



CITY COUNCIL MEMO

Date: April 20, 2010

To: CITY COUNCIL

From: Glenn A. Cutler, P.E., Director of Public Works & Utilities

Subject: **Industrial Wastewater Pretreatment Program Ordinance,
Second Reading and Adoption**

Summary: The Wastewater Utility is required by the Washington State Department of Ecology (DOE) to update its industrial pretreatment program to comply with the Wastewater Treatment Plant's (WWTP) National Pollutant Discharge Elimination System (NPDES) permit, and to comply with Environmental Protection Agency standards.

Recommendation: 1) Listen to the staff presentation, 2) conduct and then close the public hearing, 3) conduct a second reading of the ordinance, and 4) adopt the ordinance as presented.

Background/Analysis: The purpose of the Industrial Wastewater Pretreatment Program is to protect the public and the process and equipment of the City's publicly owned treatment works (POTW), which includes the WWTP and sewer collection system, and ultimately to protect the waters of Port Angeles Harbor. The Program is managed by the Wastewater Utility, and currently codified in Port Angeles Municipal Code (PAMC) 13.06. PAMC 13.06 was substantially written in 1984, with minor revisions in 1990 and 1996. This new ordinance will both repeal the existing ordinance in its entirety and replace it with a new PAMC 13.06. It includes an array of enforcement measures available to the Public Works and Utilities Director.

At the March 2, 2010 Council meeting, a presentation was given to review the requirements of the NPDES permit, the proposed Industrial Wastewater Pretreatment (IWP) ordinance, revised local limits to pollutant discharges by industrial users of the wastewater system, and the proposed IWP Program implementation. A first reading of the ordinance was conducted at the March 18, 2010 Council meeting. A second reading will be conducted today, preceded by a short presentation that focuses on the provisions of the new PAMC 13.06, and particularly on changes to proposed revisions to PAMC 3.70.110 and 13.06.190 that have occurred since the first reading.

Copies of the draft ordinance and related information are available on the City's website at www.cityofpa.us/pwWasteWtr.htm#IndWpp.

It is recommended that Council 1) Listen to the staff presentation, 2) conduct and then close the public hearing, 3) conduct a second reading of the ordinance, and 4) adopt the ordinance as presented.

Attachment: Proposed IWP Ordinance

AN ORDINANCE of the City of Port Angeles, Washington, related to Industrial Wastewater Pretreatment, repealing and replacing Chapter 13.06 of the Port Angeles Municipal Code.

Section 1. Chapter 13.06 of the Port Angeles Municipal Code relating to Industrial

Wastewater Pretreatment is hereby repealed, in its entirety, as follows:

INDUSTRIAL WASTEWATER PRETREATMENT

Sections:

- ~~13.06.010 Purpose and Policy.~~
- ~~13.06.020 Definitions.~~
- ~~13.06.030 General Discharge Prohibitions.~~
- ~~13.06.040 Limitations on Wastewater Strength.~~
- ~~13.06.050 Accidental Discharges.~~
- ~~13.06.060 Pretreatment Facilities.~~
- ~~13.06.070 Fees.~~
- ~~13.06.080 Administration.~~
- ~~13.06.090 Standards Modification.~~
- ~~13.06.100 Operating Upsets.~~
- ~~13.06.110 Confidential Information.~~
- ~~13.06.120 Enforcement.~~
- ~~13.06.130 Penalties.~~
- ~~13.06.140 Records Retention.~~

13.06.010 Purpose and Policy:

~~A. This Chapter sets forth uniform requirements for Dischargers into the POTW (Public Owned Treatment Works) and enables the "City" to protect public health in conformity with all applicable local, State and Federal laws relating thereto.~~

~~The objectives of this Chapter are:~~

- ~~1. To prevent the introduction of pollutants into the City wastewater system which will interfere with the normal operation of the system or contaminate the resulting municipal sludge;~~
- ~~2. To prevent the introduction of pollutants into the City wastewater system which do not receive adequate treatment in the POTW, and which will pass through the system into receiving waters or the atmosphere or otherwise be incompatible with the system;~~
- ~~3. To improve the opportunity to recycle and reclaim wastewater and sludge from the system.~~

~~B. This Chapter provides for the regulation of discharges into the City wastewater system through the enforcement of administrative regulations. This Chapter does not provide for recovery of operations, maintenance or replacement costs of the POTW or the costs~~

associated with the construction of collection and treatment systems used by Dischargers, in proportion to their use of the POTW, which are the subject of separate enactments. (Ord. 2290 §1, 8/31/1984)

~~13.06.020 Definitions:~~

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

~~B. "AKART" All known available and reasonable treatment technology.~~

~~C. "Applicable Pretreatment Standards" For any specified pollutant, City's prohibitive discharge standard, City's specific limitations on discharge, the State of Washington pretreatment standards or the National Categorical Pretreatment Standards (when effective); whichever standard is most stringent.~~

~~D. "Categorical Pretreatment Standards" National Pretreatment Standards specifying quantities or concentrations of pollutants or pollutant properties which may be discharged or introduced into a POTW by specific Industrial Dischargers.~~

~~E. "Discharger" Any non-residential user who discharges an effluent into a POTW by means of pipes, conduits, pumping stations, force mains, constructed drainage ditches, surface water intercepting ditches, intercepting ditches, and all constructed devices and appliances appurtenant thereto.~~

~~F. "Indirect Discharge" The discharge or the introduction of non-domestic pollutants from a source regulated under Section 307(b) or (c) of the Act, into a POTW.~~

~~G. "Industrial Waste" Solid, liquid or gaseous waste resulting from any industrial, manufacturing, trade or business process or from the development, recovery or processing of natural resources.~~

~~H. "Interference" An inhibition or disruption of the POTW, its treatment processes or operations, or its sludge processes, use of which is a cause of or significantly contributes to either a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation) or to the prevention of sewage sludge use or disposal by the POTW in accordance with the following statutory provisions and regulations or permits issued thereunder (or more stringent State or Local regulations): Section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA) (including title II more commonly referred to as the Resource Conservation and Recovery Act (RRA) and including State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the SWDA), the Clean Air Act, and the Toxic Substances Control Act. A Discharger significantly contributes to such a permit violation or prevention of sludge use or disposal in accordance with the above-cited authorities whenever such Discharger:~~

~~1. Discharges a daily pollutant loading in excess of that allowed by contract with the POTW or by Federal, State or local law;~~

~~2. Discharges wastewater which substantially differs in nature or constituents from the Discharger's average discharge; or~~

~~3. Knows or has reason to know that its discharge, alone or in conjunction with discharges from other sources, would result in a POTW permit violation or prevent sewage sludge use or disposal in accordance with the above-cited authorities as they apply to the POTW's selected method of sludge management.~~

~~I. "May" Is permissive (see "shall").~~

~~J. "Minor Industrial Discharge (MID)" A non-categorical industrial or commercial user of the POTW identified by the sewer facility as having the potential to spill or discharge~~

~~chemicals or slugs of wastewater to the municipal wastewater system, or the potential to discharge a waste stream that, when taken into account with the waste streams of other industrial users, may have a significant impact on the POTW.~~

~~K. "Natural Outlet" Any outlet, including storm sewer overflows, into a watercourse, pond, ditch, lake or other body of surface or ground water.~~

~~L. "New Source" Any building, structure, facility, or installation from which there is or may be a discharge, the construction of which commenced:~~

~~1. After promulgation of Pretreatment Standards under Section 307(c) of the Act which are applicable to such source; or~~

~~2. After proposal of Pretreatment Standards in accordance with Section 307(c) of the Act which are applicable to such sources, but only if the standards are promulgated in accordance with Section 307(c) within 120 days of their proposal.~~

~~M. "NPDES" National Pollutant Discharge Elimination System Permit program as administered by the USEPA or State.~~

~~N. "O and M" Operation and Maintenance.~~

~~O. "Other Wastes" Decayed wood, sawdust, shavings, bark, lime, refuse, ashes, garbage, offal, oil, tar, chemicals and all other substances except sewage and industrial wastes.~~

~~P. "Pass Through" The discharge of pollutants through the POTW into waters of the State in quantities or concentrations which are a cause in whole or significantly contribute to a violation of any requirement of water quality standards for waters of the State of Washington, Chapter 173-201 WAC, or of the POTW's NPDES Permit, including an increase in the magnitude or duration of a violation.~~

~~Q. "POTW (Public Owned Treatment Works)" Any sewage treatment works and the sewers and conveyance appurtenances discharging thereto, owned and operated by the City.~~

~~R. "Pollutant" Any substance which causes contamination or other alteration of the physical or biological properties of any waters of the State.~~

~~S. "Pretreatment" The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW.~~

~~T. "Sewage" Water-carried human wastes or a combination of water-carried wastes from residence, business buildings, institutions and industrial establishments, together with such ground, surface, storm or other waters as may be present.~~

~~U. "Sewer" Any pipe, conduit, ditch or other device used to collect and transport sewage or storm water from the generating source.~~

~~V. "Shall" Is mandatory.~~

~~W. "Significant Industrial Discharger (SID)" An industrial user of the City's Wastewater disposal system who:~~

~~1. is subject to or potentially subject to national pretreatment standards promulgated under Section 307(b) or (c) of the Clean Water Act (CWA);~~

~~2. has in his wastes any priority toxic pollutants listed in Appendix A or other toxic pollutants listed in Section 13.06.030 of this Chapter;~~

~~3. has in his wastes toxic pollutants as defined pursuant to Section 307 of the CWA;~~

~~4. has a discharge of 10,000 gallons of non-domestic wastewater or more per average work day;~~

~~5. has a flow greater than 5% of the flow in the City's wastewater treatment~~

system; or

~~6. is determined by the City to have a significant impact or potential for significant impact, either singly or in combination with other contributing industries, on the wastewater treatment system, the quality of sludge, the system's effluent quality, or air emissions generated by the system.~~

~~X. "Slugload" Any substance released is a discharge at a rate and/or concentration which causes interference to a POTW.~~

~~Y. "Toxic Pollutants" Those substances listed in Appendix A herein, and any other pollutant or combination of pollutants listed as toxic in regulations promulgated by the Administrator of the Environmental Protection Agency under Section 307 of the Clean Water Act.~~

~~Z. "Upset" An exceptional incident in which a Discharger unintentionally and temporarily is in a state of noncompliance with the standards set forth in this Chapter due to factors beyond the reasonable control of the Discharger, and excluding noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation thereof.~~

~~AA. "Wastewater" Industrial waste, or sewage or any other waste including that which may be combined with any ground water, surface water or storm water, that may be discharged to the POTW. (Ord. 2609 §1, 8/15/1990; Ord. 2290 §2, 8/31/1984)~~

~~13.06.030 General Discharge Prohibitions. No Discharger shall contribute or cause to be discharged, directly or indirectly, any of the following described substances into the wastewater disposal system or otherwise to the facilities of the City:~~

~~A. Any liquids, solids, or gases which by reason of their nature or quantity are, or may be sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in another way to the POTW or to the operation of the POTW. At no time shall two successive readings on an explosion hazard meter, at the point of discharge into the system (or at any point in the system), be more than five percent (5%) nor any single reading over ten percent (10%) of the Lower Explosive Limit (LEL) of the meter. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromenes, carbides, hydrides, sulfides and any other substances which the City, the State, or the EPA has notified the user is a fire hazard or a hazard to the system.~~

~~B. Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of one hundred (100) mg/l or containing substances which may solidify or become viscous at temperatures between thirty-two degrees Fahrenheit (32°F) or zero degrees Centigrade (0°C) and one hundred fifty degrees Fahrenheit (150°F) or sixty-five degrees Centigrade (65°C).~~

~~C. Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three fourths (3/4) horse power (0.76 hp metric) or greater shall be subject to the review and approval of the Public Works & Utilities Director.~~

~~D. Any soluble waste or wastes having a PH lower than 5.0 or higher than 9.0 or having any other corrosive property which reasonably could be hazardous to structures, equipment, or personnel of the City, such as, but not limited to, battery or plating acids and wastes, copper sulfate, chromium salts and compounds, or salt brine.~~

~~E. Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction to injure or interfere with any wastewater treatment process, constitute a hazard~~

~~to humans or animals, or to exceed the limitation set forth in National Categorical Pretreatment Standards, Appendix B hereto. A toxic pollutant shall include, but not be limited to, any pollutant identified in the Toxic Pollutant List set forth in the Federal Priority Pollutant List, Appendix A.~~

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

~~G. Any substance which may cause the POTW's effluent or treatment residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process. (In no case, shall such a substance discharged to the POTW cause the POTW to be in noncompliance with sludge use or disposal criteria, guidelines or regulations developed under Section 405 of the Act; any criteria, guidelines, or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or State standards applicable to the sludge management method being used.)~~

~~H. Any substance which will cause the POTW to violate its NPDES and/or other Disposal System Permits.~~

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

~~J. Any liquid or vapor having a temperature higher than 150°F (65°C) or having temperatures sufficient to cause the influent to the treatment plant to exceed 104°F (40°C). If, in the opinion of the Public Works & Utilities Director, lower temperatures of such wastes could harm either the sewers, sewage treatment process, or equipment; have an adverse effect on the receiving streams or otherwise endanger life, health, or property; or constitute a nuisance, the Public Works & Utilities Director may prohibit such discharges.~~

~~K. Any slugload, which shall mean any pollutant, including oxygen demanding pollutants (BOD, etc.), released in a single extraordinary discharge episode of such volume or strength as to cause interference to the POTW.~~

~~L. Any unpolluted water including, but not limited to, non-contact cooling water, unless otherwise approved.~~

~~M. Any wastewater containing any radioactive wastes or isotopes of such half-life or concentration as exceed limits established by the City in compliance with applicable State or Federal Regulations.~~

~~N. Any wastewater which causes a hazard to human life or creates a public nuisance.~~

~~O. Any of the following discharges unless approved otherwise in writing by the Public Works & Utilities Director:~~

~~1. A standard five (5) day biochemical oxygen demand greater than four hundred (400) milligrams per liter or fifty (50) pounds in any one load.~~

~~2. Wastes containing more than four hundred (400) milligrams per liter of suspended solids or fifty (50) pounds in any one load.~~

~~3. A flow of fifty thousand (50,000) gallons or more per average work day or a flow greater than five percent (5%) of the flow carried by the treatment facility receiving the waste.~~

~~4. Chlorine demand of more than twenty (20) mg/l.~~

~~5. Wastewater at a flow rate and/or pollutant discharge rate which is excessive over a relatively short time period so that there is a treatment process upset and subsequent loss of treatment efficiency. (Ord. 2609 §2, 8/15/1990; Ord. 2290 §3, 8/31/1984)~~

~~13.06.040 Limitations on Wastewater Strength.~~

~~A. National Categorical Pretreatment Standards: National categorical pretreatment standards as promulgated by the U. S. Environmental Protection Agency pursuant to the Act will become a part of this Chapter and shall be met by all Dischargers of the regulated industrial categories.~~

