing equipment, or entered into a binding contract to purchase necessary facilities or equipment within a reasonable time prior to operation.

Users must provide documentation sufficient to conclusively substantiate any Existing Source claim with their initial permit application. Once categorized as a New Source, Users may not assert "Existing Source" status in subsequent permit renewals.

41) Non-contact Cooling Water. Water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product, or finished product.

42) Nonconventional Pollutants. Any pollutants which are not defined as Conventional Pollutants or Toxic Pollutants. Includes pollutants such as COD, nitrogen,

phosphorus, and fluoride.

43) Pass Through. A discharge which exits the POTW into waters or environment 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 City's NPDES permit or SWD permit, including an increase in the magnitude or duration of a violation.

44) Permit. An authorization, license, or equivalent control document issued by EPA or an approved state or local agency to implement the requirements of 40 CFR parts 122.2, 123 and 124. Permit includes any NPDES General Permit or SWD Permit. Permit does not include any proposed or draft permit which has not yet been the subject of public comment, EPA, or State review, if necessary.

45) Permittee. Any person or User issued a wastewater discharge permit.

46) Person. Any individual, partnership, co-partnership, limited liability company, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity; or their legal representatives, agents, or assigns. This definition includes all federal, state, and local governmental entities.

47) pH. A measure of the acidity or alkalinity of a solution, expressed in standard units ranging from 0-14. A solution with a pH of 7 is neutral; a pH less than 7 is acidic; and a pH greater than 7 is alkaline (or basic).

48) Pollutant. Dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural and industrial wastes, and certain characteristics of wastewater (e.g., pH, TSS, turbidity, color, BOD, COD, toxicity, or odor).

49) Pretreatment. The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to, or in lieu of, introducing such pollutants into the POTW. This reduction or alteration of pollutants can be obtained by physical, chemical, or biological processes, by process changes, or by other means, except diluting the concentration of pollutants unless allowed by an applicable pretreatment standard. Dilution is not considered pretreatment.

50) Pretreatment Requirements. Any substantive or procedural requirement related to pretreatment imposed on a User other than a pretreatment standard such as the proper operation of pretreatment devices, record keeping, and reporting.

51) Pretreatment Standards or Standards. Discharge prohibitions [Section 13.62.020(A)], categorical pretreatment standards [Section 13.62.020(B)], state pretreatment standards [Section 13.62.020(C)], local limits [Section 13.62.020(D)(E) and

(F)], and site specific limits based on potential for vapor toxicity, explosion, sewer corrosion, or other detrimental effects to the POTW.

52) Primary Industry Categories. A group of 34 industry groups for which EPA has or will develop effluent guidelines (40 CFR part 122 Appendix A).

53) Priority Pollutant (Toxic Pollutant). A group of chemicals specifically listed in Federal Regulations and with priority for regulatory control (40 CFR 401.15).

54) Process Wastewater. Any water which, during manufacturing or processing, comes into direct contact with, or results from, the production or use of any raw material, intermediate product, finished product, byproduct, or waste.

55) Proposed Permit. A permit prepared after the close of the public comment period (and when applicable, any public hearing and administrative appeals) which is sent to the Approval Authority for review before final issuance by the Control Authority. A Proposed Permit is not a Draft Permit (40 CFR 122.2).

56) Publicly Owned Treatment Works (POTW). A treatment works, as defined by Section 212 of the Act (33 USC Section 1292), which is owned by the City. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any conveyances which convey wastewater to a treatment plant. This term refers to both the treatment works for the domestic wastewater and the treatment works for the industrial wastewater.

57) Public Works Director. The person designated by the City to supervise the operation of the POTW, and who is charged with certain duties and responsibilities by this Chapter. The term also means a duly authorized representative of the Public Works Director.

58) Schedule of Compliance. A schedule of remedial measures included in a permit or an enforcement order, including an enforceable sequence of actions or operations leading to compliance with the effluent limitation, other limitation, prohibition, or standard (CWA 502, 40 CFR 122.47).

59) State Environmental Policy Act (SEPA). A state law which requires an examination of the environmental effects of development projects (RCW 43.21, Chapter 197-10 WAC).

60) Septic Tank Waste (Septage). Sewage and typically associated solids from domestic activities pumped from a septic tank serving one or more private residences. The Public Works Director may also consider wastes from other holding tanks such as boat blackwater, bilge water, cesspools, and treatment lagoons to be Septic Tank Waste so long as they are absent chemicals which might inhibit biological activity.

61) Sewage. Human excrement and gray water (From household showers, toilets, kitchens, clothes and dish washing, and related domestic activities).

62) Significant Industrial User (SIU). Except as provided in paragraphs (3) and (4) of this section, a Significant Industrial User is:

a) A User subject to categorical pretreatment standards; or

b) A User that:

1) Discharges an average of twenty-five thousand (25,000) gpd or more of process wastewater to the POTW (excluding sanitary, noncontact cooling, and boiler blowdown wastewater);

2) 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

3) Is designated as such by the City on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.

d) Upon a finding that a User meeting the criteria in Subsection 2 of this part has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the City may at any time, on its own initiative or in response to a petition received from a User, and in accordance with procedures in 40 CFR 403.8(f) (6), determine that such User should not be considered a Significant Industrial User.

63) Slug Load or Slug Discharge. Any Discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch Discharge, which has a reasonable potential to cause Interference or Pass Through, or in any other way violate the POTW's regulations, local limits or Permit conditions. This includes discharges at a flow rate or concentration which could cause a violation of the prohibited discharge standards of Section 13.62.020 of this Chapter.

64) Soluble BOD5. The BOD5 test ran on a sample of water that has been filtered through a TSS filter.

65) State. The State of Washington.

66) State Waste Discharge Permit (SWD). A wastewater discharge permit issued under State authority (90.48 RCW) to control the discharge of pollutants to waters of the State. Generally issued for discharge to ground water and for industrial discharges

to a municipal sewage system when that municipal system does not have a delegated pretreatment program.

67) State Waters. Lakes, rivers, ponds, streams, inland waters, underground waters, salt waters, and all other surface waters and watercourses within the jurisdiction of the State of Washington.

68) Storm Water. Any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.

69) Total Suspended Solids (TSS). The total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquid, and which is removable by laboratory filtering.

70) Toxic Pollutant. Those pollutants listed in the federal priority pollutant list (40 CFR 423, Appendix A) and any other pollutant or combination of pollutants listed as toxic in regulations promulgated by the EPA under Section 307 of the Act (33 USC 1317).

71) Upset. An exceptional incident in which a discharger unintentionally and temporarily is in a state of noncompliance with the standards set forth herein due to factors beyond the reasonable control of the Permittee. An upset does not exclude 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.

72) User or Industrial User. A source of indirect discharge. Any Person with a source of discharge that does not qualify as Domestic Wastewater who discharges an effluent into the POTW by means of pipes, conduits, pumping stations, force mains, tank trucks, constructed drainage ditches, intercepting ditches, and all constructed devices and appliances appurtenant thereto, shall be considered a User.

73) Wastewater. Liquid and water-carried industrial wastes and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to the POTW.

74) Wastewater Discharge Permit. A document prepared by a permitting authority (Federal, State, or Local Government) which limits the pollutants to be discharged by the holder of the permit (permittee).

75) Wastewater Treatment Plant or Treatment Plant. That portion of the POTW which is designed to provide treatment of municipal sewage or industrial waste.

13.62.020 GENERAL SEWER USE REQUIREMENTS.

A) Prohibited Discharge Standards.

7/23/14

1) 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.

2) Specific Prohibitions. No User shall introduce or cause to be introduced into the POTW the following pollutants, substances, or wastewater. These specific 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.

a) Pollutants which either alone or by interaction may create a fire or explosive hazard in the POTW, a public nuisance or hazard to life, or prevent entry into the sewers for their maintenance and repair or are in any way injurious to the operation of the system or operating personnel. This includes waste streams with a closed-cup flashpoint of less than 140 degrees F (60 degrees C) using the test methods specified in 40 CFR 261.21.

b) Wastewater having a pH less than 6.0 or more than 9.0, or otherwise having any other corrosive property capable of causing damage or hazard to structures, equipment, or personnel. Discharges outside this pH range may be authorized by a permit issued by the City pursuant to a finding that the system is specifically designed to accommodate a discharge of that pH; or for Users with a permit discharging to the PWRP.

c) Wastewater having a BOD5 greater than 300 mg/l, Soluble BOD5 greater than 150 mg/l, or a TSS greater than 300 mg/l. Discharges above these limits may be authorized by a permit issued by the City pursuant to a finding that the treatment system has the capacity to handle the increased loading or for Users with a permit discharging to the PWRP. Surcharge rates may be applied to levels exceeding these limits.

d) Solid or viscous substances in amounts which may cause obstruction to the flow in the sewer or other interference with the operation of the system. In no case shall solids greater than 1/4 inch (0.64 cm) in any dimension be discharged.

e) Pollutants, including oxygen-demanding pollutants (BOD, 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.

f) Wastewater having a temperature which will interfere with the

biological activity in the system, has detrimental effects on the collection system, or prevents entry into the sewer. In no case shall wastewater be discharged which causes the wastewater temperature at the POTW headworks to exceed 104 degrees F (40 degrees C).

g) Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin, in amounts that will cause Interference or Pass Through.

h) 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.

i) Trucked or hauled pollutants, except at discharge points designated by the Public Works Director in accordance with Section 13.62.030(D) of this Chapter.

j) The following are prohibited unless approved by the Public Works Director under extraordinary circumstances, such as lack of direct discharge alternatives due to combined sewer service or need to augment sewage flows due to septic conditions (As required under WAC 173-216-050).

(1) Noncontact cooling water in volumes large enough to adversely affect the POTW;

(2) Stormwater or other direct inflow sources; or

(3) Wastewaters significantly affecting system hydraulic loading, which do not require treatment or would not be afforded a significant degree of treatment by the POTW.

k) 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.

l) 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 or SWD permit.

m) Wastewater containing any radioactive wastes or isotopes except in compliance with applicable State or Federal regulations.

n) Storm water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized

water, noncontact cooling water, and unpolluted wastewater, unless specifically authorized by the Public Works Director.

o) Sludges, screenings, or other residues from the pretreatment of industrial wastes.

p) Medical wastes, except as specifically authorized by Public Works Director in a wastewater discharge permit.

q) Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail toxicity testing.

r) Detergents, surface-active agents, or other substances which may cause excessive foaming in the POTW.

s) Fats, oils, or greases of animal or vegetable origin in concentrations and or amounts which will cause blockage, interference, or pass through in the POTW system.

t) Total Petroleum Hydrocarbons, petroleum oils, non-biodegradable cutting oils in concentrations and or amounts which will cause blockage, interference, pass through, or upset in the POTW system.

u) Wastewater causing two readings on an explosion hazard meter at the point of discharge into the POTW, or at any point in the POTW, of more than ten percent (10%) or any single reading over twenty percent (20%) of the Lower Explosive Limit based on an explosivity meter reading.

Pollutants, substances, or wastewater prohibited by this section shall not be processed or stored in such a manner that they could be discharged to the POTW.

B) National Categorical Pretreatment Standards. The categorical pretreatment standards found at 40 CFR Chapter I, Subchapter N, Parts 405-471 are hereby incorporated.

1) Where a categorical pretreatment standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the Public Works Director may impose equivalent concentration or mass limits in accordance with Section 13.62.020(E), (F), and (G); (see 40 CFR 403.6(c)).

2) When categorical Pretreatment Standards are expressed in terms of a mass of pollutant which may be discharged per unit of production, the Public Works Director may either impose limits based on mass or equivalent effluent concentrations. The User must supply appropriate actual or projected long term production rates for the unit of production specified in order to facilitate this process (See 40 CFR 403.6(c)(2)).

