

Title 14

SEWERS

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Division I. Sewer System Generally

Chapter 14.04

DEFINITIONS

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14.04.005 Becoming available.

“Becoming available” means within 300 feet. (Ord. 1451 § 1, 2003)

14.04.010 Director.

“Director” means the director of public works for the city, or his authorized deputy, agent or representative. (Ord. 1451 § 1, 2003; Ord. 1140 § 1, 1994; Ord. 492 § 3, 1973; Ord. 349 Art. 1 § 1, 1967)

14.04.015 District.

“District” means the Southwest Washington Health District or its successor. (Ord. 1451 § 1, 2003)

14.04.016 Lawfully incorporates.

“Lawfully incorporates” means legally approved such as through permit issued. (Ord. 1451 § 1, 2003)

14.04.017 Material increase.

“Material increase” means increase effluent in such a manner that waste is generated to be processed in a quantity that is greater than permitted or allowed. (Ord. 1451 § 1, 2003)

14.04.020 Person.

“Person” means any individual, firm, company, association, society, corporation or group. (Ord. 1451 § 1, 2003; Ord. 349 Art. 1 § 2, 1967)

14.04.025 Public sewer.

“Public sewer” means extension of a public sewer system operated by a public entity or, where such extension is impractical, connection to an alternative public sewer system operated by the designated public sewer purveyor. (Ord. 1451 § 1, 2003)

14.04.026 Responsible official.

“Responsible official” means the public works director or designee. (Ord. 1451 § 1, 2003)

14.04.030 Sewage.

“Sewage” means a combination of water-carried domestic waste from residence, business building, institutions and industrial establishments. (Ord. 1451 § 1, 2003; Ord. 349 Art. 1 § 3, 1967)

14.04.035 UGA.

“UGA” means an urban growth area designated in the city comprehensive land use plan, as required by Chapter 36.70A RCW. (Ord. 1451 § 1, 2003)

14.04.040 Unit.

“Unit” means any residence, commercial or business establishment, occupied trailer space, apartment, motel, public building, lodge, office or service station. (Ord. 1451 § 1, 2003; Ord. 349 Art. 1 § 4, 1967)

Chapter 14.08**DEPARTMENT PERSONNEL**

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- 14.08.010 Designated.
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14.08.010 Designated.

The officers and other employees of the sewer department shall consist of the director and such other personnel as the council may from time to time deem necessary for the efficient administration of the department, it being recognized that the water and sewer departments have been combined for administration purposes. (Ord. 349 Art. 2 § 1, 1967)

14.08.020 Appointment – Salary – Duties.

The appointment, tenure of office, salary and duties of the director and other personnel shall be as provided in WMC 13.08.020 and 13.08.030. (Ord. 1140 § 1, 1994; Ord. 349 Art. 2 § 2, 1967)

Chapter 14.12**CONNECTIONS**

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 14.12.050 Out-of-town service.

14.12.005 Purpose.

The purpose of this chapter is to further the public health by providing clear rules for when connection to public sewer is required and when it is prohibited. Nothing in this chapter shall be construed to permit violation of regulations for on-site sewage disposal systems promulgated by the State of Washington Department of Public Health or the Clark County Health District. (Ord. 1451 § 1, 2003)

14.12.010 Public sanitary sewer required inside UGA.

(1) Building Permit Issuance. Inside UGAs, connection to public sewer is required as a condition of building permit issuance for any new structure unless the responsible official, utilizing a Type I review process, finds that one of the following exceptions applies:

(a) The new structure is an alteration, expansion or replacement of an existing structure which will not entail a material increase in sewage effluent production.

(b) The new structure lawfully incorporates an approved on-site sewage system.

(c) The new structure is for single-family residential use, or a nonresidential use generating a projected effluent flow of not more than 700 gallons per day if:

(i) Such use does not generate hazardous/dangerous waste, as defined by applicable federal, state or local law; and

(ii) Extension of public sewer is impractical based upon the following criteria:

(A) Public sewer would have to be extended more than 300 feet to the nearest property lines; or

(B) Necessary permission cannot be obtained from intervening landowner(s); or

(C) Intervening property contains natural or manmade obstructions such as deep canyons, elevation changes and solid rock impediments, which make public sewer extension prohibitive and undesirable; and

(iii) A covenant to the city and sewer purveyor is recorded which commits the current and future property owner(s) to connect to public sewer within 12 months of sewer becoming available ("available" means within 300 feet). The covenant shall also contain a provision that commits the current and future property owner(s) to participate in a future local improvement district if this is the method used to extend sewer. Where the sewer purveyor is a city, such covenant additionally shall bind the current or future owner to support annexation to such municipality.