~~B. State Requirements: Requirements for Minor Industrial Dischargers shall include notification, application, permitting, monitoring, and enforcement, as well as evaluation for participation in the Accidental Spill Prevention Program and abide by State requirements of AKART.~~

~~C. Right of Revision: The City reserves the right to amend this Chapter to provide for more stringent limitations or requirements on discharges to the POTW where deemed necessary to comply with the objectives set forth in Section 13.06.010 of this Chapter.~~

~~D. Dilution: Dilution is never allowed at a facility to achieve standards specified in this Chapter.~~

~~E. Supplementary Limitations: No Discharger shall discharge wastewater containing concentrations of substances exceeding the following values:~~

~~Any waters or wastes containing heavy metals and similar objectionable or toxic substances to such a degree that any such material received in the composite sewage at the point of discharge exceeds the limits as follows:~~

Arsenic	0.1 mg/l
Cadmium	0.1 mg/l
Total Chromium	2.0 mg/l
Copper	1.0 mg/l
Cyanide	1.0 mg/l
Lead	0.5 mg/l
Mercury	0.05 mg/l
Nickel	1.5 mg/l
Silver	0.5 mg/l
Zinc	1.5 mg/l

~~The City may impose mass limitations on Dischargers which are using dilution to meet the Pretreatment Standards or Requirements of this Chapter, or in other cases where the imposition of mass limitations is deemed appropriate by the City. (Ord. 2900, 12/15/1995; Ord. 2609 §3, 8/15/1990; Ord. 2290 §4, 8/31/1984)~~

~~13.06.050 Accidental Discharges. Each Discharger shall provide protection from accidental discharge of prohibited or regulated materials or substances established by this Chapter. Where necessary, facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the Discharger's cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the City for review within 180 days after notification, and shall be approved by the City before construction of the facility. Each existing Discharger where required by the Director of Public Works & Utilities shall complete its plan and submit same to the City. No Discharger who discharges to the POTW shall be permitted to introduce pollutants into the system until Accidental Discharge Protection Procedures have been approved by the City. Review and approval of such plans and operating procedures by the City shall not relieve the Discharger from the responsibility to modify its facility as necessary to meet the requirements of this Chapter.~~

~~Dischargers shall notify the City immediately upon the occurrence of a "slugload", or accidental discharge of substances prohibited by this Chapter. The notification shall include location of discharge, date and time thereof, type of waste, concentration and volume, and corrective actions. Any Discharger who discharges a slugload of prohibited materials shall be liable for any expense, loss or damage to the Municipal Sewer System, in addition to the amount of any fines imposed on the City on account thereof under State or Federal law.~~

~~Signs shall be permanently posted in conspicuous places on Significant Industrial Discharger's premises, advising employees whom to call in the event of a slug or accidental discharge. Employers shall instruct all employees who may cause or discover such a discharge with respect to emergency notification procedure. (Ord. 2609 §4, 8/15/1990; Ord. 2290 §5, 8/31/1984)~~

~~13.06.060 Pretreatment Facilities. Dischargers shall provide necessary wastewater pretreatment as required to comply with this Chapter and shall achieve compliance with all applicable pretreatment standards within the time limitations as specified by appropriate Statutes, regulations, and ordinances. National Categorical Pretreatment Standards shall be added to this Chapter as amendments. Any facilities required to pretreat wastewater to a level acceptable to the City shall be provided, properly operated and maintained at the Discharger's expense. Detailed plans showing the pretreatment facilities shall be submitted to the City for review and must be acceptable to the City before construction of the facilities. The Discharger shall obtain all necessary construction-operating permits from the City. Such pretreatment facilities shall be under the control and direction of a State certified Wastewater Treatment Operator. The review of such plans shall in no way relieve the Discharger from the responsibility of modifying its facility as necessary to produce an effluent acceptable to the City under the provisions of this Chapter. Within a reasonable time after the completion of the wastewater treatment facility, the Discharger shall furnish its operations and maintenance procedures for the City to review. Any subsequent significant changes in the pretreatment facilities or method of operation shall be reported to and be accepted by the City prior to the User's initiation of the changes. (Ord. 2290 §6, 8/31/1984)~~

~~13.06.070 Fees:~~

~~A. Purpose. The purpose of this Section is to provide for the payment of fees from Dischargers to the City's wastewater disposal system, in order to compensate the City for the cost of administration of the pretreatment program established herein.~~

~~B. Charges and Fees. Charges and fees shall be as set forth in Chapter 3.70 PAMC. (Ord. 2932 §38, 10/11/1996; Ord. 2290 §7, 8/31/1984)~~

~~13.06.080 Administration:~~

~~A. Wastewater Discharge and Connection. It shall be unlawful to discharge sewage, industrial wastes or other wastes to any sewer within the jurisdiction of the City, and/or to the POTW without having first complied with the terms of this Chapter. Minor Industrial Dischargers (MIDs) shall not be allowed to connect to the wastewater system without written approval from the Director of Public Works & Utilities.~~

~~B. Wastewater Discharge Data Disclosure. Minor Industrial Dischargers (MIDs) shall complete and file with the City a disclosure declaration in the form prescribed by the City. Existing MIDs shall file disclosure forms within thirty (30) days after the effective date of the~~

~~Ordinance codified herein, and proposed new MIDs shall file disclosure forms at least sixty (60) days prior to connecting to the POTW. The disclosure to be made by the MID on the written form provided by the City shall include:~~

- ~~1. Disclosure of name, address, and location of the MID;~~
- ~~2. Disclosure of Standard Industrial Classification (SIC) number according to the Standard Industrial Classification Manual, Bureau of the Budget, 1972, as amended;~~
- ~~3. Disclosure of wastewater constituents and characteristics including, but not limited to, those mentioned in this Chapter, including Appendices A and B, as appropriate, as determined by bona fide chemical and biological analyses. Sampling and analysis shall be performed in accordance with procedures established by the U. S. EPA and contained in 40 CFR, Part 136, as amended;~~
- ~~4. Disclosure of time and duration of discharge;~~
- ~~5. Disclosure of average daily and instantaneous peak wastewater flow rates, in gallons per day, including daily, monthly and seasonal variations, if any. All flows shall be measured unless other verifiable techniques are approved by the City due to cost or nonfeasibility.~~
- ~~6. Disclosure of site plans, floor plans, mechanical and plumbing plans and details to show all sewers, sewer connections, inspection manholes, sampling chambers and appurtenances by size, location and elevation;~~
- ~~7. Description of activities, facilities and plant processes on the premises including all materials which are or may be discharged to the sewers or works of the City;~~
- ~~8. Disclosure of the nature and concentration of any pollutants or materials prohibited by this Chapter in the discharge, together with a statement regarding whether or not compliance is being achieved with this Chapter on a consistent basis and if not, whether additional pretreatment is required, for the MID to comply with this Chapter.~~
- ~~9. Where additional pretreatment and/or operation and maintenance activities will be required to comply with this Chapter, the MID shall provide a declaration of the shortest schedule by which the MID will provide such additional pretreatment and/or implementation of additional operational and maintenance activities.
 - ~~a. The schedule shall contain milestone dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the MID to comply with the requirements of this Chapter including, but not limited to, dates relating to hiring an engineer, hiring other appropriate personnel, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, and all other acts necessary to achieve compliance with this Chapter.~~
 - ~~b. Only upon recommendation of the Director of Public Works & Utilities and approval of the City Council shall the City permit a time increment for a single step directed toward compliance to exceed nine (9) months.~~
 - ~~c. Not later than fourteen (14) days following each milestone date in the schedule and the final date for compliance, the MID shall submit a progress report to the City, including no less than a statement as to whether or not it complied with the increment of progress represented by that milestone date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the MID to return the construction to the approved schedule. In no event shall more than nine (9) months elapse between such progress reports to the City.~~~~

~~10. Disclosure of each product produced by type, amount, process or processes and rate of production;~~

~~11. Disclosure of the type and amount of raw materials (chemicals) utilized (average and maximum per day);~~

~~12. All disclosure forms shall be signed by a principal executive officer of the MHD, and a qualified engineer when so required by the Director of Public Works & Utilities.~~

~~13. The City may require inspection and sampling manholes and/or flow measuring recording in sampling equipment if deemed necessary by the Director of Public Works & Utilities to assure compliance with this Chapter.~~

~~C. Industrial Wastewater Acceptance. The City will evaluate the complete disclosure form and data furnished by the MHD and may require additional information. Within 30 days after full evaluation and acceptance of the data furnished, the City shall notify the MHD of the City's acceptance thereof by issuance of an Industrial Wastewater Acceptance form (IWA). The following standard conditions apply to each IWA issued by the City:~~

~~1. Any fees and charges to be paid upon initial issuance;~~

~~2. Limits on the average and maximum wastewater constituents and characteristics;~~

~~3. Limits on average and maximum rate and time of discharge or requirements for flow regulations and equalization;~~

~~4. Requirements for installation and maintenance of inspection and sampling facilities;~~

~~5. Special conditions as the City may reasonably require in particular circumstances of a given discharge, including sampling locations, frequency of sampling, number, types, and standards for tests and reporting schedule;~~

~~6. Compliance schedules;~~

~~7. Requirements for submission of special technical reports or discharge reports where same differs from those prescribed by this Chapter;~~

~~8. Any special agreements the City chooses to continue or develop between the City and the MHD.~~

~~All IWAs shall be issued for perpetual duration, subject to amendment or revocation as provided in this Chapter. Under extraordinary circumstances, it may be issued for a stated period or may be stated to expire on a specific date.~~

~~IWAs are issued to a specific MHD for a specific operation and are not assignable to another MHD without the prior written approval of the City, or transferable to any other location.~~

~~D. Monitoring.~~

~~1. Where required, the MHD shall provide monitoring facilities, installed and maintained at all times at the MHD's expense, to allow inspection, sampling and flow measurement at locations specified in the IWA. There shall be ample room in and near such monitoring facilities to allow accurate sampling and monitoring equipment to be installed and to prepare samples for analysis. Such facilities shall be accessible to authorized representatives of the City at all times upon presentation of suitable identification from 8:00 A.M. to 5:00 P.M. five days per week, provided that authorized representatives of the City personnel shall, under exceptional circumstances, have access upon presentation of suitable identification from 8:00 A.M. to 5:00 P.M. seven days per week. Where required by Federal or State Regulations, such monitoring facilities shall be provided at the end of a process or unit production from which~~

~~regulated toxic pollutants are discharged.~~

~~2. The MID shall retain wastewater monitoring records for a period of three (3) years. During this period said records shall be available for inspection and duplication by authorized representatives of the City.~~

~~3. The MID shall notify the City prior to the introduction of new wastewater or pollutants or any substantial change in the volume or characteristics of the wastewater being introduced into the POTW from the User's processes. Formal written notification shall follow within 30 days of such introduction.~~

~~The MID shall notify the City immediately upon any accidental or slug discharge to the sanitary sewer as outlined in the industrial spill reporting requirements of the City.~~

~~4. No IWA shall be issued to any MID whose discharge of pollutants to the sanitary sewer, whether shown upon the application or determined after inspection, monitoring or analysis by the City, is not in conformance with Federal, State or City laws, ordinances or regulations. The City may grant variances of City standards and requirements in accordance with this Chapter.~~

~~E. Compliance:~~

~~1. The terms and conditions of the IWA are subject to modification by the City during the term of the IWA as limitations or requirements are modified or for other just cause. The user shall be informed of any proposed changes in this IWA at least thirty (30) days prior to the effective date of change. Changes or additions to the IWA shall include a time schedule for compliance.~~

~~2. Not later than fourteen (14) days following each date in the compliance schedule and the final date for compliance given by the MID in the Data Disclosure Form and included as part of the IWA, the MID shall submit a progress report to the City. This report must indicate whether or not the increment of progress was met on the date on which the MID expects to comply with the increment of progress, the reason for delay, and what steps are being taken by the MID to return to the schedule established. In no event shall more than six (6) months elapse between such progress reports to the City.~~

~~The compliance dates for the increments of progress given the compliance schedule will be revised only at the discretion of the City. Failure to meet the compliance dates without just reason for delay is a violation of the conditions of the IWA.~~

~~3. Compliance Date Report: Within ninety (90) days following the date for final compliance by the MID with applicable Pretreatment Standards set forth in this Chapter or following commencement of the introduction of wastewater into the POTW by a New Discharger, any Discharger subject to this Chapter shall submit to the City a report indicating the nature and concentration of all prohibited or regulated substances contained in its discharge, and the average and maximum daily flow in gallons. The report shall state whether the applicable Pretreatment Standards or Requirements are being met on a consistent basis and, if not, what additional O & M and/or pretreatment is necessary to bring the Discharger into compliance with applicable Pretreatment Standards or Requirements. This Statement shall be signed by an authorized representative of the Discharger, and certified to by a qualified engineer, where applicable, licensed to practice in the State of Washington.~~

~~4. Periodic Compliance Reports:~~

~~a. Any Discharger subject to a Pretreatment Standard set forth in this Chapter, after the compliance date of such Pretreatment Standard, or, in the case of a New Discharger, after commencement of the discharge to the City, shall submit to the City during the~~

months of June and December, unless required more frequently by the City, a report indicating the nature and concentration of prohibited or regulated substances in the effluent which are limited by the Pretreatment Standards hereof. In addition, this report shall include a report of all measured or estimated average and maximum daily flows during the reporting period. Flows shall be reported on the basis of actual measurement; provided, however, where cost or feasibility considerations justify, the City may accept reports of average and maximum flows estimated by verifiable techniques. The City, for good cause shown, considering such factors as local high or low flow rates, holidays, budget cycles, or other extenuating factors, may authorize the submission of said reports in months other than those specified above.

b. Reports of Dischargers shall contain all results of sampling and analysis of the discharge, including the flow and the nature and concentration, or production and mass where required by the City. The frequency of monitoring by the Discharger shall be prescribed in an IWA. All analyses shall be performed in accordance with procedures established by the Director of Public Works & Utilities pursuant to Section 304(g) of the Act and contained in 40 CFR Part 136 and amendments thereto or with any other test procedures approved by the Director. Sampling shall be performed in accordance with the techniques approved by the Director. Where 40 CFR Part 136 does not include sampling or analytical techniques for the pollutants in question, or where the Director determines that the Part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analyses shall be performed using validated analytical methods or any other sampling and analytical procedures, including procedures suggested by the City or other parties, approved by the Director.

F. Revocation and Expiration.

1. The IWA issued to the MID by the City may be revoked when, after inspection, monitoring or analysis, it is determined that the discharge of wastewater to the sanitary sewer is in violation of Federal, State, or City laws, ordinances, or regulations.

The IWA shall be revoked due to falsification or intentional misrepresentation of data or statements pertaining to the Data Disclosure Form or any other required reporting form.