3) The Public Works Director may allow wastewater subject to a categorical pretreatment standard to be mixed with other wastewaters prior to treatment. In such cases, the User shall identify all categorical wastestreams and provide sufficient information on each non-categorical wastestream to determine whether it should be considered dilute for each pollutant. Absent information showing that non-categorical wastestreams contain the pollutant in question at levels above that of the supply water, such wastestreams shall be considered dilute. In such situations, the Public Works Director shall apply the CWF as found at 40 CFR 403.6(e) to determine appropriate limits.

4) A CIU may request an adjustment to a categorical standard to reflect the presence of pollutants in the Industrial User's intake water when its water source is from the same body of water that the POTW discharges into.

a) Any CIU wishing to obtain credit for intake pollutants must include, in their permit application, sample data showing influent water pollutant levels which form the basis for the credit requested in their permit application.

b) Unless the categorical standard was written to be applied on a net basis, the information supplied by the CIU must also demonstrate that the treatment system it proposes or uses to meet the categorical standards would, if properly installed and operated, meet the Standards in the absence of pollutants in the intake waters.

c) In response to an acceptable application, the Public Works Director may adjust the categorical standards to the extent necessary to meet the applicable categorical Pretreatment Standard(s), up to a maximum value equal to the influent pollutant concentration.

d) The Public Works Director may waive the requirement for the intake water to be drawn from the same body of water the POTW discharges to if the Public Works Director determines that no environmental degradation will result.

5) When a categorical pretreatment standard is expressed only in terms of pollutant concentrations, an Industrial User may request that the City convert the limits to equivalent mass limits. The City may establish equivalent mass limits if the Industrial User meets all of the conditions set forth below.

a) To be eligible for equivalent mass limits, the Industrial User must submit information with its permit application or permit modification request which:

(1) Shows it has a pretreatment system which has consistently met all applicable Pretreatment Standards and maintained compliance without using dilution;

(2) Describes the water conserving practices and technologies it employs, or will employ, to substantially reduce water use during the term of its permit;

(3) Includes the facility's actual average daily flow rate for all waste streams from continuous effluent flow metering;

(4) Determines an appropriate unit of production, and provides the present and long-term average production rates for this unit of production;

(5) Shows that long term average flow and production is representative of current operating conditions;

(6) Shows that its daily flow rates, production levels, or pollutant levels do not vary so much that equivalent mass limits would be inappropriate; and

(7) Shows the daily and monthly average pollutant allocations currently provided based on the proposed unit of production.

b) An Industrial User subject to equivalent mass limits must:

(1) Maintain and effectively operate control and treatment technologies adequate to achieve compliance with the equivalent mass limits;

(2) Continue to record the facility's flow by continuous effluent flow monitoring;

(3) Continue to record the facility's production rates;

(4) Notify the Public Works Director if production rates are expected to vary by more than 20 percent from the baseline production rates submitted according to Section 13.62.020(B)(5)(a)(4)). The Public Works Director may reassess and revise equivalent limits as necessary to reflect changed conditions; and

(5) Continue to employ the same or comparable water conservation methods and technologies as those implemented pursuant to Section 13.62.020(B)(5)(a)(2)) so long as it discharges under an equivalent mass limit.

c) Equivalent mass limits:

(1) Will not exceed the product of the actual average daily flow from the regulated process or processes of the User, the applicable concentration-based daily maximum standard, the applicable concentration-based monthly average standard, and combined with the appropriate unit conversion factor;

(2) May be reassessed and the permit revised upon notification of a revised production rate, as necessary to reflect changed conditions at the facility; and

(3) May be retained in subsequent permits if the User's production basis and other information submitted in Section 13.62.020(B)(5)(a) are verified in their reapplication. The User must also be in compliance with Section 13.3 regarding the prohibition of bypass.

6) The Public Works Director may convert the mass limits of the categorical pretreatment standards of 40 CFR Parts 414 (organic chemicals), 419 (petroleum refining), and 455 (pesticide formulating, packaging and repackaging) to concentration limits in permits for such Users. In such cases, the Public Works Director will document the basis and the determination that dilution is not being substituted for treatment in the permit fact sheet.

7) The Public Works Director is obliged under federal regulations to make the documentation of how any equivalent limits were derived (concentration to mass limits or vice versa) publicly available.

8) Once incorporated into its permit, the User must comply with the equivalent limits in lieu of the Categorical Standards from which they were derived.

9) The same production and flow estimates shall be used in calculating equivalent limits for the monthly (or multiple day average) and the maximum day.

10) Users subject to permits with equivalent mass or concentration limits calculated from a production based standard shall notify the Public Works Director if production will significantly change. This notification is required within two business days after the User has a reasonable basis to know that that production will significantly change in the next calendar month. Users who fail to notify the Public Works Director of such anticipated changes must meet the more stringent of the equivalent limits or the User's prior limits.

C) State Pretreatment Standards.

Washington State pretreatment standards and requirements contained in Chapter 173-216

WAC, were developed under authority of the Water Pollution Control Act, Chapter 90.48 RCW, which pursuant to RCW 35.21.180 together with any amendments and additions thereto, are incorporated by reference. All waste materials discharged from a commercial or industrial operation into the POTW must satisfy the provisions of Chapter 173-216 WAC. In addition to some slightly more stringent prohibitions, (merged with Section 13.62.020(D)), the following provisions unique to Washington State are required by this chapter for discharges to a POTW.

1) Any person who constructs or modifies or proposes to construct or modify wastewater treatment facilities must first comply with the regulations for submission of plans and reports for construction of wastewater facilities, chapter 173-240 WAC. Unless and until the City is delegated, the authority to review and approve such plans under RCW 90.48.110, Users with non-domestic discharges shall request approval for such plans through the Department of Ecology. To provide conformance with this requirement, proof of the approval of such plans and one copy of each approved plan shall be provided to the Public Works Director before commencing any such construction or modification.

2) Users shall apply to the Public Works Director for a permit at least 60 days prior to the intended discharge of any pollutants other than domestic wastewater or wastewater which the Public Works Director has determined is similar in character and strength to normal domestic wastewater with no potential to adversely affect the POTW (WAC 173-216-050(1)).

3) All Significant Industrial Users must apply for and obtain a permit prior to discharge.

4) All Users shall apply all known, available, and reasonable methods to prevent and control waste discharges to the waters of the state (AKART). (WAC 173-216-050(3))

5) Discharge restrictions of Chapter 173-303 WAC (Dangerous Waste) shall apply to all Users. (Prohibited discharge standards have been merged with Federal prohibitions in Section 13.62.020(D)).

6) Claims of confidentiality shall be submitted according to WAC 173-216-080. Information which may not be held confidential includes the: Name and address of applicant, description of proposal, the proposed receiving water, receiving water quality, and effluent data. Claims shall be reviewed based on the standards of WAC 173-216-080, Chapter 42.17 RCW, Chapter 173-03 WAC, and RCW 43.21 A.160.

7) Persons applying for a new permit or a permit renewal or modification which allows a new or increased pollutant loading shall publish notice for each application in the format provided by the City. Such notices shall fulfill the requirements of WAC 173-216-090. These requirements include publishing:

a) The name and address of the applicant and facility/activity to be

permitted;

b) A brief description of the activities or operations which result in the discharge;

c) Whether any tentative determination which has been reached with respect to allowing the discharge;

d) The address and phone number of the office of the Public Works Director where persons can obtain additional information;

e) The dates of the comment period (which shall be at least 30 days); and

f) How and where to submit comments or have any other input into the permitting process, including requesting a public hearing.

8) The Public Works Director may require the applicant to also mail this notice to persons who have expressed an interest in being notified, to state agencies and local governments with a regulatory interest, and to post the notice on the premises. If the Public Works Director determines there is sufficient public interest the City shall hold a public meeting following the rules of WAC 173-216-100. The Public Works Director may assume responsibility for public notice requirements for any person, and may waive this requirement for persons applying for a general permit, model permit, short term discharge authorization, or for a food service establishment.

9) Permit terms shall include, wherever applicable, the requirement to apply all known, available, and reasonable methods of prevention, control, and treatment (AKART).

10) All required monitoring data shall be analyzed by a laboratory registered or accredited under the provisions of Chapter 173-50 WAC, except for flow, temperature, settleable solids, conductivity, pH, turbidity, and internal process control parameters. However, if the laboratory analyzing samples for conductivity, pH, and turbidity must otherwise be accredited, it shall be accredited for these parameters as well.

D) Local Limits.

1) The Public Works Director may establish local limits pursuant to 40 CFR 403.5(c).

a) The following pollutant limits are established to protect against pass through and interference and reflect the application of reasonable treatment technology. No person shall discharge wastewater in excess of the limits.

b) The below limits apply at the point where the wastewater is discharged to the POTW. All concentrations for metallic substances are for total metal unless indicated otherwise. The Public Works Director may impose mass limits in addition to a concentration based limits.

c) Users discharging pollutants in excess of the concentration limits by more than the threshold amount must apply for a permit. Such Users shall be subject to surcharges as established by the Public Works Director under the authority of this chapter up to the "ceiling" loading limit established by permit.

Formula: surcharge concentration = (discharge concentration – threshold concentration) x flow, MGD x 8.34 lbs/gal.

For example, a User discharges 2,000 gallons per day of BOD at 450 mg/l. The surcharge concentration would be 450 mg/l – 300 mg/l, or 150 mg/l, which when multiplied by 0.002MGD (2,000 gpd divided by 1,000,000 to convert to million gallons) and 8.34 lbs/g yields 2.5 lbs/d.

2) Users shall be subject to "instantaneous limits" (as determined by a grab sample) of equal to twice the "daily maximum" concentration established below, for any pollutant for which a composite sample is required in a permit. This provision is inapplicable to Users without permits, or without the permit requirement to collect a composite sample for the analyte in question.

E) Municipal POTW Local Limits

Pollutant Concentration TOXIC METALS

5.000 mg/l chromium (Total)
1.370 mg/l copper (Total)
0.423 mg/l lead (Total)
0.030 mg/l mercury (Total)
0.047 mg/l molybdenum (Total)
0.222 mg/l nickel (Total)
0.753 mg/l zinc (Total)

CONVENTIONAL SURCHARGE

300 mg/l BOD5
150 mg/l Soluble BOD5
300 mg/l total suspended solids

6.0 Minimum pH in Standard Units
9.0 Maximum pH in Standard Units
10% reduction in effluent UV transmissivity (per cm at 254nm wavelength)

10% decrease in the maximum effluent concentration which has no observable detrimental effect (NOEC) in any whole effluent toxicity test.

F) PWRP POTW Local Limits

CONVENTIONAL SURCHARGE

6.0 Minimum pH in Standard Units

12.0 Maximum pH in Standard Units

G) The Public Works Director shall use the individual permit process to establish ceiling limits for compatible pollutants and appropriate discharge limits for all other pollutants not listed under Section 13.62.020(D). This includes pollutants subject to regulation under RCRA, volatile or semi-volatile organics, halogenated or brominated compounds, poly-aromatic hydrocarbons, polymers, surfactants, pesticide active ingredients, etc.

H) The Public Works Director may establish and require BMPs for any User or type of commercial or industrial process which creates a non-domestic waste stream. Such requirements may be applied either in lieu of or in addition to the local limits of Section 13.62.020(D). BMPs may also include alternative limits which may be applied at the end of a specific process or treatment step instead of at the combined effluent.

I) Right of Revision. The City reserves the right to establish, by Ordinance or in wastewater discharge permits, more stringent standards or requirements on discharges to the POTW.