(2) Land Divisions within UGA. Inside UGAs connection to public sewers is required as a condition of approval of new land divisions, whether by plat, short plat or site plan application, except that this prohibition shall not apply to a two-lot land division where one of the lots is, or will be, developed in a use that generates no sewage effluent. Any plat approved under this exception shall record a covenant prohibiting the installation of plumbing fixtures for any use on the designated lot.

(3) Period of Validity. A Type I decision under this chapter shall be valid for a period of one year if not associated with any other action. When such a decision is made in conjunction with another application (e.g., short plat, plat or site plan), the decision shall be valid for the same period as the decision on the related application.

It shall be the responsibility of the property owner to provide, at their expense, service laterals where none have been provided. Laterals shall be designed, approved, installed and inspected to city standards and specifications. (Ord. 1451 § 1, 2003; Ord. 1140 § 1, 1994; Ord. 1098 § 1 (Exh. A), 1993; Ord. 349 Art. 3 § 1, 1967)

14.12.020 Conformance to Uniform Plumbing Code required.

All connections shall be made to sanitary sewers in a permanent and sanitary manner in accordance with the terms and provisions of the Uniform Plumbing Code as amended, subject to the approval of the director. No storm or surface water shall be discharged into any sanitary sewer. (Ord. 1451 § 1, 2003; Ord. 1140 § 1, 1994; Ord. 1098 § 1 (Exh. A), 1993; Ord. 349 Art. 3 § 2, 1967)

14.12.030 Made by city – Costs – Lien.

If any such connections shall not be made within the time or in the manner herein provided, the director or other employee of the city, as the council may hereafter designate, is authorized and directed to cause any such connection to be made and to file a statement of the cost thereof with the city clerk, which costs shall in no event be less than the sewer connection charge hereinafter affixed for the class of buildings applicable to the building to which the connection is made, and thereupon a warrant shall be issued under the direction of the city council by the clerk and against the sewer revenue fund for the payment of such costs. The amount of such warrant together with a penalty of 10 percent plus interest at the rate of six percent per year upon the total amount of such warrant and penalty shall be assessed against the property upon which the building or structure is situated and shall become a lien thereon as herein provided.

Such total amount when collected shall be paid into the revenue fund. (Ord. 1451 § 1, 2003; Ord. 1140 § 1, 1994; Ord. 1098 § 1 (Exh. A), 1993; Ord. 349 Art. 3 § 3, 1967)

14.12.040 Authorized personnel required.

No connection to any sewer line or lateral or other part of the sanitary sewerage system of the city shall be made by any person or persons, firm, association, or corporation except those regularly licensed to perform that class of work, or those approved by the supervisor of public works, and such connections shall then only be made on the condition that the person or persons, firm, association, or corporation making such connections will indemnify and hold harmless the city from all suits, claims, accidents, and damages occasioned by opening the streets, alleys or public places for the purpose of such connection, and will replace and restore such streets, alleys or public places over such opening to the satisfaction and approval of the supervisor of public works. (Ord. 1451 § 1, 2003; Ord. 1098 § 1 (Exh. A), 1993; Ord. 349 Art. 4 § 1, 1967)

14.12.050 Out-of-town service.

The city will not provide city water and/or sanitary sewer service for any person and/or entity developing property and/or residing outside the city limits of the city, unless the person and/or entity shall agree to annex their respective property to the city as soon as such annexation is available. Each person and/or entity shall enter into a contractual agreement binding the person and/or entity to

annexation of the unincorporated property when annexation is available. (Ord. 1451 § 1, 2003; Ord. 1098 § 1 (Exh. A), 1993; Ord. 295, 1982; Res. 291, 1982)

Chapter 14.14

SERVICE LINE MAINTENANCE

Sections:

- 14.14.010 Customer responsibility.
- 14.14.020 Cleanout required.
- 14.14.030 Blockage – Responsibility for clearing.

14.14.010 Customer responsibility.

Sewer service customers are responsible for the free-flowing of their service line from the building to the street main. (Ord. 849 § 1, 1985)

14.14.020 Cleanout required.

(1) Private service lines shall be connected to the sewer stub at the property line by means of a properly installed and adequately witnessed cleanout, meeting current APWA specifications and complying with the International Building Code.

(2) If the customer, at any time, is required to uncover the connection of the building sewer to the sewer stub in order to correct or remove a blockage, this junction shall not be covered until an appropriate and correct cleanout has been properly installed, inspected and witnessed. This will usually not be done by city personnel unless an emergency or problem of public health exists. (Ord. 1612 § 1 (Exh. A), 2008; Ord. 849 § 1, 1985)

14.14.030 Blockage – Responsibility for clearing.

(1) When Cleanout Exists. When such a correctly installed and locatable cleanout exists, the city field personnel will respond to requests for assistance in the correction of sewer blockages. This assistance will be limited to verifying that the stub is clear from the street main to the cleanout.