2. The City shall notify the MID one hundred and eighty (180) days prior to the expiration of the IWA. Within ninety (90) days of the notification, the MID shall apply for reissuance of the IWA on a form provided by the City. (Ord. 2609 §5, 8/15/90; Ord. 2290 §8, 8/31/84)

13.06.090 Standards Modification. The City reserves the right to amend this Chapter and the terms and conditions hereof in order to assure compliance by the City with applicable laws and regulations. Within nine (9) months of the promulgation of a National Categorical Pretreatment Standard, this Chapter shall be amended to require compliance by Dischargers with such standards within the time frame prescribed by such standards. All National Categorical Pretreatment Standards adopted after the promulgation of the Ordinance codified herein shall be adopted by the City as part of this Chapter. Where a MID, subject to a National Categorical Pretreatment Standard, has not previously submitted a disclosure form as required by Section 13.06.080-B(2), the MID shall file a disclosure form with the City within 180 days after the promulgation of the Applicable National Categorical Pretreatment Standard by the U.S. EPA. In addition, any MID operating on the basis of a previous filing of a disclosure statement, shall submit to the City within 180 days after the promulgation of any applicable National Categorical

~~Pretreatment Standard, the additional information required by paragraphs (8) and (9) of Section 13.06.080-B(2). If deemed necessary by the City, where National Categorical Pretreatment Standards are more stringent, the IWA will be modified. The MID shall be informed of any proposed changes in this Chapter at least thirty (30) days prior to the effective date of change. Any changes or new conditions in this Chapter shall include a reasonable time schedule for compliance. (Ord. 2609 §6, 8/15/1990; Ord. 2290 §9, 8/31/1984)~~

~~13.06.100 Operating Upsets:~~

~~A. Any Discharger which experiences an upset in operations which places the Discharger in a temporary state of noncompliance with this Chapter shall inform the City thereof within twenty-four (24) hours of first awareness of the commencement of the upset. Where such information is given orally, a written follow-up report thereof shall be filed by the Discharger with the City within five (5) days. The report shall specify:~~

~~1. Description of the upset, the cause thereof, and the upset's impact on the Discharger's compliance status.~~

~~2. Duration of noncompliance, including exact dates and times of noncompliance, and if the non-compliance continues, the time by which compliance is reasonably to occur.~~

~~3. All steps taken or to be taken to reduce, eliminate, and prevent recurrence of such an upset or other conditions of noncompliance.~~

~~B. A documented and verified bona fide operating upset shall be an affirmative defense to any enforcement action brought by the City against the Discharger for any noncompliance with this Chapter which arises out of violations alleged to have occurred during the period of the upset. (Ord. 2290 §10, 8/31/1984)~~

~~13.06.110 Confidential Information. Information and data furnished to the City with respect to the nature and frequency of discharge shall be available to the public or other governmental agency without restriction unless the Discharger specifically requests and is able to demonstrate to the satisfaction of the City that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets or proprietary information of the Discharger.~~

~~When requested by a Discharger furnishing a report, the portions of a report which may disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available upon written request to governmental agencies for uses related to this Chapter, the National Pollutant Discharge Elimination System (NPDES) permit, State Disposal System permit and/or the Pretreatment Programs; provided, however, that such portions of a report shall be available for use by the State or any State agency in judicial review or enforcement proceedings involving the Discharger furnishing the Report. Wastewater constituents and characteristics will not be recognized as confidential information.~~

~~Information accepted by the City as confidential shall not be transmitted to any governmental agency or to the general public by the City until and unless a ten (10) day notification is given to the Discharger. (Ord. 2290 §11, 8/31/1984)~~

~~13.06.120 Enforcement:~~

~~A. Emergency Suspension of Services and Industrial Wastewater Acceptance Form. The City may, without advance notice, order the suspension of the wastewater treatment service~~

to a Discharger when it appears to the City that an actual or threatened discharge (1) presents or threatens an imminent or substantial danger to the health or welfare of persons or substantial danger to the environment, or (2) threatens to interfere with the operation of the POTW, or to violate any pretreatment limits imposed by this Chapter. Any Discharger notified of the City's suspension order shall immediately cease all discharges. In the event of failure of the Discharger to comply with the suspension order, the City may commence judicial proceedings immediately thereafter to compel the Discharger's specific compliance with such order and/or to recover civil penalties. The City shall reinstate the wastewater treatment service upon proof by the Discharger of the elimination of the noncomplying discharge or conditions creating the threat as set forth above.

~~_____ B. Termination of Treatment Services. Following the procedure set forth below, the City may terminate wastewater treatment services to any Discharger who: (1) fails to factually report accurately the wastewater constituents and characteristics of its discharge; (2) fails to report significant changes in wastewater constituents or characteristics; (3) refuses reasonable access to the Discharger's premises by representatives of the City for the purpose of inspection or monitoring; or (4) violates the provisions of this Chapter, or any order of the City with respect thereto.~~

~~_____ C. Notification of Violation: Administrative Adjustment. Whenever the City finds that any Discharger has violated Subsection (B) hereof, the City shall cause to be served upon such Discharger a written notice either personally or by certified or registered mail, return receipt requested, stating the nature of the alleged violation. Within thirty (30) days of the date of receipt of the notice, the Discharger shall respond personally or in writing or by certified or registered mail, return receipt requested, to the City, advising of its position with respect to the allegations. Thereafter, the Discharger shall be given the opportunity to meet to ascertain the veracity of the allegations and establish a plan for the satisfactory correction of the violations and preclusion of a recurrence thereof.~~

~~_____ D. Show Cause Hearing. Where the violation of Subsection (B) hereof is not corrected by timely compliance by means of Administrative Adjustment, the City may order any Discharger which suffers or permits a violation of Subsection (B) hereof to show cause before the City or its duly authorized representative why the proposed service termination action should not be taken. A written notice shall be served on the Discharger by personal service, certified or registered mail, return receipt requested, specifying the time and place of a hearing to be held by the City or its designee regarding the violation, the reasons why the enforcement action is to be taken, the proposed enforcement action, and directing the Discharger to show cause before the City or its designee why the enforcement action should not be taken. The notice of the hearing shall be served no less than ten (10) days before the hearing. Service may be made on any agent, officer, or authorized representative of a Discharger. The proceedings at the hearing shall be considered by the City, which shall then enter appropriate orders with respect to the alleged violations of the Discharger. Appeal of such orders may be taken by the Discharger in accordance with applicable local or State law.~~

~~_____ E. Judicial Proceedings. Following the entry of any order by the City with respect to the violation by a Discharger of Subsection (B) hereof, the City may commence an action for appropriate legal and/or equitable relief in the appropriate court.~~

~~_____ F. Enforcement Actions: Annual Publication. A list of all Dischargers which were the subject of enforcement proceedings pursuant to this Section of this Chapter during the twelve (12) previous months shall be annually published by the City in the official City~~

newspaper, summarizing the enforcement actions taken against the Dischargers during the same twelve (12) months whose violations remained uncorrected forty-five (45) or more days after notification of noncompliance; or which have a pattern of noncompliance over that twelve (12) month period, or which involve failure to accurately report noncompliance.

~~———— G. ——— Right of Appeal. Any Discharger or any interested party shall have the right to request in writing an interpretation or ruling by the City on any matter covered by this Chapter and shall be entitled to a prompt written reply. In the event that such inquiry is by a Discharger and deals with matters of performance or compliance with this Chapter for which enforcement activity relating to an alleged violation is the subject, receipt of a Discharger's request shall not stay enforcement proceedings pending. Appeal of any final judicial order entered pursuant to this Chapter may be taken in accordance with state law. (Ord 2290 §12, 8/31/1984)~~

~~———— 13.06.130 Penalties:~~

~~———— A. ——— Civil Penalties. Any Discharger who violates an order of the City, or who fails to comply with (1) any provision of this Chapter, or (2) any regulations, rule, or permit of the City, issued pursuant to this Chapter, shall be liable to the City for a civil penalty. The amount of such civil penalty shall be not less than \$250 per violation nor more than \$1,000 per violation. Each day upon which a violation occurs or continues shall constitute a separate violation. Such penalties may be recovered by judicial actions and/or, to the extent permissible by State law, by administrative procedures.~~

~~———— B. ——— Recovery of Costs Incurred by the City. Any Discharger violating any of the provisions of this Chapter who discharges or causes a discharge producing a deposit or obstruction or causes damages to or impairs the City's wastewater disposal system shall be liable to the City for any expense, loss, or damage caused by such violation of discharge. The City shall by order bill the Discharger for the cost incurred by the City for any cleaning, repair, or replacement work caused by the violation or discharge. Refusal to pay the assessed costs shall constitute a violation of this Chapter, enforceable under the provisions of Section 13.06.120 of this Chapter.~~

~~———— C. ——— Falsifying Information. Any person who knowingly makes any false statement, representation, or certification in any application, record, report, and plan or other document filed or required to be maintained pursuant to this Chapter, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this Chapter, shall (in addition to civil and/or criminal penalties provided by law) be guilty of a misdemeanor and shall be prosecuted and punished accordingly.~~

~~———— D. ——— General Criminal Penalties. Any Discharger who knowingly violates any provision of this Chapter shall be guilty of a misdemeanor and shall be punished accordingly. (Ord. 2290 §13, 8/31/1984)~~

~~———— 13.06.140 Records Retention. All Dischargers subject to this Chapter shall retain and preserve for no less than three (3) years, any records, books, documents, memoranda, reports, correspondence and any and all summaries thereof, relating to monitoring, sampling and chemical analyses made by or in behalf of a Discharger in connection with its discharge. All records which pertain to matters which are the subject of Administrative Adjustment or any other enforcement or litigation activities brought by the City pursuant hereto shall be retained and preserved by the Discharger until all enforcement activities have concluded and all periods of limitation with respect to any and all appeals have expired. (Ord. 2290 §14, 8/31/1984)~~

APPENDIX "A"

129 PRIORITY POLLUTANTS

Compound Name

1. ~~_____~~ *acenaphthene
2. ~~_____~~ *acrolein
3. ~~_____~~ *acrylonitrile
4. ~~_____~~ *benzene
5. ~~_____~~ *benzidine
6. ~~_____~~ *carbon tetrachloride (tetrachloromethane)
- ~~_____~~ *Chlorinated benzenes (other than dichlorobenzenes)
7. ~~_____~~ Chlorobenzene
8. ~~_____~~ 1,2,4-trichlorobenzene
9. ~~_____~~ hexachlorobenzene
- ~~_____~~ *Chlorinated ethanes (including 1,2-dichloroethane, 1,1,1-trichloroethane and hexachloroethane)
10. ~~_____~~ 1,2-dichloroethane
11. ~~_____~~ 1,1,1-trichloroethane
12. ~~_____~~ hexachloroethane
13. ~~_____~~ 1,1-dichloroethane
14. ~~_____~~ 1,1,2-trichloroethane
15. ~~_____~~ 1,1,2,2-tetrachloroethane
16. ~~_____~~ chloroethane
- ~~_____~~ *Chloroalkyl ethers (chloromethyl, chloroethyl and mixed ethers)
17. ~~_____~~ Bis(chloromethyl) ether formally deleted - see following directive
18. ~~_____~~ bis(2-chloroethyl) ether
19. ~~_____~~ 2-chloroethyl vinyl ether (mixed)
- ~~_____~~ *Chlorinated naphthalene
20. ~~_____~~ 2-chloronaphthalene
- ~~_____~~ *Chlorinated phenols (other than those listed elsewhere; includes trichlorophenols and chlorinated cresols)
21. ~~_____~~ 2,4,6-trichlorophenol
22. ~~_____~~ parachlorometa cresol
23. ~~_____~~ *chloroform (trichloromethane)
24. ~~_____~~ *2-chlorophenol
- ~~_____~~ *Dichlorobenzenes
25. ~~_____~~ 1,2-dichlorobenzene
26. ~~_____~~ 1,3-dichlorobenzene
27. ~~_____~~ 1,4-dichlorobenzene
- ~~_____~~ *Dichlorobenzidine
28. ~~_____~~ 3,3'-dichlorobenzidine
- ~~_____~~ *Dichloroethylenes (1,1-dichloroethylene and 1,2-dichloroethylene)
29. ~~_____~~ 1,1-dichloroethylene
30. ~~_____~~ 1,2-trans-dichloroethylene

31. ~~_____~~ *2,4-dichlorophenol
~~_____~~ *Dichloropropane and dichloropropene
32. ~~_____~~ 1,2-dichloropropane
33. ~~_____~~ 1,3-dichloropropylene (1,3-dichloropropene)
34. ~~_____~~ *2,4-dimethylphenol
~~_____~~ *Specific compounds and chemical classes as listed in the consent decree.
~~_____~~ *Dinitrotoluene
35. ~~_____~~ 1,4-dinitrotoluene
36. ~~_____~~ 2,6-dinitrotoluene
37. ~~_____~~ *1,2-diphenylhydrazine
38. ~~_____~~ *ethylbenzene
39. ~~_____~~ *Fluoranthene
~~_____~~ *Haloothers (Other than those listed elsewhere)
40. ~~_____~~ 4-chlorophenyl phenyl ether
41. ~~_____~~ 4-bromophenyl phenyl ether
42. ~~_____~~ bis(2-chloroisopropyl) ether
43. ~~_____~~ bis(2-chloroethoxyl) methane
~~_____~~ *Halomethanes (other than those listed elsewhere)
44. ~~_____~~ methylene chloride (dichloromethane)
45. ~~_____~~ methyl chloride (chloromethane)
46. ~~_____~~ methyl bromide (bromomethane)
47. ~~_____~~ bromoform (tribromomethane)
48. ~~_____~~ dichlorobromomethane
49. ~~_____~~ trichlorofluoromethane formally deleted - see following directive
50. ~~_____~~ dichlorodifluoromethane formally deleted - see following directive
51. ~~_____~~ Chlorodibromomethane
52. ~~_____~~ *hexachlorobutadiene
53. ~~_____~~ *hexachlorocyclopentadiene
54. ~~_____~~ *isophorone
55. ~~_____~~ *naphthalene
56. ~~_____~~ *nitrobenzene
~~_____~~ *Nitrophenols (including 2,4-dinitrophenol and dinitrocresol)
57. ~~_____~~ 2-nitrophenol
58. ~~_____~~ 4-nitrophenol
59. ~~_____~~ *2,4-dinitrophenol
60. ~~_____~~ 4,6-dinitro-o-cresol
~~_____~~ *Nitrosamines
61. ~~_____~~ N-nitrosodimethylamine
62. ~~_____~~ N-nitrosodiphenylamine
63. ~~_____~~ N-nitrosodi-n-propylamine
64. ~~_____~~ *pentachlorophenol
65. ~~_____~~ *phenol
~~_____~~ *Phthalate esters
66. ~~_____~~ bis(2-ethylhexyl) phthalate
67. ~~_____~~ butyl benzyl phthalate
68. ~~_____~~ di-n-butyl phthalate