J) Dilution. No User shall ever increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limit unless expressly authorized by an applicable pretreatment standard or requirement. The Public Works Director may impose mass limitations on Users where deemed appropriate to safeguard against the use of dilution to meet applicable pretreatment standards or requirements, or in other cases when the imposition of mass limitations is appropriate.

13.62.030. PRETREATMENT OF WASTEWATER

A) Pretreatment Facilities.

Users shall provide wastewater pretreatment as necessary to comply with this Chapter and shall achieve compliance with all categorical pretreatment standards, local limits, and the prohibitions set out in Section 13.62.020(A) of this Chapter within the time limitations specified by EPA, the State, or the Public Works Director, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated, and maintained at the User's expense, and

satisfy state requirements for review and approval of Plans for Wastewater Facilities as described in Section 13.62.020(C). Such plans (Engineering Report, Plans and Specifications, and O&M Manuals) shall be submitted as required by Chapter 173-240 WAC to either the Public Works Director or the Department of Ecology for review and Users shall obtain approval prior to construction. The review of such plans and operating procedures shall in no way relieve the User from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to the City under the provisions of this Chapter.

B) Additional Pretreatment Measures.

1) The Public Works Director may immediately and effectively halt or prevent any discharge of pollutants to the POTW which reasonably appear to present an imminent endangerment to the health or welfare of persons. In such cases, the Public Works Director will provide the User advance notice if possible, but shall not delay a response to imminent endangerment.

2) The Public Works Director may immediately and effectively halt or prevent any discharge to the POTW which presents or may present an endangerment to the environment or which threatens to interfere with the operation of the POTW (including the collection system and pump stations). In such cases, the Public Works Director shall attempt to provide not only notice to the affected User(s), but the opportunity to respond.

3) Any User causing the Public Works Director to exercise the emergency authorities provided for under Section 13.62.030(B)(1) and (2) shall be responsible for reimbursement of all related costs to the City.

4) The Public Works Director may require Users to reduce or curtail certain discharges to the sewer, restrict discharges to 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 take any other measures to protect the POTW and determine the User's compliance with the requirements of this Chapter.

5) The Public Works Director, based on the determination that such devices are necessary for implementation of pretreatment requirements, may require any User to install, operate, and maintain, on their property or in an easement and at their expense the following devices (as approved by the Public Works Director):

- a) A sample taking facility, accessible to the Public Works Director.
- b) Sampling equipment, approved by the Public Works Director.
- c) Flow and/or pH monitoring equipment, approved by the Public Works Director.

d) A suitable storage and/or flow equalization tank. A permit may be issued solely for flow equalization.

e) Grease, oil, and/or grit/sand interceptors, approved by the Public Works Director.

f) A combustible gas detection meter, approved by the Public Works Director.

g) A dental amalgam separator and/or mercury removal filters, approved by the Public Works Director.

6) Users installing any of the above devices shall demonstrate they are of the type and capacity approved by the Public Works Director; meet applicable building and plumbing codes, and conform to any separate requirements established by the City, such as BMPs. Users shall locate units in areas easily accessible for cleaning, by the User, and inspection by representatives of the Public Works Director. Users shall be responsible for all periodic inspection, cleaning, and repair of such devices. Users may be required to keep and/or submit periodic maintenance reports to the City to show devices are being serviced and maintained in a working order.

C) Accidental Discharge/Slug Discharge Control Plans.

The Public Works Director may require any User to develop and implement an accidental discharge / slug discharge control plan and take other actions the Public Works Director believes are necessary to control discharges which may be caused by spills or periodic non-routine activities. Accidental discharge/slug discharge control plans shall include at least the following:

1) A description of all discharge practices, including any non-routine batch discharges such as from cleaning, replenishment, or disposal;

2) A description of all stored chemicals, disclosing all ingredients in formulations which could violate a discharge prohibition if discharged to the sewer;

3) The procedures for immediately notifying the Public Works Director of any accidental or slug discharge, as required by Section 13.62.060(F) of this Chapter; and

4) The procedures that will be taken to prevent the occurrence or adverse impact from any accidental or slug discharge. Such procedures shall address the inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency response.

D) Hauled Wastewater.

1) Residential wastes meeting the definition of "Septage" may be introduced into the POTW at locations designated by the Public Works Director, and at such times as are established by the Public Works Director. The hauler of such wastes shall be responsible for ensuring such wastes comply with all discharge prohibitions (Section 13.62.020(A) of this Chapter) and other applicable requirements of the City. The Public Works Director may require septic tank waste haulers to obtain wastewater discharge permits and/or provide a manifest at the time of discharge identifying the customer name, address, and volume from each residence, and that the hauled waste is of residential nature only.

2) The Public Works Director shall require the hauler, and may also require the generator, of non-domestic waste to obtain a wastewater discharge permit. The Public Works Director also may prohibit the disposal of any or all hauled industrial waste. The discharge of hauled industrial waste is subject to all relevant requirements of this Chapter.

3) Industrial waste haulers may discharge loads only at locations designated by the Public Works Director and with the prior consent of the Public Works Director. The Public Works Director may collect samples of each hauled load to provide compliance with applicable standards, and halt the discharge at any point in order to take additional samples or hold the load pending analysis. The Public Works Director may require the industrial waste hauler to provide a waste analysis of any load prior to discharge, to characterize the waste, or to certify that the waste does not meet the definition of a "Hazardous Waste" under chapter 173-303 WAC.

4) Industrial waste haulers must provide a waste-tracking form for every load. This form shall include at least:

- a) The name and address of the industrial waste hauler;
- b) Hauler's permit number;
- c) Truck and driver identification;
- d) The names and addresses of the sources of waste;
- e) For each pickup, the type of industry, volume, brief description, known characteristics and presumed constituents of waste; and
- f) Any wastes which are "hazardous wastes" under RCRA.

13.62.040 WASTEWATER DISCHARGE PERMITS - REQUIRED.

A) Industrial User Surveys. The City is obligated under Federal law to identify all Users potentially subject to the pretreatment program, and the character and volume of pollutants

discharged by such Users. To satisfy this requirement, all sources of non-domestic discharges to the POTW must, upon request of the Public Works Director, periodically complete an Industrial User Survey form. Users shall fully disclose the information requested and sign the completed form in accordance with Section 13.62.040 (G). Proper completion of survey requirements is a condition of initial and continued discharge to the public sewer system. Users failing to fully comply with survey requirements within 30 days shall be subject to all enforcement measures authorized under this chapter including termination of service. The Public Works Director is authorized to prepare several forms for this purpose and require completion of the particular form which the Public Works Director determines appropriate to provide the information needed to categorize each User. The Public Works Director shall be authorized to categorize each User, provide written notice of a User's categorization and what it means, and revise this categorization at any time.

B) Wastewater Discharge Permit Requirement.

1) No User categorized by the Public Works Director as a Significant Industrial User shall discharge wastewater into the POTW without first obtaining an individual wastewater discharge permit or, where applicable, a general permit from the Public Works Director. A Significant Industrial User that has filed a timely application pursuant to Section 13.62.040(C) of this Chapter may continue to discharge unless and until notified otherwise by the Public Works Director.

2) The Public Works Director may require all other Users to obtain wastewater discharge permits, or implement Best Management Practices as necessary to carry out the purposes of this Chapter. For example, a wastewater discharge permit may be required solely for flow equalization.

3) Any failure to complete the required survey form, apply for and obtain a required permit, or violate the terms and conditions of a wastewater discharge permit shall be deemed violations of this Chapter and subject the wastewater discharge permittee to the sanctions set out in Sections 13.62.100 through 13.62.120 of this Chapter. Obtaining a wastewater discharge permit does not relieve a User of its obligation to comply with all Federal, State, and Local pretreatment standards or requirements or with any other requirements of Federal, State, and Local law.

C) Wastewater Discharge Permitting: Existing Connections.

Any User required to obtain a wastewater discharge permit who was discharging wastewater into the POTW prior to the effective date of this ordinance and who wishes to continue such discharges shall, within thirty (30) days after said date, apply to the Public Works Director for a wastewater discharge permit in accordance with Section 13.62.040(E) of this Chapter, and shall not cause or allow discharges to the POTW to continue after sixty (60) days of the effective date of this ordinance except in accordance with a wastewater discharge permit issued by the Public Works Director.

D) Wastewater Discharge Permitting: New Connections.

Persons wishing to discharge non-domestic wastewater must first complete either a survey form (if they do not expect a permit is needed) or a permit application. Any User identified by the Public Works Director through the survey as needing a permit must file a permit application. Applications for wastewater discharge permits, in accordance with Section 13.62.040(E) of this Chapter, must be filed at least ninety (90) days prior to the desired date of discharge, and the discharge permit obtained prior to commencing discharge.

E) Wastewater Discharge Permit Application Contents.

1) All Users required to obtain a wastewater discharge permit must apply using the form provided by the Public Works Director. Users eligible for coverage under a General Permit may request such coverage using an industry specific form if one has been developed (see Section 13.62.040(G)). Users must supply the Public Works Director the following information as part of the permit application if relevant to the Users operation unless waived by the Public Works Director.

a) Identifying information:

(1) The name and physical address of the facility, the names of the operator / facility manager and owner, and the name and address of the point of contact; and

(2) A description of activities, facilities, and plant production processes on the premises;

b) A list of any environmental control permits held by or for the facility.

c) A description of operations and facilities including:

(1) A brief description of the operations, average rate of production, and industrial classification (SIC or NAICS codes) of the operation(s) conducted on site;

(2) The number and type of employees, and proposed or actual hours of operation;

(3) The type, amount, rate of production, and process used for each product produced;

(4) The type and amount of raw materials used (average and maximum rates);

(5) The raw materials and chemicals to be routinely stored at the facility (including products in rail cars and tank trucks located on site);

(6) The types of wastes generated on a routine and periodic basis;

(7) The times and durations when wastes will be discharged;

(8) A schematic process diagram showing each process step, waste stream, treatment step, internal recycle, and point of discharge to the POTW. This diagram should identify which streams are subject to categorical standards;

(9) Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, and appurtenances by size, location, and elevation, and all points of discharge;

(10) The sampling locations and provisions for monitoring discharges; and

(11) Indicate whether plans for wastewater facilities under Chapter 173-240 WAC have been developed, and their approval status (Engineering Report, Plans and Specifications, and an O & M Manual).

d) Flow data. The average daily and maximum daily flow, in gallons per day, to the POTW from each waste stream; Information shall be complete enough to allow use of the CWF per Section 13.62.020(B)(3) and (40 CFR 403.6(e)) where applicable.

e) Pollutant data.

(1) The categorical pretreatment standards applicable to each regulated process;

(2) The results of sampling and analysis identifying the nature and concentration (and mass where required by the standard or the Public Works Director) of regulated pollutants in the discharge from each regulated process; and

(3) The estimated peak instantaneous, maximum daily, and long-term average discharge concentrations (and mass) based on the sampling results.

f) Sampling data to show samples are:

- (1) Representative of daily operations;
- (2) Taken just downstream from pretreatment facilities, if such exist, or just downstream of the regulated processes if no pretreatment exists;
- (3) Collected as required by Section 13.62.060(J) of this Chapter; and
- (4) Analyzed according to Section 13.62.060(K) of this Chapter.

g) Information confirming BMPs. Where standards specify BMPs or pollution prevention alternative, the User must include the information needed by the Public Works Director or the applicable standard to determine whether BMPs are (or will be) implemented.

h) Any requests for a monitoring waiver (or a renewal of an approved monitoring waiver) for a pollutant neither present nor expected to be present in the discharge must include new sampling showing (continued) absence of the pollutant in the raw wastewater and satisfying Section 13.62.060(D)(2).

i) Any request to be covered by a general permit shall satisfy Section 13.62.040(F) below.

j) Any other information deemed necessary by the Public Works Director to evaluate the situation and prepare a discharge permit.