69. di-n-octyl phthalate
70. diethyl phthalate
71. dimethyl phthalate
*Polynuclear aromatic hydrocarbons
72. benzo(a)anthracene (1,2-benzanthracene)
73. benzo (a) pyrene (3,4-benzopyrene)
74. 3,4-benzofluoranthene
75. benzo(k)fluoranthene (11,12-benzofluoranthene)
76. chrysene
77. acenaphthylene
78. anthracene
79. benzo(ghi)perylene (1,12-benzoperylene)
80. fluorene
81. phenanthrene
82. dibenzo (a,h)anthracene (1,2,5,6-dibenzanthracene)
83. indeno (1,2,3-cd)pyrene (2,3-o-phenylenepyrene)
84. pyrene
85. *tetrachlorethylene
86. *toluene
87. *trichloroethylene
88. *vinyl chloride (chloroethylene)
Pesticides and Metabolites
89. *aldrin
90. *dieldrin
91. *chlordan (technical mixture & metabolites)
*DDT and metabolites
92. 4,4'-DDT
93. 4,4'-DDE (p,p'-DDX)
94. 4,4'-DDD (p,p'-TDE)
*endosulfan and metabolites
95. a-endosulfan-Alpha
96. b-endosulfan-Beta
97. endosulfan sulfate
*endrin and metabolites
98. endrin
99. endrin aldehyde
*heptachlor and metabolites
100. heptachlor
101. heptachlor epoxide
*hexachlorocyclohexane (all isomers)
102. a-BHC-Alpha
103. b-BHC-Beta
104. r-BHC (lindane)-Gamma
105. g-BHC-Delta
*polychlorinated biphenyls (PCB's)
106. PCB-1242 (Arochlor 1242)

- ~~107. _____ PCB-1254 (Arochlor 1254)~~
- ~~108. _____ PCB-1221 (Arochlor 1221)~~
- ~~109. _____ PCB-1232 (Arochlor 1232)~~
- ~~110. _____ PCB-1248 (Arochlor 1248)~~
- ~~111. _____ PCB-1260 (Arochlor 1260)~~
- ~~112. _____ PCB-1016 (Arochlor 1016)~~
- ~~113. _____ *Toxaphene~~
- ~~114. _____ *Antimony (Total)~~
- ~~115. _____ *Arsenic (Total)~~
- ~~116. _____ *Asbestos (Fibrous)~~
- ~~117. _____ *Beryllium (Total)~~
- ~~118. _____ *Cadmium (Total)~~
- ~~119. _____ *Chromium (Total)~~
- ~~120. _____ *Copper (Total)~~
- ~~121. _____ *Cyanide (Total)~~
- ~~122. _____ *Lead (Total)~~
- ~~123. _____ *Mercury (Total)~~
- ~~124. _____ *Nickel (Total)~~
- ~~125. _____ *Selenium (Total)~~
- ~~126. _____ *Silver (Total)~~
- ~~127. _____ *Thyallium (Total)~~
- ~~128. _____ *Zinc (Total)~~
- ~~129. _____ **2,3,7,8-tetrachlorodibenzo-p-dioxin (TCDD)~~

~~_____ * _____ Specific compounds and chemical classes as listed in the consent decree.~~

~~_____ ** _____ This compound was specifically listed in the consent decree. Because of the extreme toxicity (TCDD).~~

~~_____ APPENDIX "B"~~

~~_____ NATIONAL CATEGORICAL PRETREATMENT STANDARDS~~

~~The following national categorical pretreatment standards have been issued by the Environmental Protection Agency. Additions to the appendix will be made from time to time as further categorical pretreatment standards are finalized.~~

~~1. _____ ELECTROPLATING PRETREATMENT STANDARDS~~

~~_____ The categorical pretreatment standards for seven subcategories of the electroplating industry have been promulgated. These standards are listed in 40 CFR Part 413 published in the Federal Register on January 28, 1981.~~

~~2. _____ TIMBER PRODUCTS PROCESSING (WOOD PRESERVING PLANT) PRETREATMENT STANDARDS~~

~~— The categorical pretreatment standards for three subcategories of the timber products processing industry (wood preserving plants) have been promulgated. These standards are listed in 40 CFR Part 429 published in the Federal Register on January 26, 1981.~~

~~3. IRON AND STEEL MANUFACTURING PRETREATMENT STANDARDS~~

~~— The categorical pretreatment standards for twelve subcategories of the Iron and Steel Manufacturing Industry have been promulgated. These standards are listed in 40 CFR Part 420 published in the Federal Register on May 27, 1982.~~

~~4. INORGANIC CHEMICAL MANUFACTURING PRETREATMENT STANDARDS~~

~~— The categorical pretreatment standards for twenty-four (24) subcategories of the Inorganic Chemicals Manufacturing Industry have been promulgated. These standards are listed in 40 CFR Part 415 published in the Federal Register on June 29, 1982.~~

~~5. TEXTILE MILL PRETREATMENT STANDARDS~~

~~— The categorical pretreatment standards for nine (9) subcategories of the Textile Mill Industry have been promulgated. These standards are listed in 40 CFR Part 410 published in the Federal Register on September 2, 1981.~~

~~6. PETROLEUM REFINING PRETREATMENT STANDARDS~~

~~— The categorical pretreatment standards for five (5) subcategories of the Petroleum Refining Industry have been promulgated. These standards are listed in 40 CFR part 419 published in the Federal Register on October 18, 1982.~~

~~7. PULP, PAPER, AND PAPERBOARD AND THE BUILDERS' PAPER AND BOARD MILLS PRETREATMENT STANDARDS~~

~~— The categorical pretreatment standards for twenty-five (25) subcategories of the Pulp, Paper, and Paperboard and the Builders' Paper and Board Mills Industry have been promulgated. These standards are listed in 40 CFR Parts 430 and 431 published in the Federal Register on November 18, 1982.~~

~~8. LEATHER TANNING AND FINISHING INDUSTRY PRETREATMENT STANDARDS~~

~~— The categorical pretreatment standards for nine (9) subcategories of the Leather Tanning & Finishing Industry have been promulgated. These standards are listed in 40 CFR Part 425 published in the Federal Register on November 23, 1982.~~

~~9. STEAM ELECTRIC POWER PLANT PRETREATMENT STANDARDS~~

~~— The categorical pretreatment standards for the Steam Electric Power Plant Industry have~~

been promulgated. These standards are listed in 40 CFR Parts 125 and 423 published in the Federal Register on November 19, 1982.

~~10. PORCELAIN ENAMELING INDUSTRY PRETREATMENT STANDARDS~~

~~— The categorical pretreatment standards for four (4) subcategories of the Porcelain Enameling Industry have been promulgated. These standards are listed in 40 CFR Part 466 published in the Federal Register on November 24, 1982.~~

~~11. COIL COATING INDUSTRY PRETREATMENT STANDARDS~~

~~— The categorical pretreatment standards for three (3) subcategories of the Coil Coating Industry have been promulgated. These standards are listed in 40 CFR Part 465 published in the Federal Register on December 1, 1982.~~

Section 2. A new Chapter 13.06, Industrial Wastewater Pretreatment, is hereby adopted, as follows:

INDUSTRIAL WASTEWATER PRETREATMENT

Sections:

<u>13.06.010</u>	<u>Purpose and Policy</u>
<u>13.06.011</u>	<u>Definitions</u>
<u>13.06.012</u>	<u>Abbreviations</u>
<u>13.06.020</u>	<u>Administration</u>
<u>13.06.030</u>	<u>Discharge Prohibitions</u>
<u>13.06.031</u>	<u>Fats, Oil and Grease (FOG)</u>
<u>13.06.032</u>	<u>New Construction</u>
<u>13.06.033</u>	<u>Existing Construction</u>
<u>13.06.034</u>	<u>Grease Removal System Maintenance</u>
<u>13.06.035</u>	<u>Grease Removal System Additives</u>
<u>13.06.036</u>	<u>Solids Interceptor</u>
<u>13.06.037</u>	<u>Grease Removal System Sizing</u>
<u>13.06.038</u>	<u>Flow Controls</u>
<u>13.06.039</u>	<u>Record Keeping</u>
<u>13.06.040</u>	<u>Limitations on Wastewater Strength</u>
<u>13.06.041</u>	<u>National Categorical Pretreatment Standards</u>
<u>13.06.042</u>	<u>State Pretreatment Standards</u>
<u>13.06.043</u>	<u>Right of Revision</u>
<u>13.06.044</u>	<u>Dilution</u>
<u>13.06.045</u>	<u>Local Limits</u>
<u>13.06.050</u>	<u>Accidental Discharge/Slug Discharge Control Plans</u>
<u>13.06.051</u>	<u>Hauled Wastewater</u>
<u>13.06.060</u>	<u>Pretreatment Facilities</u>

<u>13.06.061</u>	<u>Additional Pretreatment Measures</u>
<u>13.06.080</u>	<u>Wastewater Discharge Permits</u>
<u>13.06.100</u>	<u>Reporting Requirements</u>
<u>13.06.110</u>	<u>Analytical Requirements</u>
<u>13.06.111</u>	<u>Sample Collection</u>
<u>13.06.120</u>	<u>Compliance Monitoring</u>
<u>13.06.130</u>	<u>Confidential Information</u>
<u>13.06.140</u>	<u>Publication Of Users In Significant Noncompliance</u>
<u>13.06.150</u>	<u>Administrative Enforcement Remedies</u>
<u>13.06.160</u>	<u>Judicial Enforcement Remedies</u>
<u>13.06.170</u>	<u>Supplemental Enforcement Action</u>
<u>13.06.180</u>	<u>Affirmative Defenses</u>
<u>13.06.181</u>	<u>Bypass</u>
<u>13.06.190</u>	<u>Pretreatment Charges and Fees</u>

13.06.010 - Purpose and Policy.

A. This Chapter sets forth uniform requirements for Dischargers into the Public Owned Treatment Works (POTW) and enables the City to protect public health in conformity with all applicable local, State and Federal laws relating thereto.

The objectives of this Chapter are:

1. To prevent the introduction into the City wastewater system of pollutants that could interfere with the normal operation of the system or contaminate the resulting municipal sludge;
2. To prevent the introduction into the City wastewater system of pollutants that do not receive adequate treatment in the POTW, and that will pass through the system into receiving waters or the atmosphere or otherwise be incompatible with the system;
3. To improve the opportunity to recycle and reclaim wastewater and sludge from the system;
4. To enable the City to comply with its National Pollutant Discharge Elimination System permit conditions, sludge use and disposal requirements, and any other Federal or State laws to which the POTW is subject.

B. This Chapter provides for the regulation of discharges into the City wastewater system.

C. This Chapter shall apply to all Users of POTW. The Chapter authorizes the issuance of wastewater discharge permits; provides for monitoring, compliance, and enforcement activities; establishes administrative review procedures; requires user reporting.

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

- A. "Act" - The Clean Water Act (33 U.S.C. 1251 et seq), as amended.
- B. "Additive" - Any material put into a Grease Removal System (GRS) or any drain lines or appurtenances discharging to a GRS intended in any way to modify the operation of the GRS.
- C. "AKART" - All known available and reasonable treatment technology.

D. "Applicable Pretreatment Standards" - For any specified pollutant, the City's prohibitive discharge standard, the City's specific limitations on discharge, the State of Washington pretreatment standards, or the National Categorical Pretreatment Standards (when effective), whichever standard is most stringent.

E. "Authorized or Duly Authorized Representative of the User"

1. If the user is a corporation:

a. The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or

b. 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 assure long-term environmental compliance with environmental laws and regulations; can ensure 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.

2. If the user is a partnership or sole proprietorship: a general partner or proprietor, respectively.

3. 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 regulated facility, or their designee.

4. The individuals described in paragraphs 1 through 3, 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.

F. "Automatic Grease Removal System (AGRS)" - A GRS that has provision to automatically remove separated FOG and/or settled solids from the tank and collect them for disposal.

G. "Biochemical Oxygen Demand or BOD" - 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).

H. "Best Management Practices or BMPs" - means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in Section 13.06.030 A and B [40 CFR 403.5(a)(1) and (b)]. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.

I. "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 U.S.C. Section 1317) which apply to a specific category of users and which appear in 40 CFR Chapter I, Subchapter N, Parts 405-471.

J. "Categorical Industrial User" - An Industrial User subject to a Categorical Pretreatment Standard or Categorical Standard.

K. "City" - City of Port Angeles, Washington.

L. "Composite Sample" - A composite of several samples taken throughout the period of a day when a regulated discharge is occurring. Several brands of electric samplers, some with a refrigerated sample collection area, may be used. Approvable composite samplers may either use a flow paced or time paced algorithm.

M. "Daily Limit or Daily Maximum Limit" - The maximum allowable discharge of a pollutant over a calendar day or equivalent representative 24-hour period.

N. "Director" - The City of Port Angeles' Public Works and Utilities Director. The term also means a duly authorized representative of the Director. Whenever in this Chapter the Director is given authority to establish limits, extend or shorten time, make a determination or finding, or make other decisions, he shall do so within the bounds of applicable local, state, and federal law and in accordance with BMPs.

O. "Discharge Authorization" - A wastewater discharge permit authorizing users to discharge wastewater to the Port Angeles POTW. These permits would be for users other than Minor Industrial Dischargers but still requiring a control mechanism.

P. "Discharger" - Any non-residential user who, by any means, discharges an effluent into a POTW.

Q. "Environmental Protection Agency" - The U.S. Environmental Protection Agency or, where appropriate, the Regional Water Management Division Director, the Regional Administrator, or other duly authorized official.

R. "Existing Source" - Any source of discharge subject to Categorical Standards that does not meet the definition of a "New Source."

S. "Fats, Oils, and Grease (FOG)" - The term fats, oils, and grease shall mean those components of wastewater amenable to measurement by the methods described in Standard Methods for the examination of Water and Wastewater, latest approved edition or other methods approved by 40 CFR136. For the purposes of this Chapter, the term Fats, Oils And Grease shall include polar fats, oils, and grease and other components extracted from wastewater by these methods, excluding the non-polar fraction.

T. "Food Service Establishment (FSE)" - Any establishment, commercial or noncommercial, primarily engaged in the preparing, serving, or otherwise making available for consumption foodstuffs in or on a receptacle that requires washing more than two (2) days per week and that discharges to the POTW.

U. "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.

V. "Grease Interceptor/Interceptor/Interceptor-style GRS" - Any relatively large in-ground or above-ground tank, generally, but not always, of precast concrete, with internal plumbing and baffling intended to act as a GRS or AGRS to serve one or more fixtures and that is remotely located.

W. "Grease Removal System (GRS)" - Any device designed for, and intended for, separating, collecting, and removing waterborne FOG and settleable solids prior to discharging to the POTW. This includes any AGRS.