2) Incomplete or inaccurate applications will not be processed and will be returned to the User for revision. The Public Works Director shall be held harmless for delays caused by returned applications.

F) General Permits.

1) The Public Works Director may use general permits to control discharges to the POTW from all Users. Significant Users covered by a general permit will be those that the Public Works Director finds:

- a) Involve the same or substantially similar types of operations;
- b) Discharge the same types of wastes;
- c) Require the same effluent limitations;
- d) Require the same or similar monitoring;

- e) Are more appropriately controlled under a general permit; and
- f) Are not subject to production-based standards, mass limits, or require use of the CWF to calculate limits.

2) To be covered by the general permit, the User must file a written request for coverage. The request must identify:

- a) Contact information;
- b) Production processes;
- c) Types of wastes generated;
- d) The general permit under which coverage is requested;
- e) The basis for believing the general permit is applicable;
- f) The location for monitoring all wastes covered by the general permit;
- g) The User must provide any other information the Public Works Director has requested to properly evaluate the situation; and

3) The Public Works Director will retain the following for 3 years after the expiration of the general permit:

- a) A copy of the general permit;
- b) The fact sheet;
- c) The most recent industrial user survey;
- d) Each User's request for coverage; and
- e) The POTW's determination to extend coverage to each User.

G) Application Signatories and Certifications.

1) All survey forms, wastewater discharge permit applications, and User reports must be signed by an authorized representative of the User and contain the certification statement in Section 13.62.060(N)(1).

2) Users shall submit a new authorization if the designation of an authorized representative is no longer accurate. This includes when a different individual or position has responsibility for the overall operation of the facility, or overall responsibility for environmental matters for the company. The User must submit the new authorization prior to, or with, any reports to be signed by the new authorized representative.

H) Wastewater Discharge Permit Decisions.

After receipt of a complete wastewater discharge permit application, the Public Works Director will determine whether or not to issue a wastewater discharge permit. The Public Works Director may deny any application for a wastewater discharge permit or require additional safeguards, reports (including plans under Chapter 173-240 WAC), or information. For Users not meeting the criteria of Significant Industrial Users, the Public Works Director may also waive or defer a permit, or allow discharges in the interim while a permit is being prepared.

13.62.050. WASTEWATER DISCHARGE PERMITS - ISSUANCE.

A) Wastewater Discharge Permit Duration.

The Public Works Director may issue a wastewater discharge permit for a period of up to five (5) years from its effective date. Each wastewater discharge permit will indicate its expiration date.

B) Wastewater Discharge Permit Contents.

Wastewater discharge permits will include conditions the Public Works Director deems reasonably necessary to carry out the goals of the pretreatment program (Section 13.62.010(A)), Federal and State regulations, and the requirements of this Chapter.

1) Wastewater discharge permits will contain:

a) The permit issuance date, effective date, and expiration date;

b) A statement that the wastewater discharge permit is nontransferable without prior notification to the City in accordance with Section 13.62.050(E) of this Chapter, and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit;

c) Effluent limits, including Best Management Practices, based on applicable pretreatment standards and requirements to apply AKART (see Section 13.62.020(C)(9));

d) The pollutants to be monitored and specific monitoring requirements. This shall include the sampling location(s), sampling frequencies, and sample types consistent with federal, state, and local law (See Section

13.62.020(C)(10);

e) Requirements to submit certain reports (as reflected in Section 13.62.060), provide various notifications, keep records, and implement Best Management Practices;

f) The process to be used to request a waiver from monitoring for a pollutant neither present nor expected to be present in the discharge in accordance with Section 13.62.060 (D), or a specific waived pollutant in the case of an individual permit;

g) A statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements; and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable Federal, State, or Local law;

h) Requirements to control slug discharges, including to develop, update, and implement slug discharge control plans (find required content in Section 13.62.030(C) where the Public Works Director determines such plans are important to preventing accidental, unanticipated, or non-routine discharges;

i) Any monitoring which has been conditionally waived by the Public Works Director according to Section 13.62.060(D), but which automatically applies at any time the requirements of the conditional waiver are not met; and

j) Reapplication requirements.

2) Wastewater discharge permits may contain, but need not be limited to, the following conditions:

a) Pretreatment facilities and measures required by Section 13.62.030(A) and (B) of this Chapter;

b) Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization;

c) Requirements to install pretreatment technology, pollution controls, or to construct appropriate containment devices to reduce, eliminate, or prevent the introduction of pollutants into the treatment works, ground, or stormwater;

d) Requirements to develop and implement of waste minimization plans to reduce the amount of pollutants discharged to the POTW;

e) Requirements to pay charges or fees for discharge to the POTW including high strength charges;

f) Requirements to install and maintain inspection and sampling facilities and equipment, including flow measurement devices;

g) Notice that compliance with the wastewater discharge permit does not relieve the User of responsibility for compliance with all applicable federal, state and local pretreatment standards, including those which become effective during the term of the wastewater discharge permit; and

h) Other conditions as deemed appropriate by the Public Works Director to provide compliance with this Chapter and federal, state, and local laws, rules, and regulations.

C) Permit Issuance Process.

1) Public Notice. Users shall follow the procedures for public notice found in Section 13.26.020(7) and (8). The Public Works Director shall consider and respond to public input as appropriate prior to issuance of a permit. The Public Works Director shall arrange a public meeting if there is interest.

2) Permit Appeals. The Public Works Director shall provide public notice of the issuance of a wastewater discharge permit. Any person, including the User, may petition the Public Works Director to reconsider the terms of a wastewater discharge permit within thirty (30) days of notice of its issuance.

a) Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative appeal.

b) In its petition, the appealing party must indicate the wastewater discharge permit provisions objected to, the reasons for this objection, and the alternative condition, if any, it seeks to place in the wastewater discharge permit.

c) The effectiveness of the wastewater discharge permit shall not be stayed pending the appeal.

d) If the Public Works Director fails to act within forty-five (45) days, a request for reconsideration shall be deemed to be denied. Decisions not to reconsider a wastewater discharge permit, not to issue a wastewater discharge permit, or not to modify a wastewater discharge permit shall be considered final administrative actions for purposes of judicial review.

e) Aggrieved parties seeking judicial review of the final administrative wastewater discharge permit decision must do so by filing a complaint in the Franklin County Superior Court within twenty-one days from the final administrative action.

D) Wastewater Discharge Permit Modification.

The Public Works Director may modify a wastewater discharge permit for good cause, including, but not limited to, the following reasons:

- 1) To incorporate any new or revised federal, state, or local pretreatment standards or requirements including new or revised local limits;
- 2) To address new or changed operations, processes, production rates, waste streams, or changes in water volume or character;
- 3) To reflect conditions at the POTW requiring an authorized discharge to be reduced or curtailed. Such requirements may be either temporary or permanent;
- 4) Based on information indicating that a permitted discharge poses a threat to the City's POTW or staff, the receiving waters, or violates a prohibition of this Chapter;
- 5) To address violations of any terms or conditions of the wastewater discharge permit;
- 6) To address misrepresentations or failures to fully disclose all relevant facts in the wastewater discharge permit application or in any required report;
- 7) To incorporate revisions based on a variance from categorical pretreatment standards approved pursuant to 40 CFR 403.13;
- 8) To correct typographical or other errors in the wastewater discharge permit;
or
- 9) To reflect a transfer of the facility ownership or operation to a new owner or operator as required under Section 13.62.050(E).

E) Wastewater Discharge Permit Transfer. Wastewater discharge permits may be transferred to a new owner or operator only if the permittee gives at least thirty (30) days advance notice to the Public Works Director and the Public Works Director approves the wastewater discharge permit transfer. Failure to provide advance notice of a transfer renders the wastewater discharge permit void as of the date of facility transfer. The notice to the Public Works Director must include a written certification by the new owner or operator which:

- 1) States that the new owner and/or operator have no immediate intent to change the facility's operations and processes;
- 2) Acknowledges the obligation to apply for a Permit modification, should any change be planned, prior to implementing any change;

- 3) Identifies the specific date on which the transfer is to occur; and
- 4) Acknowledges full responsibility for complying with the existing wastewater discharge permit.

F) Wastewater Discharge Permit Revocation. The Public Works Director may revoke a wastewater discharge permit for good cause, including, but not limited to, when a User has:

- 1) Failed to notify the Public Works Director of significant changes to the wastewater prior to the changed discharge to the POTW;
- 2) Failed to provide prior notification to the Public Works Director of changed conditions pursuant to Section 13.62.060(E) of this Chapter;
- 3) Misrepresented or failed to fully disclose all relevant facts in the wastewater discharge permit application;
- 4) Falsified self-monitoring reports or tampered with monitoring equipment;
- 5) Refused to allow the Public Works Director timely access to the facility premises and records;
- 6) Failed to meet effluent limitations or permit conditions;
- 7) Failed to pay applicable fines or sewer charges;
- 8) Failed to meet compliance schedule deadline dates;
- 9) Failed to complete an industrial survey or wastewater discharge permit application;
- 10) Failed to provide advance notice of the transfer of business ownership;
- 11) Violated any pretreatment standard or requirement, or any terms of the wastewater discharge permit or this Chapter; or
- 12) Ceased operations.

Wastewater discharge permits issued to a User are void upon the issuance of a new wastewater discharge permit to that User.

G) Wastewater Discharge Permit Reissuance.

A User with an expiring wastewater discharge permit shall apply for wastewater discharge permit

reissuance by submitting a complete permit application, in accordance with Section 13.62.040(E) of this Chapter, a minimum of one hundred eighty (180) days prior to the expiration of the User's existing wastewater discharge permit.

H) Regulation of Waste Received from Other Jurisdictions

1) Prior to allowing wastewater to be received for treatment from another agency, or from a User located outside the municipal corporate boundaries of the City, the City shall be empowered and obliged to enter into a multi-jurisdictional agreement with the contributing agency (County, City, Town, Sewer District, Port, or other municipal corporation recognized under State Law). Such agreement shall affix responsibilities in an enforceable manner to provide that the pretreatment program is fully and equitably administered in all contributing jurisdictions. Any such agreement or modification to such an agreement shall be reviewed by the City's legal counsel and shall be submitted, together with the opinion that it is legally sufficient, to the Approval Authority (DOE) and processed as a minor program modification.

2) Prior to entering into an agreement required by paragraph A, above, the Public Works Director shall request the following information from the contributing municipality:

a) A description of the quality and volume of wastewater discharged to the POTW by the contributing agency;

b) An inventory of all Users located within the contributing municipality that are discharging to the POTW; and

c) Such other information as the Public Works Director may deem necessary.

3) A multi-jurisdictional agreement, as required by paragraph A above, shall contain the following provisions:

a) Requirements for contributing agencies to adopt a sewer use Chapter which establishes pretreatment standards and requirements as stringent as in this Chapter (Sections 13.62.020(A) through (J). The agreement's provisions and limits must be revised to conform within a reasonable time frame (within 9 months) to any future revisions of the City's ordinance;

b) Requirements for the contributing agency to submit a revised User inventory on at least an annual basis, and reinforce requirements to obtain a permit prior to discharge;

c) A clear division of responsibilities for implementing each pretreatment related activity under this Chapter or in the City's National Pollutant

Discharge Elimination System (NPDES) permit or in the City's SWD permit. Such tasks include reinforcing prohibitions, locating Users, issuing wastewater discharge permits, conducting inspections, sampling, evaluating compliance, initiating enforcement, and reporting compliance. Any activities which will be conducted jointly by the contributing agency and the Public Works Director must also be identified;

d) Requirements for the contributing agency to provide the Public Works Director access to all information that the contributing agency obtains as part of its pretreatment activities;

e) The nature, quality (e.g. conventional and toxic pollutant concentrations), and volume (peak and average flow rates) the contributing municipality is allowed to discharge to the City. Including, how and where compliance will be measured, how fees for service and surcharges will be established and how additional loading capacity, if needed, will be negotiated;

f) Provisions ensuring the Public Works Director may enter and inspect Users located within the contributing agency's jurisdictional boundaries to confirm that the pretreatment program is being properly administered; Users are properly categorized, etc.; and

g) Provisions for addressing any breach of the terms of the multi-jurisdictional agreement.