X. "Grease Trap/Trap/Trap-style GRS" - Any relatively small appurtenance, generally, but not always, of cast iron or fabricated steel, with internal configuration and internal or external flow control, intended to function as a GRS or AGRS. All trap-style grease removal systems must be PDI or IAPMO approved.

Y. "Indirect Discharge" - The discharge or the introduction of pollutants into the POTW from any non-domestic source regulated under Section 307(b) (c) or (d) of the Act.

Z. "Industrial Waste" - Solid, liquid or gaseous waste resulting from any industrial, manufacturing, trade or business process or from the development, recovery or processing of natural resources.

AA. "Instantaneous Maximum Discharge Limit" or "Instantaneous Limit" - The maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of a discrete sample. Where a User is required to take a grab sample for purposes of determining compliance with Local Limits, this standard is the same as the Daily Maximum standard. For pollutants for which Users are required to take composite samples, (or for metals if no permit has been issued) the Instantaneous Limit shall be twice the Daily Limit.

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

CC. "Local Limits" - Effluent limitation developed for Users by the Director to specifically protect the POTW from the potential of Pass Through, Interference, vapor toxicity, explosions, sewer corrosion, and contaminations of biosolids. Such limits shall be based on the POTW's site-specific flow and loading capacities, receiving water considerations, and reasonable treatment expectations for non-domestic wastewater.

DD. "May" - Is permissive (see "shall").

EE. "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.

FF. "Minor Industrial User (MIU)" - A non-categorical industrial or commercial user of the POTW that does not qualify as a significant industrial user, but that operates facilities that:

1. Have some discharges of wastewater that could cause detectably elevated concentrations of metals or toxics in the pretreatment quarterly analysis; or

2. Have a discharge of small quantities of dangerous waste to the POTW which have been excluded from regulation under Chapter 173-303 WAC, or its successors, through the domestic sewage exclusion; or

3. Have a potential to discharge or spill chemicals to the POTW.

GG. "Monthly Average" - The arithmetic mean of the effluent samples 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.

HH. "Monthly Average Limit" - The limit to be applied to the Monthly Average to determine compliance with the requirements of this Chapter (see section 13.06.045 for listing).

II. "Natural Outlet" - Any outlet, including storm sewer overflows, into a watercourse, pond, ditch, lake or other body of surface or ground water.

JJ. "New Source" -

1. Any building, structure, facility, or installation from which there is (or may be) a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under Section 307(c), or its successors, of the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that

section, provided that:

a. The building, structure, facility, or installation is constructed at a site at which no other source is located; or

b. The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source;

or

c. The production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source, should be considered.

2. Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility, or installation meeting the criteria of Section (1)(b) or (c) above but otherwise alters, replaces, or adds to existing process or production equipment.

3. Construction of a New Source has commenced if the owner or operator has:

a. Begun, or caused to begin, as part of a continuous onsite construction program:

i. any placement, assembly, or installation of facilities or equipment; or

ii. significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or

b. Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts that can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

KK. "Non-FSE FOG Discharger (NFD)" - Any establishment, such as a church, synagogue, worship hall, banquet facility, or meeting space, with a commercial-style kitchen that is used for preparing, serving, or otherwise making available for consumption foodstuffs in or on a receptacle that requires washing two days a week or less and that discharges to the POTW.

LL. "NPDES" - National Pollutant Discharge Elimination System Permit program as administered by the USEPA or State.

MM. "O and M" - Operation and Maintenance.

NN. "Other Wastes" - Decayed wood, sawdust, shavings, bark, lime, refuse, ashes, garbage, offal, oil, tar, chemicals and all other substances except sewage and industrial wastes.

OO. "Pass Through" - A discharge that exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the [City]'s NPDES permit, including an increase in the magnitude or duration of a violation.

PP. "Person" - Any individual, partnership, co-partnership, 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.

QQ. "pH" - A measure of the acidity or alkalinity of a solution, expressed in standard units.

RR. "POTW (Public Owned Treatment Works)" - A treatment works, as defined by Section 212 of the Act (33 U.S.C. Section 1292), that 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, that convey wastewater to a treatment plant.

SS. "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, temperature, TSS, turbidity, color, BOD, Carbonaceous Oxygen Demand, toxicity, or odor).

TT. "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 can be obtained by physical, chemical, or biological processes; by process changes; or by other means, except by diluting the concentration of the pollutants unless allowed by an applicable pretreatment standard.

UU. "Sewage" - Water-carried human wastes or a combination of water-carried wastes from residence, business buildings, institutions and industrial establishments, together with such ground, surface, storm or other waters as may be present.

VV. "Sewer" - Any pipe, conduit, ditch or other device used to collect and transport sewage or storm water from the generating source.

WW. "Shall" Is mandatory.

XX. "Significant Industrial User (SIU)" - Except as provided in paragraph (3) below, a Significant Industrial User is:

1. A User subject to categorical pretreatment standards; or

2. A User that:

a. 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);

b. Contributes a process wastestream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant;
or

c. Is designated as such by the 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.

3. Upon a finding that a User meeting the criteria in paragraph (2) above 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), or its successors, determine that such User should not be considered a Significant Industrial User.

YY. "Slugload" 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 that could cause a violation of the prohibited discharge standards of Section 13.06.030 of this Chapter.

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

AAA. "Suspended Solids" - The total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquid, and that is removable by laboratory filtering.

BBB. "Toxic Pollutants" - Those substances, and any other pollutant or combination of pollutants listed as toxic in regulations promulgated by the Administrator of the Environmental Protection Agency under Section 307, or its successors, of the Clean Water Act.

CCC. "Upset" - An exceptional incident in which a Discharger unintentionally and temporarily is in a state of noncompliance with the standards set forth in this Chapter due to factors beyond the reasonable control of the Discharger, and excluding noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation thereof.

DDD. "User or Industrial User" - A source of indirect discharge.

EEE. "Wastewater" - Industrial waste, or sewage or any other waste including that which may be combined with any ground water, surface water or storm water, that may be discharged to the POTW.

13.06.012 - Abbreviations.

A. AGRS - Automatic Grease Removal System

B. BOD - Biochemical Oxygen Demand

C. BMP - Best Management Practice

D. CFR - Code of Federal Regulations

E. CIU - Categorical Industrial User

F. DOE - Department of Ecology

G. EPA - U.S. Environmental Protection Agency

H. FSE - Food Service Establishment

I. FOG - Fats, Oils and Greases

J. gpd - gallons per day

K. GRS - Grease Removal System

L. mg/l - milligrams per liter

M. MIU - Minor Industrial User

N. NFD - Non-FSE FOG Discharger

O. NPDES - National Pollutant Discharge Elimination System

P. POTW - Publicly Owned Treatment Works

Q. RCRA - Resource Conservation and Recovery Act

R. SIU - Significant Industrial User

S. TSS - Total Suspended Solids

T. USC - United States Code

13.06.020 - Administration. Except as otherwise provided herein, the Director shall administer, implement, and enforce the provisions of this Chapter. Any powers granted to or duties imposed upon the Director may be delegated by the Director to other City personnel. The

Washington State Department of Ecology (DOE) will evaluate all Significant Industrial Users (SIUs) who wish to discharge into the City of Port Angeles' POTW. DOE will issue all industrial wastewater discharge permits and perform enforcement actions against those SIUs that are in violation of their discharge permit or this Chapter.

13.06.030 - Discharge Prohibitions.

A. No user shall introduce or cause to be introduced into the POTW any pollutant or wastewater that 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.

B. No User shall introduce or cause to be introduced into the POTW the following pollutants, substances, or wastewater:

1. Pollutants that 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, or its successors.

2. Any soluble waste or wastes having a pH lower than 5.0 or higher than 10.0 or having any other corrosive property that reasonably could be hazardous to structures, equipment, or personnel of the City, such as, but not limited to, battery or plating acids and wastes, copper sulfate, chromium salts and compounds, or salt brine.

3. Solid or viscous substances in amounts that 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.

4. Pollutants, including oxygen-demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration that, either singly or by interaction with other pollutants, will cause interference with the POTW.

5. Wastewater having a temperature that 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 that causes the wastewater temperature at the treatment plant to exceed 104 degrees F (40 C).

6. Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin, in amounts that will cause Pass Through or Interference.

7. Pollutants that result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems.

8. Trucked or hauled pollutants, except at discharge points designated by the Director in accordance with Section 13.06.051 of this Chapter.

C. The following classes of discharge are prohibited unless approved by the Director because of extraordinary circumstances, such as lack of direct discharge alternatives due to combined sewer service or need to augment sewage flows due to septic conditions:

1. Noncontact cooling water in significant volumes.

2. Stormwater, or other direct inflow sources.

3. Wastewaters significantly affecting system hydraulic loading that do not require treatment or would not be afforded a significant degree of treatment by the system.

4. New discharges of stormwater, surface water, ground water, artesian well water, roof runoff, subsurface drainage, condensate, deionized water, noncontact cooling water, and unpolluted wastewater, unless specifically authorized by the Director.

5. Sludges, screenings, or other residues from the pretreatment of industrial wastes, unless specifically authorized by the Director.

6. Medical wastes, except as specifically authorized by the Director in a wastewater discharge permit.

D. Noxious or malodorous liquids, gases, solids, or other wastewater that 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.

E. Wastewater that imparts color that cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, that consequently imparts color to the treatment plant's effluent, thereby violating the City's NPDES permit.

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

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

H. Detergents, surface-active agents, or other substances that may cause excessive foaming in the POTW.

I. 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.

J. Pollutants, substances, or wastewater prohibited by this section shall not be processed or stored in such a manner that an unintended discharge to the sanitary sewer or the storm sewer could occur.

13.06.031 - Fats, Oil and Grease (FOG).

A. No user shall discharge more than 100 mg/l of fats, oils or greases into the sewer system at any instant. The City may sample and inspect grease traps of commercial establishments to ensure they are being maintained to reduce buildup of grease in the sewer system. The City recognizes that preventative measures are necessary to control discharges containing FOG that might cause wastewater treatment plant interference. The City may require commercial establishments to initiate Best Management Practices (BMPs) to control and maintain grease interceptors or traps.

B. All FSEs and NFDs shall have an adequate grease removal system installed and exercise proper kitchen best management practices to ensure that excess concentrations of FOG are not discharged to the POTW. The property owner shall maintain all grease interceptors or traps in accordance with manufacturer recommendations.

C. In the event that the City cleans a sewer main blocked by FOG originating from a commercial establishment, the commercial establishment shall reimburse the City for those costs.

13.06.032 - New Construction.

A. Prior to construction of a new FSE or NFD, a building permit shall be obtained from the appropriate jurisdiction. Plan submittals shall include kitchen fixture plan views and kitchen waste plans showing all potential grease discharging lines, all GRSs, and connecting piping. The application shall be routed to the Director or his designee for review and approval prior to connecting new construction to the POTW.

B. All new single occupancy Food Service Establishment buildings shall be constructed with properly sized grease removal systems. All kitchen drains and any other drains that may carry grease-laden waste shall be connected to a GRS. A dishwasher shall not be connected to trap-style Grease Removal Systems. If a trap-style GRS is installed, the kitchen may not have a garbage disposal/garbage grinder/macerator or similar unit connected to it.

C. All new construction, multiple occupancy, and food service establishment buildings, shall include a separate waste line for all leasable spaces that discharge to a common 2000 gallon or larger interceptor. This waste line shall be permanently marked to identify it as required by the Director. When a space is leased, sold, or rented to a FSE or NFD, all kitchen drains and any other drains that may carry grease-laden waste shall be connected to this waste line; no domestic sewage may be connected to this line. The property owner shall be responsible for proper maintenance of this interceptor in accordance with the provisions of this Chapter.

D. All new single occupancy Non-FSE FOG Discharger buildings shall install a properly sized GRS. Interceptor-style GRSs are recommended, but trap-style GRSs are permissible. All kitchen drains and any other drains that may carry grease-laden waste shall be connected to this GRS (except the dishwasher if a trap-style GRS is installed). If a trap-style GRS is installed, the kitchen may not have a garbage disposal/garbage grinder/macerator or similar unit installed.

E. Any FSE or NFD undertaking a substantial remodel will be considered to be new construction for the purposes of this Chapter.

13.06.033 - Existing Construction.

A. Every person owning or operating an FSE without a functional GRS shall be required to install a functional GRS. The type of GRS required will be determined by the Director, taking into account cost, available space and gradient, and any other pertinent information. Where feasible, all kitchen drains and any other drains that may carry grease-laden waste shall be connected to the GRS. Dishwashers shall not be connected to trap-style Grease Removal Systems. If a trap-style GRS is installed, the kitchen may not have a garbage disposal/garbage grinder/macerator or similar unit installed.

B. Any existing NFD without a functional GRS may be required to install one. The type of GRS required will be determined by the Director, taking into account cost, available space and gradient, whether the user is in a grease impact area, and any other pertinent information. Where feasible, all kitchen drains and any other drains that may carry grease-laden waste shall be connected to this GRS (except the dishwasher if a trap-style GRS is installed). If a trap-style GRS is installed, the kitchen may not have a garbage disposal/garbage grinder/macerator or similar unit installed.

13.06.034 - Grease Removal System Maintenance.

A. All grease removal systems shall be maintained to ensure proper operation. At a minimum, interceptor-style GRSs shall be cleaned at least once every ninety (90) days and

trap-style GRSs cleaned at least once per week. These required frequencies may be extended with the approval of the Director. Grease Removal Systems must be cleaned whenever the combined thickness of the floating greases and settled solids is equal to, or greater than, 25% of the total liquid depth in the GRS.

B. When cleaned, an interceptor-style GRS must be completely pumped out, all solids removed, solidified grease scraped from the interior and the structure and all internal plumbing inspected for damage and corrosion. The GRS shall be refilled with water prior to being placed back into operation. If repairs are required, they shall be performed within seven (7) days.

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

D. The material that is removed in the process of cleaning a GRS shall not be discharged back into the GRS, any part of the POTW, any private sewer, any drainage piping, or storm sewer system. All materials removed shall be handled and disposed of in accordance with Federal, State, County and Local laws, rules and regulations.

E. In addition to the maintenance required above, Automatic Grease Removal Systems shall be maintained in accordance with the manufacturers' guidelines.

13.06.035 - Grease Removal System Additives. No additive may be introduced to the plumbing system that would reduce the effectiveness of the GRS.

13.06.036 - Solids Interceptor. If a garbage disposal/garbage grinder/macerator or similar unit is installed in a kitchen, it must discharge to the GRS through a solids interceptor plumbed immediately after the garbage disposal/garbage grinder/macerator or similar unit. The solids interceptor shall be maintained in proper operating condition at all times.

13.06.037 - Grease Removal System Sizing. Trap-style grease removal systems shall be sized in accordance with the standards in the currently adopted Plumbing Code.