13.62.060 REPORTING REQUIREMENTS.

A) Baseline Monitoring Reports.

1) When standards for an industry category are published (promulgated), Users that perform that process and either currently discharge or are scheduled to discharge wastewater from the process to the POTW, must submit a "baseline monitoring report" to the Public Works Director. This report must contain the information listed in paragraph C, below. The report is due within one hundred eighty (180) days after the effective date of a categorical pretreatment standard, unless the final administrative decision on a category determination comes later (reference 40 CFR 403.6(a)(4) for details in that event).

2) Users that wish to begin discharging wastewater to the POTW from operations subject to categorical standards after EPA has published the standards (called New Sources), shall also submit a "baseline monitoring report" to the Public Works Director containing the information listed in Section 3, below. However, for New Sources, the report must be provided at least ninety (90) days before desiring to discharge. New Sources shall describe the method of pretreatment they intend to use to meet applicable categorical standards. Because monitoring data will not be available for proposed facilities, New Sources instead must provide estimates of the anticipated flow

rates and quantity of pollutants to be discharged.

3) The Baseline Monitoring Report shall include the following information:

- a) All information required in Section 13.62.040(E)(1)(a) through (i);
- b) Additional Conditions for Existing Sources Measuring pollutants.

(1) Users shall take a minimum of one representative sample to compile the data for the Baseline Monitoring Report;

(2) Users shall take samples immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated process if no pretreatment exists. If the User mixes other wastewaters with the regulated wastewater prior to pretreatment, the User must provide the flows and concentrations necessary to apply the CWF of Section 13.62.020(B)(3) and CFR 403.6(e). Where the User wants an alternate concentration or mass limit, and it is allowed by federal rules at CFR 403.6(e), the User shall propose the adjusted limit and provide supporting data to the Control Authority;

(3) Sampling and analysis shall be performed in accordance with Section 13.62.060(J), (sample collection), and Section 13.62.060(K), (analytical requirements);

(4) The Public Works Director may allow the report to use only historical data if the data is good enough to allow the evaluation of whether (and which) industrial pretreatment measures are needed; and

(5) The baseline report shall indicate the time, date, place of sampling, and methods of analysis. The User shall certify that the sampling and analysis presented is representative of normal work cycles and expected pollutant discharges to the POTW.

c) Compliance Certification. A statement, reviewed by the User's authorized representative as defined in Section 13.62.010(D)(4) and certified by a qualified professional, such as a Professional Engineer indicating whether pretreatment standards are being met on a consistent basis, and, if not, whether additional O&M and/or additional pretreatment steps are required to meet the pretreatment standards and requirements.

d) Compliance Schedule. While New Sources must install the treatment required for meeting the Pretreatment standards prior to operation, Existing Sources may be granted a compliance schedule where they must provide additional pretreatment and/or O&M to meet the pretreatment standards. In such

cases, the User shall propose the shortest schedule by which they can provide the additional pretreatment and/or O&M. The completion date which the User proposes in this schedule may not be later than the compliance date established for the applicable pretreatment standard. Any compliance schedule authorized pursuant to this section must also meet the requirements set out in Section 13.62.060(B) of this Chapter.

e) Signature and Report Certification. All baseline monitoring reports must be certified in accordance with Section 13.62.060(N)(1) of this ordinance and signed by an authorized representative as defined by Section 13.62.010(D)(4).

B) Compliance Schedule Progress Reports.

The following conditions shall apply to compliance schedules proposed by Existing Sources according to Section 13.62.060(A)(3)(d) of this Chapter and incorporated into permits:

1) The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment facilities required for the User to meet the applicable pretreatment standards (such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation);

2) No increment referred to above shall exceed nine (9) months;

3) The User shall submit a progress report to the Public Works Director no later than fourteen (14) days following each date in the schedule and the final date of compliance which shall include, at a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the User to return to the established schedule; and

4) In no event shall more than nine (9) months elapse between such progress reports to the Public Works Director.

C) Reports on Compliance with Categorical Pretreatment Standard Deadline.

Both Existing Sources and New Sources must submit a report indicating if compliance has been initially achieved. For Existing Sources, the report is due ninety (90) days after the date applicable categorical standards give as the final compliance date. For a new source, the report is due 90 days after starting to discharge to the POTW.

In both cases, the report must contain the information described in Sections 13.62.040(E)(1)(c) through (f). For existing sources, it must also contain the compliance certification of Section 13.62.060(A)(3) and, if needed, the compliance schedule described in

Section 13.62.060(A)(5)(d). Users subject to equivalent mass or concentration limits, as allowed by Section 13.62.020(B), must include a reasonable measure of their long-term production rate. Other Users subject to standards based on a unit of production (or other measure of operation) must include their actual production during the sampling period. All compliance reports must be signed and certified in accordance with Section 13.62.060(N) of this Chapter.

D) Periodic Compliance Reports.

1) The Public Works Director may specify the necessary minimum sampling and reporting frequencies and include applicable requirements in permits. Industrial Users must:

- a) Report at least twice a year, in January and July unless otherwise specified in a permit;
- b) Report the flows and concentrations of regulated pollutants in all discharges subject to pretreatment standards;
- c) Report average and maximum daily flows for the reporting period and identify where flow estimates are used; and
- d) Include the documentation needed to show compliance with applicable BMPs, pollution prevention alternatives, maintenance, treatment, or record keeping requirements.

2) The Public Works Director may authorize a CIU to forego sampling of a pollutant regulated by a categorical Standard when it is not present in raw wastewater provided:

- a) The CIU submits a request for the waiver with their permit application or reapplication (see Section 13.62.040(E)(1)(h)).
- b) The CIU analyzes a sample (or samples) representative of all wastewater from all processes before any treatment and includes all results with the request.
- c) The CIU demonstrates through source water and untreated process water sample results that the pollutant never exceeds intake water levels. (Pollutants simply reduced by treatment to background levels are ineligible for the waiver.)
- d) The CIU shows, where non-detectable sample results are returned in (b) or (c) above, that they used the method from 40 CFR Part 136 with the lowest detection level.
- e) The duly authorized representative of the CIU signs the request

using the certification statement of Section 13.62.060(N)(1).

f) The CIU includes, in routine monitoring reports, the statement in Section 13.62.060(N)(2), certifying that there has been no increase in the pollutant in its waste stream due to activities of the Industrial User.

g) The CIU reports and immediately resumes the monitoring which would otherwise have been required upon discovering that a waived pollutant is present or expected to be present based on changes to the User's.

The Public Works Director will document the reasons supporting the waiver in the Permit Fact Sheet, and keep any information submitted by the User and the fact sheet for 3 years after the waiver expires. Monitoring waivers are valid after being incorporated in a User's permit. The waiver is in effect while the Permit is effective, up to 5 years. The Public Works Director may cancel a monitoring waiver at any time for any reason.

3) Users must sign and certify all periodic compliance reports in accordance with Section 13.62.060(N) of this Chapter.

4) Users must take wastewater samples which are representative of their range of discharge conditions and of any discharge not disclosed in their permit application. Users must properly operate, clean, and maintain sampling and flow metering facilities and devices and provide they function properly. The Public Works Director may not allow User claims that sampling results are unrepresentative due to a User's failure to meet this requirement.

5) Users subject to the reporting requirements in this section must report any additional monitoring which might determine compliance with permit requirements. This includes any additional monitoring of regulated pollutants at their respective effluent monitoring locations using procedures prescribed in Section 13.62.060(J) of this Chapter. In such cases, the results of this monitoring shall be included in periodic monitoring reports.

6) Users that send electronic (digital) documents to the City to satisfy the requirements of this section must meet all state and federal electronic signature requirements. Electronic data shall be in the format required by the Public Works Director. The Public Works Director may also require reporting in both digital and traditional format.

7) The City reserves the right to require User's to submit reports electronically at such time as the City implements the ability to handle electronic reporting as per state and federal rules pertaining to electronic reporting.

E) Reports of Changed Conditions.

Each User must notify the Public Works Director of any significant changes to the User's operations or system which might alter the nature, quality, or volume of its wastewater. This notification must be made at least thirty (30) days before the desired change and be sent to both the Public Works Director and the receiving POTW if they are different. In such cases:

- 1) The Public Works Director may require the User to submit whatever information is needed to evaluate the changed condition. The Public Works Director may also require a new or revised wastewater discharge permit application under Section 13.62.040 of this Chapter.

- 2) The Public Works Director may issue, reissue, or modify a wastewater discharge permit applying the procedures of Section 13.62.050 of this Chapter in response to a User's notice under this section.

F) Reports of Potential Problems.

- 1) Any User which has any unusual discharge that could cause problems to the POTW must immediately notify the Public Works Director by telephone of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the User to control and curtail the discharge. Such discharges may include spills, slug loads, accidental discharges, or other discharges of a non-routine, episodic nature. Problems to the POTW which require reporting under this section include violating pretreatment prohibitions, treatment standards, or other requirements of Section 13.62.020 of this Chapter such as vapor toxicity and explosivity limits.

- 2) Within five (5) days following such discharge, the User shall submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the User to prevent similar future occurrences. Such notification shall not relieve the User of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the User of any fines, penalties, or other liability which may be imposed pursuant to this Chapter.

- 3) Regardless of whether the User has been required to submit a Slug Discharge Control Plan (per Section 13.62.030(C)), all Users shall post notice in a prominent location advising employees who to call at the POTW to inform the Public Works Director of a potential problem discharge (Section 13.62.060(F)(1)). Users shall provide that all employees who may cause or witness such a discharge are advised of the emergency notification procedures.

- 4) All Users must immediately notify the Public Works Director of any changes at their facility which might increase their potential for a slug discharge. This includes increasing the volume of materials stored or located on site which, if discharged to the POTW, would cause problems. Users required to prepare a Slug Discharge Control

Plan under Section 13.62.030(C) shall also modify their plans to include the new conditions prior to or immediately after making such changes.

G) Reports from Unpermitted Users. All Users not required to obtain a wastewater discharge permit or general permit shall provide appropriate reports to the Public Works Director as the Public Works Director may require. This includes, but is not limited to, periodically completing and signing Industrial User Surveys.

H) Notice of Violation/Repeat Sampling and Reporting. If sampling performed by a User indicates a violation, the User must notify the Public Works Director 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 analysis to the Public Works Director within thirty (30) days after becoming aware of the violation. The Public Works Director may waive the repeat sampling requirement where the City has sampled the effluent for the pollutant in question prior to the User obtaining sampling results.

I) Notification of the Discharge of Hazardous Waste.

1) Any User who discharges any substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR part 261, or Chapter 173-303 WAC must also comply with the following requirements:

a) Notify the Public Works Director, the EPA Regional Waste Management Division Director, and State hazardous waste authorities, in writing, of the discharge. Maintain a copy of this notification and include it in all subsequent permit application or re-applications under this Chapter;

b) Include the following information in the notification:

(1) The name of the hazardous waste as found in 40 CFR Part 261;

(2) The EPA hazardous waste number; and

(3) The type of discharge (continuous, batch, or other).

c) If the discharge totals more than 220 pounds in any month, also provide:

(1) The hazardous constituents contained in the wastes;

(2) An estimate of the mass and concentration of hazardous constituents in the wastestream discharged during that calendar month; and

(3) An estimate of the mass of constituents in the wastestream

expected to be discharged during the following twelve (12) months.

d) This notice shall be repeated for new or increased discharges of substances subject to this reporting requirement;

e) All notifications must take place prior to discharging a substance for which these reporting requirements apply. If this is not possible, the notice must be provided as soon after discharge as practical and describe why prior notice was not possible;

f) Users must provide notifications under this paragraph only once to EPA and the State for each hazardous waste discharged. However, all of the information of these notices shall be repeated in each new permit application submitted under this Chapter;

g) This requirement does not relieve the User from requirements to provide other notifications, such as of changed conditions under Section 6.5 of this Chapter, or applicable permit conditions, permit application requirements, and prohibitions;

h) The notification requirements in this section do not apply to pollutants for which routine monitoring and reporting is required in a permit under this Chapter.

2) Users must report all discharges of more than thirty-three (33) pounds per month of substances which, if otherwise disposed of, would be hazardous wastes. Users must also report any discharge of acutely hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e). Subsequent months during which the User discharges more of a hazardous waste for which notice has already been provided do not require another notification to EPA or the State, but must be reported to the Public Works Director.

3) If new regulations under RCRA describe additional hazardous characteristics or substances as a hazardous waste, the User must provide notifications under paragraphs A, if required by paragraph B within ninety (90) days of the effective date of such regulations.

4) For any notification made under this Section, the 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 and shall describe that program and reductions obtained through its implementation.

5) This provision does not create a right to discharge any substance not otherwise permitted to be discharged by this Chapter, a permit issued thereunder, or any applicable Federal, State, or Local law.

J) Sample Collection. Users must provide all samples they collect to satisfy sampling requirements under this Chapter are representative of the range of conditions occurring during the reporting period. Users must also provide that, when specified, samples are collected during the specific period.

1) Users must use properly cleaned sample containers appropriate for the sample analysis and sample collection and preservation protocols specified in 40 CFR Part 136 and appropriate EPA guidance.

2) Users must obtain samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides, and volatile organic compounds using grab collection techniques.

3) For certain pollutants, Users may composite multiple grab samples taken over a 24-hour period. Users may composite grab samples for cyanide, total phenols, and sulfides either in the laboratory or in the field, and may composite grab samples for volatile organics and oil and grease in the laboratory prior to analysis, provided all test method provisions are followed concerning the collection and preservation of the sample.

4) For all other pollutants, Users must employ 24-hour flow-proportional composite samplers unless the Public Works Director authorizes or requires an alternative sample collection method.

5) The Public Works Director may authorize composite samples for parameters unaffected by the compositing procedures, as appropriate.

6) The Public Works Director may require grab samples either in lieu of or in addition to composite sampling to show compliance with instantaneous discharge limits.

7) In all cases, Users must take care to provide the samples are representative of their wastewater discharges and that all samples are collected, preserved, and that appropriate holding requirements are followed according to test methods.

8) Users sampling to complete baseline monitoring and 90-day compliance reports required by Section 13.62.060(A) and (B), must satisfy some specific requirements. These reports require at least four grab samples for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds. Users may composite samples prior to analysis if allowed in Section 13.62.060(J)(3). Where historical sampling data exists; the Public Works Director may also authorize fewer samples.

9) For periodic monitoring reports, (Section 13.62.060(D), the Public Works Director may specify the number of grab samples necessary to assess and provide compliance with applicable pretreatment standards and requirements.

K) Analytical Requirements. All pollutant sampling and analyses required under this Chapter shall conform to the most current version of 40 CFR Part 136, unless otherwise specified

in an applicable categorical pretreatment standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for a pollutant, or the Public Works Director determines that the Part 136 sampling and analytical techniques are inconsistent with the goal of the sampling, the Public Works Director may specify an analytical method. If neither case applies, Users shall use validated analytical methods or applicable sampling and analytical procedures approved by EPA.

L) Date of Receipt of Reports. The Public Works Director will credit written reports as having been submitted on the date of the post mark when mailed through the United States Postal Service. Reports delivered in any other manner will be credited as having been submitted on the business day received.

M) Record Keeping. Users subject to reporting requirements of this Chapter shall retain the below records for all monitoring required by this Chapter and for any additional monitoring which could be used to satisfy minimum monitoring requirements. Users must make these records available for inspection and copying at the location of the discharge. Users must similarly maintain documentation associated with any BMPs required under authority of Section 13.62.020(H). Monitoring records shall include at least:

- 1) The time, date, and place of sampling;
- 2) The sampling and preservation methods used;
- 3) The person taking the sample and persons with control of the sample prior to analysis;
- 4) The person performing the analyses and the date the analysis was completed;
- 5) The analytical techniques or methods used; and
- 6) The results of analysis.

Users are encouraged to retain quality control and quality assurance information provided by the laboratory and submit this information in routine reporting. This information also has value in the event that the sample data is called into question. For analytes for which Washington State requires use of a certified/accredited laboratory, Users must maintain the scope of accreditation for laboratories performing any analyses for them.

Users shall maintain the above records for at least three (3) years, until any litigation concerning the User or the City is complete, or for longer periods when the User has been specifically notified of a longer retention period by the Public Works Director.

N) Certification Statements.

- 1) The following certification statement must be signed by an authorized

representative as defined by Section 13.62.010(D)(4) and included when submitting any of the following:

- a) A permit (re-)application in accordance with Section 13.62.040(G);
- b) A baseline monitoring report under Section 13.62.060(A)(3)(c);
- c) A report on compliance with the categorical pretreatment standard deadlines under Section 13.62.060(C); or
- d) A periodic compliance report required by Section 13.62.060(D)(1) and (2).

“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 provide 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.”

2) The following certification statement must be signed by an authorized representative as defined by Section 13.62.010(D)(4) and included when submitting any of the following:

- a) A permit (re-)application in accordance with Section 13.62.040(G);
- b) A baseline monitoring report under Section 13.62.060(A)(3)(c);
- c) A report on compliance with the categorical pretreatment standard deadlines under Section 13.62.060(C); or
- d) A periodic compliance report required by Section 13.62.060(D)(1) and (2).

“Based on my inquiry of the person or persons directly responsible for managing compliance with the Pretreatment Standard for 40 CFR _____ [specify applicable National Pretreatment Standard part(s)], I certify that, to the best of my knowledge and belief, there has been no increase in the level of _____ [list pollutant(s)] in the wastewaters due to the activities at the facility since filing of the last periodic report under Section 13.62.060(D)(1).”

13.62.070 COMPLIANCE MONITORING.

A) Right of Entry: Inspection and Sampling. The Public Works Director shall have the right, to the extent permitted by law, to enter all private and public premises at any time for the purpose of inspecting for potential violations, connections, or for any other lawful purpose of this Chapter and any wastewater discharge permit or order issued hereunder. This authorization includes but is not limited to inspection, sampling, testing, photographic documentation, records examination, records copying, and installation of monitoring devices.

1) Where a User has security measures in force which require proper identification and clearance before entry into its premises, the User shall make necessary arrangements with its security guards so that, upon presentation of suitable City photographic identification, the Public Works Director will be permitted to enter without delay for the purposes of performing specific responsibilities.

2) Entry may not be conditioned upon the Public Works Director signing any type of confirmation, release, consent, acknowledgement, or other type of agreement.

3) The Public Works Director shall have the right to set up on the User's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the User's operations.

4) Users shall provide full access to all parts of the premises to the Public Works Director, to use any monitoring facilities, and utilities available or required in accordance with Sections 13.62.030(A) and (B)(6) and (7) to confirm that the standards or treatment required for discharge to the sewer are being met.

5) The Public Works Director will comply with reasonable, routine safety and sanitary requirements of the facility or site as provided by the facility operator at the time of entry. The facility operator must provide the Public Works Director with any facility-specific safety protective equipment necessary for entry.

6) Any temporary or permanent obstruction prohibiting safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the User at the written or verbal request of the Public Works Director and shall not be replaced. The costs of clearing such access shall be borne by the User.

7) Any unreasonable delay in allowing the Public Works Director full access to the User's premises and wastewater operations shall be a violation of this Chapter.

B) Search Warrants. The Public Works Director may seek issuance of a search warrant from the Franklin County District Court. Such warrants may be secured when:

1) The Public Works Director has been refused access or is unable to locate a representative who can authorize access to a building, structure, or property, or any part thereof, and the Public Works Director has cause to believe that a violation of this Chapter

is occurring on the premises;

2) The Public Works Director has been denied access to inspect and/or sample as part of a routine inspection and sampling program of the City designed to verify compliance with this Chapter or any permit or order issued hereunder; or

3) The Public Works Director has cause to believe there is imminent endangerment of the overall public health, safety and welfare of the community by an activity on the premises.

13.62.080 CONFIDENTIAL INFORMATION. Generally, information submitted to demonstrate compliance with pretreatment standards and requirements will be freely available to the public. However, Users may have certain information withheld as confidential if the following process is followed.

A) When a User submits information to the Public Works Director, or provides information to inspectors, Users may request that specific information be maintained as confidential. Users must promptly identify the specific information in writing, and describe why the release would divulge information, processes, or methods of production entitled to protection as trade secrets or confidential business information under applicable State or Federal laws.

B) The Public Works Director shall review and approve or deny such requests. When approved, the information shall not be available as public records and shall be marked Confidential, unless required by State or Federal law.

C) All other information submitted to the Public Works Director and obtained from the Public Works Director's oversight shall be available to the public, subject to the City records review policy.

D) Information held as confidential may not be withheld from governmental agencies for uses related to the NPDES, SWD, or pretreatment program, or in enforcement proceedings involving the entity furnishing the report.

E) Federal rules prevent wastewater constituents and characteristics and other effluent data, as defined by 40 CFR 2.302 from being recognized as confidential information.

13.62.090 PUBLICATION OF USERS IN SIGNIFICANT NONCOMPLIANCE.

A) Publishing: The Public Works Director must annually publish a list of the Users which, at any time during the previous twelve (12) months, were in significant noncompliance with applicable pretreatment standards and requirements. The list will be published in a newspaper of general circulation that provides meaningful public notice within the jurisdictions served by the POTW.

B) Definition: The term significant noncompliance means:

1) Any violation of a pretreatment standard or requirement, including numerical limits, narrative standards, and prohibitions, that the Public Works Director determines has caused, alone or in combination with other discharges, interference or pass through, including endangering the health of POTW personnel or the general public;

2) Any discharge of a pollutant that has caused imminent endangerment to the public or to the environment, or has resulted in the Public Works Director's exercise of its emergency authority to halt or prevent such a discharge;

3) Any violation(s), including violations of BMPs, which the Public Works Director determines will adversely affect the operation or implementation of the local pretreatment program;

4) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all of the measurements taken for the same pollutant parameter taken during a rolling six (6) month period exceed, by any magnitude, a numeric pretreatment standard or requirement, including instantaneous limits of Section 13.62.020;

5) Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of wastewater measurements taken for each pollutant parameter during a rolling six (6) month period equal or exceed the product of the numeric pretreatment standard or requirement, (including instantaneous limits, as defined by Section 13.62.010(D)(30) and Section 13.62.020), multiplied by the applicable criteria. Applicable criteria are 1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH;

6) Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance; or

7) Failure to provide any required report within forty-five (45) calendar days after the due date. This includes initial and periodic monitoring reports, and reports on initial compliance and on meeting compliance schedules; or

8) Failure to accurately report noncompliance.