13.06.038 - Flow Controls. All trap-style grease removal systems shall have an internal or external flow control installed to ensure that wastewater flow through the trap does not exceed the manufacturer's design flow rating. This flow control shall be maintained in operating condition at all times.

13.06.039 - Record Keeping. Users subject to this Chapter shall document all cleaning and maintenance activities performed on their GRS. These records shall be maintained for a minimum of three (3) years and be available for inspection and copying by the Director or his representative. This period shall be automatically extended for the duration of any litigation concerning the user or the POTW, or where the user has been specifically notified of a longer retention period required by the Director.

13.06.040 - Limitations on Wastewater Strength. No user shall introduce or cause to be introduced into the POTW any of the following discharges unless approved otherwise in writing by the Director:

A. A standard five (5) day biochemical oxygen demand greater than four hundred (400) milligrams per liter or fifty (50) pounds in any one load, whichever is less.

B. Wastes containing more than four hundred (400) milligrams per liter of suspended solids or fifty (50) pounds in any one load, whichever is less.

C. A daily average flow of fifty thousand (50,000) gallons or more, or a flow greater than five percent (5%) of the flow carried by the treatment facility receiving the waste, whichever is less.

13.06.041 - National Categorical Pretreatment Standards. The categorical pretreatment standards found at 40 CFR Chapter I, Subchapter N, Parts 405-471, and its successors, are incorporated herein by this reference.

A. Where a categorical pretreatment standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the Director may impose equivalent concentration or mass limits in accordance with Section 13.06.041(D) and (E) (see 40 CFR 403.6(c)).

B. When categorical Pretreatment Standards are expressed in terms of a mass of pollutant that may be discharged per unit of production, the 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)).

C. The Director may permit 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 Director shall apply the combined wastestream formula as found at 40 CFR 403.6(e), and its successors, to determine appropriate limits.

D. 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.

1. The City may establish equivalent mass limits if the Industrial User meets all of the conditions set forth below. To be eligible for equivalent mass limits, the Industrial User must submit information with its permit application or permit modification request that:

a. Shows it has a pretreatment system that has consistently met all applicable Pretreatment Standards and maintained compliance without using dilution.

b. Describes the water conserving practices and technologies it employs, or will employ, to substantially reduce water use during the term of its permit.

c. Includes the facility's actual average daily flow rate for all waste streams from continuous effluent flow metering.

d. Determines an appropriate unit of production, and provides the present and long-term average production rates for this unit of production.

e. Shows that long term average flow and production are representative of current operating conditions.

f. Shows that its daily flow rates, production levels, or pollutant levels do not vary so much that equivalent mass limits would be inappropriate.

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

2. An Industrial User subject to equivalent mass limits must:

a. Maintain and effectively operate control and treatment technologies adequate to achieve compliance with the equivalent mass limits.

b. Continue to record the facility's flow by continuous effluent flow monitoring.

c. Continue to record the facility's production rates.

d. Notify the Director if production rates are expected to vary by more than 20 percent from the baseline production rates submitted according to paragraph 13.06.041(D)(1)(d). The Director may reassess and revise equivalent limits as necessary to reflect changed conditions.

e. Continue to employ the same or comparable water conservation methods and technologies as those implemented pursuant to section 13.06.041(D)(1)(b) so long as it discharges under an equivalent mass limit.

3. Equivalent mass limits:

a. Shall not exceed the product of the actual average daily flow from regulated process(es) of the User and the applicable concentration-based daily maximum and monthly average standards (and the appropriate unit conversion factor).

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

c. May be retained in subsequent permits if the User's production basis and other information submitted in 13.06.041(D)(1) is verified in their reapplication. The User must also be in compliance with Section 13.06.181 regarding the prohibition of bypass.

E. The 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 Director will document the basis and the determination that dilution is not being substituted for treatment in the permit fact sheet.

F. The 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.

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

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

I. Users subject to permits with equivalent mass or concentration limits calculated from a production based standard shall notify the Director if production will significantly change. This notification is required within two (2) business days after the User has a reasonable basis to know that production will significantly change in the next calendar month. Users who fail to notify the Director of such anticipated changes must meet the more stringent of the equivalent limits or the User's prior limits.

13.06.042 - State Pretreatment Standards. The current version of the Washington State pretreatment standards and requirements, located at Chapter 173-216 WAC, and all subsequent amendments to those standards and requirements, are incorporated herein by this reference. All

waste materials discharged from a commercial or industrial operation into the POTW must satisfy the provisions of Chapter 173-216 WAC. The following are required for discharges to a POTW:

A. 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. Until the City is delegated the authority to review and approve such plans under RCW 90.48.110, sources of non-domestic discharges shall request approval for such plans through the Department of Ecology. To ensure conformance with this requirement, proof of the approval of such Plans and one copy of each approved plan shall be provided to the Director before commencing any such construction or modification.

B. Users shall apply to the Director for a permit at least sixty (60) days prior to the intended discharge of any pollutants other than domestic wastewater or wastewater that the 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)).

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

D. 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)).

E. 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 13.06.030).

F. 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. 56 RCW, Chapter 173-03 WAC, and RCW 43.21A.160.

G. 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:

1. The name and address of the applicant and facility/activity to be permitted.

2. A brief description of the activities or operations which result in the discharge.

3. Whether any tentative determination which has been reached with respect to allowing the discharge.

4. The address and phone number of the office of the Director where persons can obtain additional information.

5. The dates of the comment period (which shall be at least thirty (30) calendar days).

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

H. The Director shall require persons applying for a new permit or a permit renewal or modification which allows a new or increased pollutant loading to mail notice to persons who have expressed an interest in being notified, to state agencies and local governments with a regulatory interest, and shall post the notice on the premises. If the Director determines that

there is sufficient public interest, the City shall hold a public meeting following the rules of WAC 173-216-100.

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

J. 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.

13.06.043 - Right of Revision. The City reserves the right to amend this Chapter to provide for more stringent limitations or requirements on discharges to the POTW where deemed necessary to comply with the objectives set forth in Section 13.06.010 of this Chapter.

13.06.044 - Dilution. No user shall 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 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.

13.06.045 - Local Limits.

A. The City has established local limits pursuant to 40 CFR 403.5(c). These limitations are "pretreatment standards" and are enforceable in wastewater discharge permits. The 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 following local limits.

<u>Pollutant</u>	<u>Local Limit (mg/L)</u>
<u>Arsenic</u>	<u>0.21</u>
<u>Arsenic(i)</u>	<u>0.98</u>
<u>Cadmium</u>	<u>0.14</u>
<u>Chromium</u>	<u>42.2</u>
<u>Copper</u>	<u>2.43</u>
<u>Cyanide</u>	<u>0.50</u>
<u>Lead</u>	<u>1.09</u>
<u>Mercury</u>	<u>0.09</u>
<u>Molybdenum</u>	<u>0.17</u>

<u>Nickel</u>	<u>1.38</u>
<u>Selenium</u>	<u>0.86</u>
<u>Silver</u>	<u>0.85</u>
<u>Zinc</u>	<u>2.38</u>

B. The 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 Director may impose mass limits in addition to a concentration based limits.

C. Users discharging BOD or TSS in excess of the concentration limits by more than the threshold amount identified in section 13.06.040, must apply for a permit. The permit will specify a maximum concentration that may not be exceeded. Such Users shall be subject to surcharges up to the maximum loading limit established by permit.

D. Users shall be subject to "instantaneous limits" (as determined by a grab sample) of equal to twice the "local limit concentration 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. The Director shall use the individual permit process to establish ceiling limits for compatible pollutants and appropriate discharge limits for all other pollutants not listed, including pollutants subject to regulation under RCRA, volatile or semi-volatile organics, halogenated or brominated compounds, poly-aromatic hydrocarbons, polymers, surfactants, pesticide active ingredients, etc.

F. The Director may establish and require Best Management Practices for any category of User or type of 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 13.06.045. 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.

13.06.050 - Accidental Discharge/Slug Discharge Control Plans. The Director may require any User to develop and implement an accidental discharge/slug discharge control plan and take other actions the Director determines are necessary to control discharges that may be caused by spills or periodic non-routine activities. Accidental discharge/slug discharge control plans shall include at least the following:

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

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

C. The procedures for immediately notifying the Director of any accidental or slug discharge, as required by Section 13.06.100(F) of this Chapter; and

D. 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.

13.06.051 - Hauled Wastewater.

A. Residential wastes meeting the definition of "septage" may be introduced into the POTW at locations designated by the Director, and at such times as are established by the Director. The hauler of such wastes shall be responsible for ensuring such wastes comply with all discharge prohibitions (Section 13.06.030 of this Chapter) and other applicable requirements of the City. The Director shall require septic tank waste haulers to obtain septic hauler discharge permits and provide a manifest at the time of discharge identifying the customer name, address, and volume from each residence.

B. The Director shall require the hauler, and may also require the generator, of non-domestic waste (including FOG) to obtain a discharge permit. Any disposal of other hauled industrial waste must be first approved by the Director as required by Section 13.06.080.

13.06.060 - Pretreatment Facilities. Users shall provide wastewater treatment 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 13.06.030 of this Chapter within the time limitations specified by EPA, the State, or the 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 13.06.042. Such plans (Engineering Report, Plans and Specifications, and Operation and Maintenance Manuals) shall be submitted as required by Chapter 173-240 WAC, and its successors, to Department of Ecology for review. Users shall obtain approval, and provide proof of Department of Ecology approval to the City, 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.

13.06.061 - Additional Pretreatment Measures.

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

B. The Director may halt or prevent any discharge to the POTW that 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 Director shall attempt to provide not only notice to the affected User(s), but the opportunity to respond.

C. The Director may require Users to reduce or curtail certain discharges to the sewer, 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 all other measures to protect the POTW and determine the user's compliance with the requirements of this Chapter.

D. The Director, based on the determination that such devices are necessary for implementation of pretreatment requirements, may require any User to install and maintain, on their property and at their expense the following devices:

1. A sample taking facility accessible to the Director.
2. A suitable storage and/or flow equalization tank.
3. Grease, oil, and/or grit interceptors.

4. An approved combustible gas detection meter.
5. Users installing any of the above devices shall ensure they are of the type and capacity approved by the Director, meet applicable building and plumbing codes, and conform to any separate requirements established by the City. Users shall locate units in areas easily accessible for cleaning and inspection by representatives of the Director. Users shall be responsible for all periodic inspection, cleaning, and repair of such devices.

13.06.080 - Wastewater Discharge Permits.

A. Industrial User Surveys. To satisfy this requirement, all non-domestic Users of the POTW must periodically complete an Industrial User Survey form. Users shall fully disclose the information requested and sign the completed form in accordance with section 13.06.080(B). Proper completion of survey requirements is a condition of initial and continued discharge to the POTW. Users failing to fully comply with survey requirements within thirty (30) days shall be subject to all enforcement measures authorized under this Chapter including termination of service. The Director is authorized to prepare several forms for this purpose and to require completion of the particular form which the Director determines appropriate to provide the information needed to categorize each User. The Director is 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. 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 13.06.100(L).

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.

C. Wastewater Discharge Permit Requirement.

1. No User categorized by the Director as a Significant Industrial User shall discharge wastewater into the POTW without first (1) filing an appropriate Application with the Department of Ecology (DOE) and (2) obtaining an individual wastewater discharge permit from DOE. A Significant Industrial User that has filed a timely application pursuant to Section 13.06.080(D) of this Chapter may continue to discharge unless and until notified otherwise by DOE or the City.

2. The Director shall require all Minor Industrial Users to obtain wastewater discharge permits.

3. Occasional Users are persons who do not normally discharge to the City POTW, but from time-to-time have a need to discharge hauled waste. Occasional Users are required to obtain a Discharge Authorization from the Director. Discharge Authorization applications and decisions shall be accomplished in accordance with Sections 13.06.080(F) through 13.06.080(H) of this Chapter.

4. Other Users shall 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 or grease control.

5. Any failure to complete the required survey form, to apply for and obtain a required permit, or to comply with 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 13.06.150 through 13.06.170 of this Chapter. Obtaining a wastewater discharge permit does not relieve a permittee of its obligation to comply with all Federal and State pretreatment standards or requirements or with any other requirements of Federal, State, and local law.

D. 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 Chapter and who wishes to continue such discharges shall, within thirty (30) days after the effective date, apply to the Director for a wastewater discharge permit in accordance with Section 13.06.080(F) of this Chapter, and shall not cause or allow discharges to the POTW to continue longer than sixty (60) days after the effective date of this Chapter except in accordance with a wastewater discharge permit issued by the Director.

E. Wastewater Discharge Permitting: New Connections. Persons wishing to establish a new discharge of non-domestic wastewater to the POTW must first complete a survey form. Any User identified by the Director through the survey as needing a permit must file a permit application. Applications for wastewater discharge permits, in accordance with Section 13.06.080(F) 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.

F. Wastewater Discharge Permit Application Contents.

1. All Users required to obtain a wastewater discharge permit must apply using the form provided by the Director. Users must supply the Director the following information as part of the permit application if relevant to the Users operation.

a. Identifying information.

i. 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;

ii. 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:

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

ii. The number and type of employees, and proposed or actual hours of operation.

iii. The type, amount, rate of production, and process used for each product produced.

iv. The type and amount of raw materials used (average and maximum rates).

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

vi. The types of wastes generated on a routine and periodic basis.

vii. The times and durations when wastes will be discharged.

viii. 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.

ix. 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.

x. The sampling locations and provisions for monitoring discharges.

xi. Whether plans for wastewater facilities under Chapter 173-240 WAC have been developed, and their approval status (Engineering Report, Plans and Specifications, and an Operations and Maintenance 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 combined waste stream formula per Section 13.06.041(C)(and 40 CFR 403.6(e)) where applicable.

e. Pollutant data.

i. The categorical pretreatment standards applicable to each regulated process.

ii. The results of sampling and analysis identifying the nature and concentration, (and mass where required by the standard or the Director), of regulated pollutants in the discharge from each regulated process.

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

f. Sampling data to show samples are:

i. Representative of daily operations.

ii. Taken just downstream from pretreatment facilities if such exist, or just downstream of the regulated process(es) if no pretreatment exists.

iii. Collected as required by Section 13.06.111 of this Chapter.

iv. Analyzed according to Section 13.06.110 of this Chapter.

g. Information confirming BMPs. Where standards specify a BMP or pollution prevention alternative, the User must include the information sufficient to document that the BMPs or the applicable standards are (or will be) implemented.

h. Any request 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 13.06.100(D).

i. Any other information deemed necessary by the 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 City shall be held harmless for delays caused by returned applications.

G. Wastewater Discharge Permit Decisions. The Director will evaluate the data furnished by the User and may require additional information. Within forty-five (45) days of receipt of a complete permit application, the Director will determine whether to issue an individual wastewater discharge permit. The Director may deny any application for an individual wastewater discharge permit, if he or she determines that the discharge does not meet applicable pretreatment standards and requirements or when the discharge would cause the POTW to violate the NPDES permit.