C) Applicability: The criteria in Section 13.62.090(B)(1) through (3) are applicable to all Users, whereas the criteria in Section 13.62.090(B)(4) through (8) are only applicable to SIUs.

13.62.100 ADMINISTRATIVE ENFORCEMENT REMEDIES. In administering the City Pretreatment Program, the Public Works Director is obliged to follow the City Pretreatment Program's approved procedures. In response to non-compliance with any requirement of this Chapter, the Public Works Director shall apply its Enforcement Response Plan, which is a part of

these approved procedures. This plan provides that the application of remedies provided for in Sections 13.62.100, 13.62.110, and 13.62.120 of this Chapter is appropriate to the violation, and consistent with the treatment of other Users. Any person may review or obtain a copy (for a nominal charge) of the Enforcement Response Plan by contacting the Public Works Director or the City.

A) Notification of Violation. The Public Works Director may serve a written Notice of Violation on any User that the Public Works Director finds has violated any provision of this Chapter, including terms or requirements of a permit, order, or a pretreatment standard or requirement. In all cases in this Chapter, a continuation of a violation of a provision of this Chapter is a "violation". Users shall, in response to a Notice of Violation, provide the Public Works Director a written explanation of the violation, its cause, and a corrective action plan within thirty (30) days of the receiving this notice. Users submitting plans to correct noncompliance must include the specific actions they will take to correct ongoing and prevent future violations at the soonest practicable date. The Public Works Director's acceptance of a plan does not relieve a User of liability for any violations. The Public Works Director may also take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation.

B) Voluntary Compliance Agreement. The Public Works Director may enter into a voluntary compliance agreement to memorialize agreements with Users violating any requirements of this Chapter. Such agreements must include the specific action(s) required and the date(s) they are to be completed to correct the noncompliance. Such agreements shall be judicially enforceable manner, and have the same force and effect as administrative orders issued pursuant to Sections 13.62.100(D) and (E) of this Chapter.

C) Show Cause Hearing. The Public Works Director may propose actions in response to a violation of any provision of this Chapter, including a provision of a permit, order, or a pretreatment standard or requirement. The Public Works Director may order a User in violation to appear at a date, time, and location set by the Public Works Director to show why the proposed enforcement action should not be taken. The Public Works Director will notify the User of the violation, the proposed action, the rationale, and the Users rights and obligations to provide evidence why the proposed enforcement action should not be taken, and to provide its support for any alternative it proposes at this meeting. This notification shall be served personally or by registered or certified mail (return receipt requested), or by electronic mail (confirmed by delivery receipt) at least ten (10) days prior to the hearing. Such notice may be served on any authorized representative of the User as defined in Section 13.62.010(D)(4). A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the User.

D) Compliance Orders. The Public Works Director may issue a compliance order to any User which has violated any provision of this Chapter including a requirement of a permit, order, or a pretreatment standard or requirement. The compliance order may direct that the User come into compliance within a specified time, install and properly operate adequate treatment facilities or devices, or take such measures as the Public Works Director finds are reasonably necessary. These measures may include additional self-monitoring and management practices

designed to minimize the amount of pollutants discharged to the sewer. A compliance order may not extend the deadline for compliance established for a pretreatment standard or requirement, or relieve a User of liability for any violation, including a continuing violation. If the User does not come into compliance within the time provided, sewer service may be discontinued. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the User.

E) Cease and Desist Orders. When the Public Works Director finds that a User has violated, or continues to violate, any provision of this Chapter, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, or that the User's past violations are likely to recur, the Public Works Director may issue an order to the User directing it to cease and desist all such violations and directing the User to:

- 1) Immediately comply with all requirements; and
- 2) Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge. Issuance of a cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the User.

F) Administrative Fines.

1) When the Public Works Director finds that a User has violated, or continues to violate, any provision of this Chapter, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the City may fine such User in an amount not less than five-hundred dollars, nor more than ten thousand dollars. Such fines shall be assessed on a per-violation, per-day basis. In the case of monthly or other long-term average discharge limits, fines shall be assessed for each day during the period of violation.

2) The City may add the costs of any emergency response, additional monitoring, investigation, and administrative costs related to the noncompliance and the Public Works Director's response to the situation to the amount of the fine.

3) The City will consider the economic benefit enjoyed by a User as a result of the noncompliance in cases where there appears to have been a monetary benefit from not complying. In such cases, the City shall provide that fines, to the maximum amounts allowable, exceed the benefit to the User from the noncompliance.

4) Unpaid charges, fines, and penalties shall, at thirty (30) calendar days past the due date, be assessed an additional penalty of five percent (5%) of the unpaid balance, and interest shall accrue thereafter at a rate of one percent (1%) per month. After thirty days the City shall be authorized to file a lien against the User's property for unpaid charges, fines, and penalties.

5) Users desiring to dispute such fines must file a written request with the Public Works Director to reconsider the fine along with full payment of the fine amount within fifteen (15) days of being notified of the fine. Where a request has merit, the Public Works Director may convene a hearing on the matter. In the event the User's appeal is successful, the City shall rebate the difference between the initial and final penalty amounts to the User.

6) Issuance of an administrative fine shall not be a bar against, or a prerequisite for, taking any other action against the User.

G) **Emergency Suspensions.** The Public Works Director may immediately suspend a User's discharge (or threatened discharge) when it reasonably appears to present a substantial danger to the health or welfare of persons and/or damage to the POTW. In such cases, the Public Works Director will first provide reasonable notice to the User. The Public Works Director may also immediately suspend a User's discharge, after notice and opportunity to respond, that threatens to interfere with the operation of the POTW, or which presents or may present, a danger to the environment.

1) Any User notified of a suspension of its discharge shall immediately stop or eliminate its discharge. If a User fails to immediately comply voluntarily with the suspension order, the Public Works Director may take such steps as deemed necessary to protect the public and its interest in the sewer system. Remedies available to the Public Works Director include immediately severing the sewer connection, at the Users expense, turning off pump stations downstream of the User, and utilizing the assistance of law enforcement. The Public Works Director may not allow the User to recommence its discharge until the User has demonstrated to the satisfaction of the Public Works Director that the situation warranting the suspension has been properly addressed and any proposed termination proceeding has been resolved.

2) A User that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution and the measures taken to prevent any future occurrence. Users shall submit this report to the Public Works Director prior to the date of any show cause or termination hearing under Sections 13.62.100(C) and (H) of this Chapter.

Nothing in this section shall be interpreted as requiring a hearing prior to any Emergency Suspension under this section.

H) **Termination of Discharge (Non-Emergency).** Any User who violates the following conditions is subject to having the privilege of discharging to the POTW withdrawn:

- 1) Discharge of non-domestic wastewater without a permit, including:
 - a) Where the appropriate permit has not been requested;

- b) Where the appropriate permit has not yet been issued; or
 - c) Where the permit has been denied or revoked based on the provisions of Section 13.62.050(F) of this Chapter.
- 2) Violation of permit terms and conditions including:
 - a) Exceeding any permit limit;
 - b) Failing to meet other pretreatment standards or requirements;
 - c) Violating any prohibition; or
 - d) Failing to properly monitor and report discharges or changed conditions.
- 3) Refusal of reasonable access to the User's premises for the purpose of inspection, monitoring, or sampling (whether subject to a permit or not); or
- 4) Violation of the pretreatment standards and requirements in Section 13.62.020 of this Chapter, including failure to satisfy Industrial User Survey requirements.

When the Public Works Director determines this remedy is necessary and appropriate to fulfill the intentions of this Chapter, such User will be notified of the proposed termination of its discharge and given notice to show cause under Section 13.62.100(C) of this Chapter why the proposed action should not be taken. Exercise of this option by the Public Works Director shall not be a bar to, or a prerequisite for, taking any other action against the User.

13.62.110 JUDICIAL ENFORCEMENT REMEDIES.

A) **Injunctive Relief.** The City may seek injunctive relief when a User has violated, or continues to violate a provision of this Chapter, including a pretreatment standard or requirement, or a permit or order issued hereunder. In such cases, the City may petition the Franklin County Superior Court through the City's attorney for the issuance of a temporary restraining order, or temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the wastewater discharge permit, order, or other requirement imposed by this Chapter on activities of the User. The City may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the User to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a User.

B) **Civil Penalties.**

1) A User which has violated, or continues to violate a provision of this Chapter, including a pretreatment standard or requirement, or a permit or order issued

hereunder shall be liable to the City for a maximum civil penalty of \$10,000 per violation, per day. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation.

2) The City may recover reasonable attorneys' fees, court costs, and other expenses associated with any emergency response, enforcement activities, additional monitoring and oversight, and costs of any actual damages to the City.

3) In determining the amount of civil liability, the Court shall take into account all relevant circumstances. The City shall provide the Court a recommended civil penalty amount, and its basis. This basis shall address, as available, the extent of harm caused, the magnitude and duration of the violation, any economic benefit gained, the timing of Users actions and responses, corrective actions by the User, and the Users compliance history. The City will provide the range of penalty amounts its Enforcement Response Plan suggests if it addresses the situation and provides such guidance. The City will provide any other facts the Court requests, or the City believes important for the Court to have to render a just determination.

4) Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, any other action the City may take to resolve noncompliance by a User.

C) Criminal Prosecution.

1) A User who willfully or negligently violates any provision of this Chapter, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement shall, upon conviction, be guilty of a gross misdemeanor, punishable by a fine of not more than \$10,000 per violation, per day and costs of prosecution, or imprisonment for not more than 364 days, or both.

2) A User who willfully or negligently introduces any substance into the POTW which causes personal injury or property damage shall, upon conviction, be guilty of a gross misdemeanor and be subject to a penalty of a fine of not more than \$10,000 per violation, per day and costs of prosecution, or imprisonment for not more than 364 days, or both. This penalty shall be in addition to any other criminal charges or judicial remedies, including remedies for causing personal injury, endangerment, or destruction of public property available under State law.

3) A User who knowingly makes any false statements, representations, or certifications in any application, record, report, plan, or other documentation filed, or required to be maintained, pursuant to this Chapter, wastewater discharge permit, or order issued hereunder, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this Chapter shall, upon conviction, be guilty of a misdemeanor punished by a fine of \$1,000 per violation, per day, or imprisonment for not more than 90 days, or both.

D) Remedies Nonexclusive. The remedies provided for in this Chapter are not exclusive. The City may take any, all, or any combination of these actions against a noncompliant User. Enforcement of pretreatment violations will generally be in accordance with the City's enforcement response plan. However, the City may take other action against any User when the circumstances warrant. Further, the City is empowered to take more than one enforcement action against any noncompliant User.

13.62.120 SUPPLEMENTAL ENFORCEMENT ACTION.

A) Penalties for Late Reports. The City may assess a penalty fee to any User for each day that a report required by this Chapter, a permit or order issued hereunder is late. Penalties accrue beginning the fifth day after the report is due. The City's actions to collect late reporting penalties shall not limit the City's authority to initiate any other enforcement action.

B) Performance Bonds. The City may require a satisfactory bond, payable to the City, in a sum not to exceed a value determined by the City as necessary to provide the User will achieve consistent compliance with this Chapter. The City may require this bond as an enforcement response or as a prerequisite to issue or reissue a wastewater discharge permit. Any User who has failed to comply with any provision of this Chapter, a previous permit or order issued hereunder, or any other pretreatment standard or requirement may be subject to this requirement. This bond may also be required of any category of User which has led to public burdens in the past regardless of the compliance history of the particular User. The City may use this bond to pay any fees, costs, or penalties assessed to the User whenever the Users account is in arrears for over 30 days. This includes the costs of cleanup of the site if the User goes out of business, sells the business to a person that does not first assume the bond, or goes bankrupt. Users may petition the City to convert their performance bond to a requirement to provide Liability Insurance, or to forego any such safeguard based on their performance. User may petition no more frequently than once in any twelve month period.

C) Liability Insurance. The City may require any User to provide insurance if they previously failed to comply with any provision of this Chapter, a previous permit, or order issued hereunder, or any other pretreatment standard or requirement. The City may also require Users in businesses which historically have left a public burden to clean up pollution to obtain this insurance, regardless of their compliance history. In such cases, Users must provide proof that the insurance is sufficient to cover any liabilities incurred under this Chapter, including the cost of damages to the POTW and the environment caused by the User. The City may require Users to provide the proof of such insurance either in response to non-compliance or prior to issuing or reissuing a wastewater discharge permit.

D) Payment of Outstanding Fees and Penalties. The Public Works Director may decline to issue or reissue a wastewater discharge permit to any User who has failed to pay any outstanding fees, fines or penalties incurred as a result of any provision of this Chapter, a previous permit or order issued hereunder.

E) Water Supply Severance. The Public Works Director may order water service to a User severed whenever a User has violated or continues to violate any provision of this Chapter, a permit, or order issued hereunder, or any other pretreatment standard or requirement. Users wishing to restore their service must first demonstrate their ability to comply with this Chapter and pay the related costs of this action.

F) Contractor Listing. Users which have not achieved compliance with applicable pretreatment standards and requirements are not eligible to receive a contractual award for the sale of goods or services to the City. Existing contracts for the sale of goods or services to the City held by a User found to be in significant noncompliance with pretreatment standards or requirements may be terminated at the discretion of the Public Works Director.

13.62.130 AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATIONS.

A) Upset.

1) For the purposes of this section,

a) Upset means an exceptional incident in which a discharger unintentionally and temporarily is in a state of noncompliance with the standards set forth herein due to factors beyond the reasonable control of the Permittee.

b) An upset does not exclude 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.

2) An upset shall constitute an affirmative defense to punitive actions in response to noncompliance with categorical pretreatment standards (Section 13.62.020(B)), but not local limits (Section 13.62.020(D),(E), and (F) when the requirements of Section 13.62.130(A)(3)(c) below are met.

3) A User who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

a) An upset occurred and the User can identify the cause(s) of the upset;

b) The facility was at the time being operated in a manner according with AKART (WAC 173-216-050(3) and Section 13.62.020(c)(4)) and was in compliance with applicable operation and maintenance procedures;

c) Where the upset involved reduction, loss, or failure of its treatment

facility (e.g. a power failure), the User controlled production of all discharges to the extent necessary to maintain compliance with categorical pretreatment standards until the facility was restored or an alternative method of treatment was provided; and

d) The User submitted the following information to the Public Works Director within twenty-four hours of becoming aware of the upset. When initially provided orally, the User must have provided a written report within five days:

(1) A description of the indirect discharge and cause of noncompliance;

(2) The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and

(3) Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance.

4) In any enforcement proceeding, the User seeking to establish the occurrence of an upset shall have the burden of proof.

5) Users will have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with categorical pretreatment standards.

B) Prohibited Discharge Standards. A User will have an affirmative defense to an enforcement action brought against it for noncompliance with the prohibitions in Section 13.62.020(A)(1), and 13.62.020(A)(2)(d) through (h) of this Chapter in certain cases. The User must be able to 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:

1) 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

2) 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 or SWD permit, and in the case of interference, was in compliance with applicable sludge use or disposal requirements.

C) Bypass.

1) For the purposes of this section:

a) Bypass means the intentional diversion of wastestreams from any portion of the pretreatment or treatment process.

b) 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.

2) A User may allow a bypass to occur if it does not cause pretreatment standards or requirements to be violated and is for essential maintenance to provide efficient operation.

3) Any other bypass must meet the following requirements:

a) Users knowing in advance of the need for a bypass must submit prior notice to the Public Works Director, at least ten (10) days before the bypass wherever possible; and

b) Users must inform the Public Works Director of any unanticipated bypass that exceeds applicable pretreatment standards within twenty-four (24) hours of becoming aware of the bypass. Users must provide a written follow-up report within five (5) days. The Public Works Director may waive the written report if the oral report was timely and complete. Unless waived, the written report must contain:

(1) A description of the bypass (volume, pollutants, etc.);

(2) What caused the bypass;

(3) When, specifically, the bypass started and ended;

(4) When the bypass is expected to stop (if ongoing); and

(5) What steps the User has taken or plans to take to reduce, eliminate, and prevent the bypass from reoccurring.

4) Bypass.

a) Bypass is prohibited, and the Public Works Director may take an enforcement action against a User for a bypass, unless

(1) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

(2) 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

(3) The User submitted notices as required under Section 13.62.130(C) of this section.

b) The Public Works Director may approve an anticipated bypass, after considering its adverse effects, if the Public Works Director determines that it will meet the three conditions listed in Section 13.62.130(C)(4) of this section.

13.62.140 WASTEWATER TREATMENT RATES: Refer to chapters 13.40 and 13.41A of the Pasco Municipal Code for applicable rates.

13.62.150 MISCELLANEOUS PROVISIONS.

A) Pretreatment Charges and Fees. The City may adopt reasonable fees for reimbursement of costs of setting up and operating the City's Pretreatment Program which may include:

1) Fees for wastewater discharge permit applications including the cost of processing such applications;

2) Annual permit fees will be charged at the amounts set forth by the State of Washington for permitting industrial facilities per WAC 173-224. For Users that do not fit into an existing category, the City reserves the right to place that User into a category that the City determines to be appropriate, or create a new category if the need exists;

3) Fees for monitoring, inspection, and surveillance procedures including the cost of collection and analyzing a User's discharge, and reviewing monitoring reports submitted by Users;

4) Sampling Fees.

a) The expenses for sample analysis required by the user's permit will be charged to the user. For analyses conducted by a third party commercial laboratory the permittee will be charged the actual fees charged by the laboratory. For analyses conducted by the City laboratory the permittee will be charged the actual cost of the analyses, not to exceed fees established by locally available commercial laboratories.

b) Any user establishing a pattern of noncompliance, or having a history of noncompliance, or suspected of being in noncompliance, may require additional monitoring visits as deemed appropriate by the Public Works Director. Any additional analysis performed which detects noncompliance will be billed directly to the user.

4) Fees for reviewing and responding to accidental discharge procedures and construction;

5) Fees for transferring a permit;

6) Fees for permit modifications. Permit modification fees will only be charged in a case where the User's operation requires a modification, or when a User requests a modification to the permit;

7) Fees for a one-time batch discharge;

8) High Strength Waste Fees.

a) Users having effluent concentrations in excess of established local limits, or limits included in authorized permits, may be billed a high strength waste surcharge or a charge for excessive maintenance and/or inspections to ensure compliance. Surcharge rates will be established by the Public Works Director, and based on cost of conveyance and treatment in the POTW.

b) All fees or charges will be collected by direct billing. Unless the Public Works Director has been made aware of extenuating circumstances that would prevent prompt payment, all fees are payable within 30 days of the billing. Fees past due will be considered a violation of this chapter. Users not paying fees within 60 days of the billing period will be subject to termination of service. The Public Works Director may change existing or adopt new fees to comply with the actual cost of service.

9) Fees for filing appeals;

10) Fees to recover administrative and legal costs (not included in Section 13.62.150(A)(2)) associated with the enforcement activity taken by the Public Works Director to address User noncompliance; and

11) Other fees as the City may deem necessary to carry out the requirements contained herein. These fees relate solely to the matters covered by this Chapter and are separate from all other fees, fines, and penalties chargeable by the City.

Section 2. That Section 13A.52.220 entitled "Specific Prohibitions for Discharge" of the Pasco Municipal Code shall be and hereby is amended and shall read as follows:

13A.52.220 SPECIFIC PROHIBITIONS FOR DISCHARGE. No User shall introduce or cause to be introduced into the POTW or any natural outlet, any pollutants, substance, or wastewater whether or not they are subject to categorical pretreatment standards or any other national, state, or local pretreatment standards or requirements which are prohibited in Section 13.62.020 of this Code.

(Strikethroughs and underlines are deleted due to the volume of material.)

Section 3. That Section 13A.52.270 entitled "Preliminary Treatment by Owner" of the Pasco Municipal Code shall be and hereby is amended and shall read as follows:

13A.52.270 PRELIMINARY TREATMENT BY OWNER. The admission into the public sewer, POTW, of any waters or wastes having the potential to cause interference with the natural flow of wastewater within the sewer collection system, cause degradation of, or interfere with the operation of the POTW shall meet the requirements as described in this Chapter 13A.52 and 13.62 of this Code. Plans, specifications, and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for subject to review and approval of the Director ~~and the Department of Ecology of the State of Washington~~ and no construction of such facilities shall be commenced until the all required approvals are obtained in writing. (Ord. 3702 Sec. 2, 2004.)

Section 4. The following Sections of the Pasco Municipal Code shall be and hereby are repealed in their entirety and shall be of no further force and affect:

- A) 13A.52.230 Limitations on Wastewater Strength.
- B) 13A.52.280 Permit Required.
- C) 13A.52.290 Maintenance of Pretreatment Equipment and Facilities.
- D) 13A.52.300 Acceptable Types of Pretreatment Facilities.
- E) 13A.52.310 Location of Facilities.
- F) 13A.52.320 Installation of Facilities.
- G) 13A.52.330 Installation Schedule.
- H) 13A.52.340 Pretreatment Waste Disposal.
- I) 13A.52.350 Pretreatment Accidental Spill Containment Program.
- J) 13A.52.360 Pretreatment Records Required.

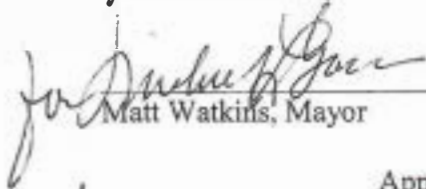
- K) 13A.52.380 Testing Methods and Responsibility.
- L) 13A.52.390 Special Arrangements Concerning Industrial Wastes.
- M) 13A.52.400 Right of Entry -- Powers and Authority of Inspectors.

Section 5. SEVERABILITY. The provisions of this Ordinance are hereby declared to be severable. If any section, subsection, sentence, clause, or phrase of this Ordinance or its application to any person or circumstance is for any reason held to be invalid or unconstitutional, the remainder of this Ordinance shall not as a result of said section, subsection, sentence, clause, or phrase be held unconstitutional or invalid.

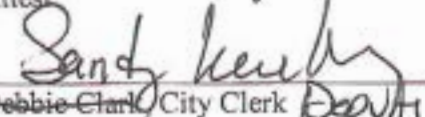
Section 6. The City Clerk shall pursuant to RCW 35.21.180 maintain no less than one copy of Chapter 173-216 WAC and Chapter 90.48 RCW, and any amendments and additions thereto, including those portions which are adopted by reference by this Ordinance, for use and examination by the public prior to the effective date of the Ordinance.

Section 7. This Ordinance shall take full force and effect on January 1, 2015.

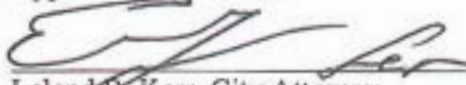
PASSED by the City Council of the City of Pasco, Washington, and approved as provided by law this 4 day of August, 2014.


Matt Watkins, Mayor

Attest:


Debbie Clark, City Clerk *Deputy*

Approved as to Form:


Leland B. Kerr, City Attorney