H. Wastewater Discharge Permit Duration. The 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.

I. Wastewater Discharge Permit Contents. Wastewater discharge permits will include conditions the Director deems reasonably necessary to carry out the goals of the pretreatment program (Section 13.06.010), federal and state regulations, and the requirements of this Chapter.

1. Wastewater discharge permits will contain:
 - a. The permit issuance date, expiration date, and effective date.
 - b. A statement that the wastewater discharge permit is nontransferable except in accordance with Section 13.06.080(L) 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 13.06.042(I)).
 - d. The pollutants to be monitored and specific monitoring requirements. This includes the sampling location(s), sampling frequencies, and sample types consistent with Federal, State, and local law. (See Section 13.06.042(J)).
 - e. Requirements to submit certain reports (as reflected in section 13.06.100), 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 13.06.100(D)(2), 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 in accordance with Section 13.06.050 where the Director determines such plans are important to preventing accidental, unanticipated, or non-routine discharges.
 - i. Any monitoring which has been conditionally waived by the Director according to Section 13.06.100(D) (2) but which automatically applies at any time the requirements of the conditional waiver are not met.
 - 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 13.06.061 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 permittee of responsibility for compliance with all applicable Federal and State pretreatment standards, including those which become effective during the term of the wastewater discharge permit.

h. Other conditions as deemed appropriate by the Director to ensure compliance with this Chapter, and State and Federal laws, rules, and regulations.

J. Permit Issuance Process.

1. Public Notice. Users shall follow the procedures for public notice found in Section 13.06.042(G) and (H). The Director shall consider and respond to public input as appropriate prior to issuance of a permit.

2. Permit Appeals. The Director shall provide public notice of the issuance of a wastewater discharge permit. The notice will be published in a newspaper of general circulation that provides meaningful public notice within the jurisdictions serviced by the POTW. Any person, including the User, may petition the 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, with rationale to support alternative conditions, 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 Director fails to act within thirty (30) 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 with Superior Court of Clallam County within thirty (30) days.

K. Wastewater Discharge Permit Modification.

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

a. To incorporate any new or revised Federal, State, or local pretreatment standards or requirements including new or revised local limits.

b. To address new or changed operations, processes, production rates, waste streams, or changes in water volume or character.

c. To reflect conditions at the POTW requiring an authorized discharge to be reduced or curtailed. Such requirements may be either temporary or permanent.

d. Based on information indicating that a permitted discharge poses a threat to the POTW or staff, the receiving waters, or to violate a prohibition of this Chapter.

e. To address violations of any terms or conditions of the wastewater discharge permit.

f. To address misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required report.

g. To incorporate revisions based on a variance from categorical pretreatment standards approved pursuant to 40 CFR 403.13.

h. To correct typographical or other errors in the wastewater discharge permit.

i. To reflect a transfer of the facility ownership or operation to a new owner or operator as required under Section 13.06.080(L).

L. 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 Director and the 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 Director must include a written certification by the new owner or operator which:

1. States that the new owner and/or operator will not change the facility's operations and processes unless in compliance with this Chapter.

2. Identifies the specific date on which the transfer is to occur.

3. Acknowledges full responsibility for complying with the existing wastewater discharge permit.

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

1. Failed to notify the Director of significant changes to the wastewater prior to the changed discharge.

2. Failed to provide prior notification to the Director of changed conditions pursuant to Section 13.06.100(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 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 a wastewater 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.
12. Ceased operations.
13. Transferred business ownership.
14. Wastewater discharge permits issued to a user are void upon the issuance of a new wastewater discharge permit to that user.

N. Wastewater Discharge Permit Reissuance. User with an expiring wastewater discharge permit shall apply for wastewater discharge permit reissuance by submitting a complete permit application, in accordance with Section 13.06.080(F) of this Chapter, a minimum of ninety (90) days prior to the expiration of the User's existing wastewater discharge permit.

O. Regulation of Waste Received from Other Jurisdictions.

1. Prior to accepting wastewater for treatment from another municipality, or from a User located outside the municipal corporate boundaries of the City, the City shall enter into an inter-municipal agreement with the contributing municipality (County, Special Purpose District, or other government entity recognized under State Law). Such agreement shall affix responsibilities in an enforceable manner to ensure 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 (Department of Ecology) and processed as a minor program modification.

2. Prior to entering into an agreement required by paragraph 1 above, the 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 municipality;

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

c. Such other information as the Director may deem necessary.

3. An interlocal agreement, as required by paragraph 1, above, shall contain the following provisions:

a. Requirements for contributing municipalities to adopt a sewer use Chapter that establishes Pretreatment Standards and Requirements as stringent as in this Chapter. The Chapter provisions and limits shall be revised to conform within nine (9) months to any future revisions of the City's Chapter.

b. Requirements for the contributing municipality 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. Such tasks include reinforcing prohibitions, locating Users, issuing wastewater discharge permits, conducting inspections, sampling, evaluating compliance, initiating enforcement, and reporting compliance. Any activities that will be conducted jointly by the contributing municipality and the Director must also be identified.

d. Requirements for the contributing municipality to provide the Director access to all information that the contributing municipality 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. 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 that the Director may enter and inspect Users' facilities located within the contributing municipality's jurisdictional boundaries to confirm that the pretreatment program is being properly administered and that Users are properly categorized, etc.

g. Provisions for addressing any breach of the terms of the inter-municipal agreement.

13.06.100 - Reporting Requirements.

A. Baseline Monitoring Reports. When a Categorical Standard for an industry category is published, Users that perform that process are subject to the Categorical Standard and Users that either currently discharge or are scheduled to discharge wastewater from the process to the POTW, must submit a "baseline monitoring report" to the Director. This report must contain the information listed in the paragraph below. The report is due within one hundred eighty (180) days after the effective date of a Categorical Standard, unless the final administrative decision on a category determination comes later.

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 Director containing the information listed in paragraph 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.

The Baseline Monitoring Report shall include the following information:

1. All information required in Section 13.06.080(F)(1)(a) through 13.06.080(F)(1)(g).

2. Additional Conditions for Existing Sources Measuring pollutants:

a. Users shall take a minimum of one representative sample to compile the data for the Baseline Monitoring Report.

b. 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 combined wastestream formula of Section 13.06.041(C) and 40 CFR 403.6(e). Where the User wants an alternate concentration or mass limit, and it is allowed by federal rules at 40 CFR 403.6(e), the User shall propose the adjusted limit and provide supporting data to the City.

c. Sampling and analysis shall be performed in accordance with Section 13.06.110 (Analytical Requirements), and Section 13.06.111 (Sample Collection).

d. The 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.

e. 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.

3. Compliance Certification. The User shall furnish to the Director, upon request, a statement, reviewed by the User's Authorized Representative and certified by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment steps are required to meet the pretreatment standards and requirements. A qualified professional could be someone that has comprehensive experience and training with the equipment, manufacturers representative, or a professional engineer.

4. Compliance Schedule. While New Sources must install the treatment required to meet 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 13.06.100(B) of this Chapter.

5. Signature and Report Certification. All baseline monitoring reports must be certified in accordance with Section 13.06.100 (L) of this Chapter and signed by an authorized representative as defined by Section 13.06.011 (E).

B. Compliance Schedule Progress Reports. The following conditions shall apply to compliance schedules proposed by operators of Existing Sources according to Section 13.06.100(A)(4) of this Chapter and incorporated into permits:

1. The schedule shall establish dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (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 Director no later than fourteen (14) days following each date in the schedule and the final date of compliance including, as 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 Director.

C. Reports on Compliance with Categorical Pretreatment Standard Deadline. Both Existing Sources and New Sources must submit a report on whether 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 ninety (90) days after starting to discharge to the POTW. In both cases, the report must

contain the information described in Sections 13.06.080.(F) (1)(c) through 13.06.080.(F)(1)(f). For existing sources, it must also contain the compliance certification of 13.06.100.(A) (3) and, if needed, the compliance schedule described in 13.06.100(A)(4). Users subject to equivalent mass or concentration limits, as allowed by Section 13.06.041, 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 13.06.100(L)(1) of this Chapter.

D. Periodic Compliance Reports.

1. Significant Industrial Users (SIUs), must:
 - a. Report at least twice a year, in June and December, unless other months are specified.
 - 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.
 - d. Include the documentation needed to show compliance with applicable BMPs, pollution prevention alternatives, maintenance, treatment, or record keeping requirements.
2. The Director may authorize a Categorical Industrial User (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 13.06.080(F)(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 (2) or (3), 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 13.06.100(L)(1).
 - f. The CIU includes, in routine monitoring reports, the statement in Section 13.06.100(L)(2), certifying that there has been no increase in the pollutant in its waste stream due to activities of the 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 operations.

The 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 three (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 five (5) years. The Director may cancel a monitoring waiver at any time for any good reason.

3. The Director may reduce the minimum periodic compliance reporting frequency for CIU's from twice a year (Section 13.06.100(D)(1)) to once a year where the CIU:

a. Discharges wastewater subject to categorical standards at a rate less than one gallon per every 10,000 gallons of POTW design maximum monthly average flow capacity (per the [City] NPDES permit). The CIU must measure its discharge using a continuous (or totalizing) effluent flow meter. If the CIU discharges in batches, the Director will determine eligibility by dividing total flows in all batches which contain any proportion subject to categorical regulation by the number of days the CIU is in full operation in a given calendar month.

b. Discharges less than 5,000 gallons of wastewater subject to categorical standards on the maximum day (including for batch dischargers).

c. Discharges categorical wastewater with less than one pound of BOD per each 10,000 pounds of POTW loading capacity. POTW loading capacity is the design maximum monthly average BOD loading capacity per the City's NPDES permit (or if not included in the permit, in approved City plans).

d. Discharges less than 0.01 percent of the maximum allowable headworks loading for any pollutant regulated by both an applicable Categorical Standard and a local limit in Section 13.06.045 of this Chapter.

e. Has not been in Significant Non-Compliance as defined in this Chapter during the prior two years.

f. Has daily flow rates, production levels, or pollutant levels that are consistent enough the Director believes will allow representative data at the decreasing reporting interval.

4. Users must sign and certify all periodic compliance reports in accordance with Section 13.06.100(L)(1) of this Chapter.

5. Users must take wastewater samples that 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 ensure they function properly. The Director shall not allow User claims that sampling results are unrepresentative due to a User's failure to meet this requirement.

6. 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 pollutant at their respective effluent monitoring locations using procedures prescribed in Section 13.06.100(K) of this Chapter. In such cases, the results of this monitoring shall be included in periodic monitoring reports.

7. 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 Director. The Director may also require reporting in both digital and traditional format.

E. Reports of Changed Conditions. Each User must notify the Director of any significant changes to the User's operations or system that might alter the nature, quality, or volume of its wastewater. This notification must be made at least thirty (30) days before the change. In such cases:

1. The Director may require the User to submit information as needed to evaluate the changed condition. The Director may also require a new or revised wastewater discharge permit application under Section 13.06.080(E) of this Chapter, and/or

2. The Director may issue, reissue, or modify a wastewater discharge permit applying the procedures of Section 13.06.080(J) of this Chapter in response to a User's notice under this section.

F. Reports of Potential Problems.

1. Any User that has any unusual discharge that could cause problems to the POTW must immediately notify the Director by telephone of the incident. Problems to the POTW that require reporting under this section include violating pretreatment prohibitions, treatment standards, or other requirements of Section 13.06.040 of this Chapter such as vapor toxicity and explosivity limits. Such discharges may include spills, slug loads, accidental discharges, or other discharges of a non-routine, episodic nature. 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.

2. Within five (5) calendar 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 13.06.050), all Users shall post notice in a prominent location advising employees who to call at the POTW to inform the Director of a potential problem discharge (13.06.100(F)(1)). Users shall ensure 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 Director of any changes at their facility that 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 13.06.050 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 Director as the Director may require. This includes periodically completing and signing Industrial Questionnaire Disclosure Forms.

H. Notice of Violation/Repeat Sampling and Reporting. If sampling performed by a User indicates a violation, the User must notify the 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 Director within thirty (30) days after becoming aware of the violation. The 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 Director, the EPA Regional Waste Management Division Director, and Washington State Hazardous Waste & Toxics Reduction Personnel, in writing, of the discharge. Maintain a copy of this notification and include it in all subsequent permit applications or re-applications under this Chapter.

b. Include the following information in the notification:

i. The name of the hazardous waste as found in 40 CFR Part 261.

ii. The EPA hazardous waste number,

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

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

i. The hazardous constituents contained in the wastes,

ii. An estimate of the mass and concentration of hazardous constituents in the wastestream discharged during that calendar month, and

iii. 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 13.06.100(E) 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 in a thirty (30) day period 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), and their successors. 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 Director.

3. If new regulations under RCRA describe additional hazardous characteristics or substances as a hazardous waste, the User must provide notifications as described by 13.06.100 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 or State law.

J. Date of Receipt of Reports. The Director will credit written reports as having been submitted on the date of the postmark 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.

K. 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 Best Management Practices required under authority of Section 13.06.045. 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.
6. The results of analysis.
7. Users shall 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.
8. Users shall maintain the above records for at least four (4) years, after permit expiration, or 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 Director.

L. Certification Statements.

1. The following certification statement must be signed by an authorized representative as defined by Section 13.06.011 and included when submitting:
 - a. A permit (re-)application in accordance with Section 13.06.080(F);
 - b. A baseline monitoring report under Section 13.06.100(A);
 - c. A report on compliance with the categorical pretreatment standard deadlines under Section 13.06.100(C);
 - d. A periodic compliance report required by Section 13.06.100(D)(1-4); or
 - e. An initial request to forego sampling of a pollutant based on Section 13.06.100(D)(2)(e).

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

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

2. Certification of Pollutants Not Present. Users that have an approved monitoring waiver based on Section 13.06.100(D)(2) must also include the following certification statement in each report. This statement certifies that there has been no increase in the pollutant in its wastestream due to activities of the user:

"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 13.06.100."

13.06.110 - 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 Director determines that the Part 136 sampling and analytical techniques are inconsistent with the goal of the sampling, the 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.

13.06.111 - Sample Collection. Users must ensure 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 ensure that, when specified, samples are collected during the specific period.

A. 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.

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

C. 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 & grease in the laboratory prior to analysis.

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

E. The Director may authorize composite samples for parameters unaffected by the compositing procedures, as appropriate.

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

G. In all cases, Users must take care to ensure the samples are representative of their wastewater discharges.

H. Users sampling to complete baseline monitoring and ninety (90)-day compliance reports required by Section 13.06.100, must satisfy some specific requirements. These reports

require at least four (4) 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 13.06.111(C). Where historical sampling data exist, the Director may also authorize fewer samples.

I. For periodic monitoring reports, (Section 13.06.100(D)), the Director may specify the number of grab samples necessary to assess and assure compliance with applicable pretreatment standards and requirements.

13.06.120 - Compliance Monitoring.

A. Inspection and Sampling. The Director is authorized to perform such inspection and sampling as he determines necessary to determine whether a User is complying with all requirements of this Chapter and any wastewater discharge permit or order issued hereunder. Users shall allow the Director ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.

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 identification, the Director will be permitted to enter without delay for the purposes of performing specific responsibilities.

2. The 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.

3. Users shall provide full access to the Director to use any monitoring facilities and utilities available or required in accordance with Sections 13.06.060 and 13.06.061(C) and(D) to confirm that the standards or treatment required for discharge to the sewer are being met.

4. Any temporary or permanent obstruction to 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 Director and shall not be replaced. The costs of clearing such access shall be borne by the User.

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

B. Search Warrants. The Director may seek issuance of a search warrant from a court of competent jurisdiction. Such warrants may be secured when:

1. The 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 has probable cause that a violation of this Chapter is occurring on the premises.

2. The 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 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.

13.06.130 - Confidential Information. Generally, information submitted to demonstrate compliance with pretreatment standards and requirements will be freely available to the public. Users may request certain information be withheld as confidential, if the following is followed.

A. Users may request that specific information be maintained as confidential. Users must promptly identify the specific information in writing, and describe why the information would be entitled to protection under applicable State or Federal laws.

B. The City shall use its normal procedure to determine whether such information is exempt from public disclosure. When approved, the information shall not be available as public records and shall be marked Confidential.

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

D. Federal rules prevent wastewater constituents and characteristics and other effluent data, as defined by 40 CFR 2.302, from being recognized as confidential information. Additionally, all information shall be available to governmental agencies for uses related to the NPDES program or pretreatment program, or in enforcement proceedings involving the person furnishing the report.

13.06.140 - Publication Of Users In Significant Noncompliance.

A. Publishing: The 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 Director determines has caused, alone or in combination with other discharges, interference or pass through, or endangerment of 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 Director's exercise of its emergency authority to halt or prevent such a discharge.

3. Any violation(s), including of Best Management Practices, that the 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 13.06.030.

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 13.06.030), 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.

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.

8. Failure to accurately report noncompliance.

C. Applicability: The criteria in paragraphs 1-3 above are applicable to all Users, whereas the criteria in paragraphs 4-8 are only applicable to SIUs.

13.06.150 - Administrative Enforcement Remedies. In administering the City's Pretreatment Program, the Director shall follow the City Pretreatment Program's (the Program) procedures as approved by DOE. In response to non-compliance with any requirement of this Chapter, the Director shall apply the Enforcement Response Plan, which is included in the Program approved by DOE. This Plan ensures that the application of remedies provided in Sections 13.06.150, 13.06.160 and 13.06.170 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 Director.

A. Notification of Violation. The Director may serve a written Notice of Violation on any User that the 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 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 Director's acceptance of a plan does not relieve a User of liability for any violations. The Director may also take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation.

B. Consent Orders. The Director may enter into a Consent Order or other voluntary agreement to memorialize agreements with Users violating any requirement of this Chapter. Such agreements must include the specific action(s) required and date(s) they are to be completed to correct the noncompliance. Such documents must be constructed in a judicially enforceable manner, and have the same force and effect as administrative orders issued pursuant to Sections 13.06.150(D) and 13.06.150(E) of this Chapter.

C. Show Cause Hearing. The 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 Director may order a User in violation to appear at a date, time, and location set by the Director to show why the proposed enforcement action should not be taken. The 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) at least twenty (20) days prior to the hearing. Such notice may be served on any authorized representative of the User as defined in Section 13.06.011. A show

cause hearing shall not be a bar against, or prerequisite for, taking any other action against the User.

D. Compliance Orders. The Director may issue a compliance order to any User that 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 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 shall 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 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 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 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 Director may fine such User in an amount not to exceed one thousand dollars (\$1,000). 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 Director may add the costs of any emergency response, additional monitoring, investigation, and administrative costs related to the noncompliance and the Director's response to the situation to the amount of the fine.

3. The Director 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 Director shall ensure 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 one percent (1%) of the unpaid balance, and interest shall accrue thereafter at a rate of one percent (1%) per month. After thirty (30) 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 for the Director to reconsider the fine along with full payment of the fine amount within fifteen (15) working days of being notified of the fine. Where a request has merit, the Director may convene

a hearing on the matter. In the event the User's appeal is successful, the Director 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 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. In such cases, the Director will first provide informal notice to the User. The 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 that presents, or may present, a danger to the environment. Nothing in this section shall be interpreted as requiring a hearing prior to any Emergency Suspension under this section.

1. Any User notified of a suspension of its discharge shall immediately stop or eliminate its contribution. If a User fails to immediately comply voluntarily with the suspension order, the Director may take such steps as deemed necessary to protect the public and its interest in the sewer system. Remedies available to the Director include immediately severing the sewer connection, at the User's expense, turning off pump stations downstream of the User, and partnering with law enforcement. The Director may not allow the User to recommence its discharge until the User has demonstrated to the satisfaction of the 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 Director prior to the date of any show cause or termination hearing under Sections 13.06.150(C) and 13.06.150(H) of this Chapter.

3. Any User causing the Director to exercise emergency authority, shall be responsible for reimbursement of all related costs to the City.

H. Termination of Discharge. Any User who violates any of the following conditions is subject to having the privilege of discharging to the public sewer system 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 13.06.080(M) (Permit Revocation) 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.
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).

4. Violation of the pretreatment standards and requirements in Section 13.06.030 of this Chapter, including failure to satisfy Industrial User Survey requirements.

When the 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 be offered an opportunity to show cause under Section 13.06.150(C) of this Chapter why the proposed action should not be taken. Exercise of this option by the Director shall not be a bar to, or a prerequisite for, taking any other action against the User.

13.06.160 - Judicial Enforcement Remedies.

A. Injunctive Relief. The Director 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 Director may petition a court of competent jurisdiction for the issuance of a 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 Director 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 \$5,000.00 per violation, per day. Penalties shall accrue for each day during the period of the violation.

2. The Director also may recover restitution, reasonable attorneys' fees, court costs, 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 Director shall provide the Court a recommended civil penalty amount, and its basis. This basis 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 Director will provide the range of penalty amounts its Enforcement Response Plan suggests if it addresses the situation and provides such guidance. The Director will provide any other facts the Court requests, or the Director 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 Director may take to resolve noncompliance by a User.

C. Criminal Prosecution. Any User who willfully does any of the following shall be guilty of a crime and upon conviction, be punished by a fine of not more than \$5,000 per violation, per day, or imprisonment for not more than one year, or both:

1. Willfully violates any provision of this chapter, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, or

2. Who willfully introduces any substance into the POTW that causes personal injury or property damage, or

3. 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 a 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.

The penalties provided for above shall be in addition to any other criminal charges or judicial remedies, including remedies provided above for causing personal injury, endangerment, or destruction of public property available under State law.

D. Remedies Nonexclusive. The remedies provided for in this Chapter are not exclusive. The Director 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 Director may take other action against any user when the circumstances warrant. Further, the Director is empowered to take more than one enforcement action against any noncompliant user.

13.06.170 - Supplemental Enforcement Action.

A. Penalties for Late Reports. The Director may assess a Penalty of \$100.00 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 Director's actions to collect late reporting penalties shall not limit the Director's authority to initiate any other enforcement action.

B. Performance Bonds. The Director may require a satisfactory bond, payable to the City, in a sum not to exceed a value determined by the Director as necessary to assure the User will achieve consistent compliance with this Chapter. The Director 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 User's account is in arrears for over thirty (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 Director 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 (12) month period.

C. Liability Insurance. The Director may require a User to provide insurance if it 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 Director 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 Director may require Users to provide the proof of such insurance either in response to noncompliance or prior to issuing or reissuing a wastewater discharge permit.

D. Payment of Outstanding Fees and Penalties. The 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 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.

13.06.180 - Affirmative Defenses.

A. Affirmative Defense - Operating Upsets.

1. An upset shall constitute an affirmative defense to enforcement actions in response to noncompliance with categorical pretreatment standards (Section 13.06.041), but not local limits (Section 13.06.045) when the requirements of Section 13.06.181, below, are met.

2. 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 prudent and workman-like manner 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. The User submitted the following information to the Director within twenty-four (24) hours of becoming aware of the upset. When initially provided orally, the User must have provided a written report within five (5) days:

i. A description of the indirect discharge and cause of noncompliance.

ii. The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue.

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

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

4. 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.

1. User will have an affirmative defense to an enforcement action brought against it for noncompliance with the prohibitions in Sections 13.06.030(A), and 13.06.030(B)(3-7) 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:

2. 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

3. No local limit exists, but the discharge did not change substantially in nature or constituents from the User's prior discharge when the City was regularly in compliance

with its NPDES permit, and in the case of interference, was in compliance with applicable sludge use or disposal requirements.

13.06.181 - Bypass.

A. For the purposes of this section,

1. Bypass means the intentional diversion of wastestreams from any portion of a User's treatment facility.

2. Severe property damage means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

B. A User may allow a bypass to occur if it does not cause pretreatment standards or requirements to be violated and is essential for maintenance to assure efficient operation of the User's treatment facility.

C. Any other bypass must meet the following requirements:

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

2. Users must tell the 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 Director may waive the written report if the oral report was timely and complete. Unless waived, the written report must contain:

- a. A description of the bypass (volume, pollutants, etc).
- b. What caused the bypass.
- c. When, specifically, the bypass started and ended.
- d. When the bypass is expected to stop (if ongoing).
- e. What steps the User has taken or plans to take to reduce, eliminate, and prevent the bypass from reoccurring.

D. Bypass:

1. The Director may take an enforcement action against a user for a bypass, unless:

a. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

b. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and

c. The User submitted notices as required under paragraph (C) of this section.

2. The Director may approve an anticipated bypass, after considering its adverse effects, if the Director determines that it will meet the three conditions listed in paragraph (D)(1) of this section.

13.06.190 - Pretreatment Charges and Fees. The City shall adopt fees to offset its costs of setting up and operating the City's Pretreatment Program. Charges and fees may include:

A. Fees for wastewater discharge permit applications or permit modifications, including the cost of processing such applications;

B. 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;

C. Fees for reviewing and responding to accidental discharge procedures and construction;

D. Fees for filing appeals;

E. Fees to recover administrative and legal costs associated with the enforcement activity taken by the Director to address noncompliance; and

F. 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.

Charges and fees shall be as set forth in Chapter 3.70 PAMC.

Section 3. Ordinance 3085, as amended, and Chapter 3.70.110 Sections F and M of the Port Angeles Municipal Code relating to Industrial Wastewater Pretreatment and Septic Hauler fees are hereby amended as follows:

...

F. Industrial Wastewater Pretreatment Fees

1. Fees for monitoring, inspections and surveillance procedures: ~~at cost~~ actual cost incurred by the City to perform the service

2. ~~Fees for filing appeals: \$35.00~~ Wastewater Discharge permit for MIUs. The Permit duration is five years. At the time of issuance of permit, the Permittee may elect to pay the entire fee at the time of issuance, or may pay in monthly installments according to the following schedule:

	<u>Five-Year Permit Fee</u>	<u>Monthly Amount</u>
<u>Effective through December 31, 2010</u>	<u>\$720.00</u>	<u>\$12.00</u>
<u>Effective January 1, 2011</u>	<u>\$1,440.00</u>	<u>\$24.00</u>
<u>Effective January 1, 2012</u>	<u>\$2,160.00</u>	<u>\$36.00</u>
3. Fees for reviewing accidental discharge procedures and construction: at cost <u>Discharge Authorizations (application fee):</u>		
<u>Single discharge</u>	<u>\$ 250.00</u>	
<u>One year</u>	<u>\$ 500.00</u>	
<u>Five years</u>	<u>\$1,000.00</u>	

~~4. Fees for review of drawings, specifications and compliance schedules for pretreatment facilities: at cost~~

~~5. Fees for issuance of industrial wastewater acceptance forms: \$105.00~~

~~4. Fees for flows that exceed the permitted concentrations~~

~~High Strength surcharge fees:~~

~~BOD \$0.79/1000 gallons with concentration greater than 400 mg/L~~

~~TSS \$0.36/1000 gallons with concentration greater than 400 mg/L~~

~~56. Other charges as the City may deem necessary to carry out the requirements of Chapter 13.06 PAMC: at cost. Fee for MIU permit transfer: \$420.00~~

~~6. Fee for MIU permit modification initiated by user: \$420.00~~

~~7. Fee for Septic Hauler Discharge permit:~~

~~One year \$150.00~~

~~8. Fee for Leachate Discharge permit:~~

~~One year \$150.00~~

~~Five years \$500.00~~

~~9. Hauled Waste Volume Fee:~~

~~Septic Waste \$0.12 per gallon~~

~~Other waste \$0.05 per gallon~~

~~10. Other charges as the City may deem necessary to carry out the requirements of Chapter 13.06 PAMC: actual cost incurred by the City to perform the service.~~

~~11. In lieu of the fees prescribed in paragraphs 7 and 9 above, the City Manager may enter into a contract with a Septic Hauler for fees to be paid on terms and conditions established by the contract; provided that such contract must be for a term of at least one year and that the method used to establish the fees set I the contract is fair and reasonable.~~

...

~~M. Septic Hauler Fees:~~

~~1. Annual Fee--Septic Hauler. The annual fee shall be \$80.00, which includes all applicable tax.~~

~~2. Volume Fee. The monthly charge shall be as follows:~~

~~a. Fresh waste shall be charged at a rate of \$0.02 per gallon of waste.~~

~~b. Other septic discharge shall be charged at a rate of \$0.12 per gallon of waste.~~

~~3. In lieu of the fees prescribed in paragraphs 1 and 2 above, the City Manager may enter into a contract with a Septic Hauler for fees to be paid on terms and conditions established by the contract; provided that such contract must be for a term of at least one year and that the method used to establish the fees set I the contract is fair and reasonable.~~

Section 4 - Corrections. The City Clerk and the codifiers of this ordinance are authorized to make necessary corrections to this ordinance including, but not limited to, the correction of the scrivener's/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

Section 5 - Effective Date. This Ordinance, being an exercise of a power specifically delegated to the City legislative body, is not subject to referendum. This ordinance shall take effect five days following the date of its publication by summary.

Section 6 - Severability. If any provisions of this Ordinance, or its application to any person or circumstances, are held invalid, the remainder of the Ordinance, or application of the provisions of the Ordinance to other persons or circumstances, is not affected.

PASSED by the City Council of the City of Port Angeles at a regular meeting of said Council held on the ____ day of April, 2010.

M A Y O R

ATTEST:

APPROVED AS TO FORM:

Janessa Hurd, City Clerk

William E. Bloor, City Attorney

PUBLISHED: April _____, 2010
By Summary