(a) If the blockage exists at the cleanout, indicating improper original installation, or between the cleanout and the building, then the correction of the blockage shall be the sole responsibility of the customer.

(b) If the blockage exists between the cleanout and the street main, the city personnel shall correct the blockage and restore free flow at no expense to the customer. To assure continued free flow of the sewer stub, the city personnel shall be permitted on the customer's property, from time to time, for the purpose of performing any necessary or periodic maintenance.

(2) When No Cleanout Exists. In the case of blockages where no cleanout exists at the junction

of the lateral stub and house sewer, the city's responsibility shall be limited to assuring that the street main is flowing free. (Ord. 849 § 1, 1985)

Chapter 14.16

RATES, CHARGES

(Recodified under Chapter 3.92 WMC
by Ord. 1531)

Chapter 14.20**VIOLATIONS**

Sections:

- 14.20.010 Tampering – Unlawful discharges.
 14.20.020 Refusal to connect.

14.20.010 Tampering – Unlawful discharges.

It is unlawful and a misdemeanor for any person, firm, association or corporation without authority from the supervisor of public works of the city to open any manhole, interfere or tamper with in any way any manhole, flush tank or public sewer, or to break or violate any rules or regulations adopted by resolution of the city council prohibiting the disposal of certain damaging substances through the city sewerage system. Any person or persons found guilty of such offense may be punished according to the provisions set forth in WMC 1.04.010, and any firm, association or corporation found guilty of any such offense may be punished by the fine set forth in WMC 1.04.010. (Ord. 349 Art. 9 § 1, 1967)

14.20.020 Refusal to connect.

It is unlawful and a misdemeanor for any person, firm or association or corporation to refuse to connect to the city sewer system within 15 days after being notified to do so by the director of public works. Refusal to connect within 15 days after being notified by the director of public works shall constitute a separate and individual violation each day thereafter and shall be punishable by the fine set forth in WMC 1.04.010. (Ord. 393 § 1, 1969; Ord. 349 Art. 11, 1967)

Division II. Sewage Pretreatment**Chapter 14.24****PRETREATMENT REGULATIONS**

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Article I. General Provisions

14.24.010 Purpose and policy.

(1) This chapter sets forth uniform requirements for users of the publicly owned treatment works (POTW) operated by the city and enables the city to comply with all applicable state and federal laws, including the Clean Water Act (33 USC 1251 et seq.) and the General Pretreatment Regulations (40 CFR Part 403). The objectives of this chapter are:

(a) To prevent the introduction of pollutants into the POTW that will interfere with the operation of the POTW;

(b) To prevent the introduction of pollutants into the POTW which will pass through the POTW, inadequately treated, into receiving waters or otherwise be incompatible with the POTW;

(c) To ensure that the quality of POTW sludge is maintained at a level which allows its use and disposal in compliance with applicable statutes and regulations;

(d) To protect POTW personnel who may be affected by wastewater and sludge in the course of their employment and to protect the general public;

(e) To improve the opportunity to recycle and reclaim wastewater and sludge (biosolids) from the POTW; and

(f) To promote strategies which reduce the amounts of pollutants by users, thereby reducing the associated hazards to the POTW and receiving waters.

(2) This chapter shall apply to all users of the POTW. This chapter defines certain prohibited discharges; sets forth local limits, as defined in WMC 14.24.080, for use by state agencies in the issuance of wastewater discharge permits; authorizes monitoring, compliance and enforcement activities; establishes administrative review procedures; requires user reporting; and provides for the recovery of liquidated damages and collection of penalties. (Ord. 1221 § 1, 1996)

14.24.020 Administration.

Except as otherwise provided herein, the Washougal director of public works shall administer, implement and enforce the provisions of this chapter. Any powers granted to or duties imposed upon

the director of public works may be delegated by the director to other qualified Washougal personnel. (Ord. 1221 § 1, 1996)

14.24.030 Definitions.

Unless a provision explicitly states otherwise, the following terms and phrases, as used in this chapter, shall have the meanings hereinafter designated:

“Act” or “the Act” means the Federal Water Pollution Control Act, also known as the Clean Water Act, (33 USC 1251 et seq.), as amended.

“AKART” is an acronym for “all known, available, and reasonable methods of prevention, control, and treatment.” AKART shall represent the most current methodology that can be reasonably required for preventing, controlling or abating the pollutants associated with a discharge. AKART shall be applied by all industrial users of the POTW. Best management practices are a subset of AKART, and may be required by the director for any discharge to the POTW.

“Applicable pretreatment standards” means, for any specified pollutant, Washougal’s prohibitive standards, Washougal’s specific pretreatment standards (local limits), state of Washington pretreatment standards, or National Categorical Pretreatment Standards (when effective), whichever standard is appropriate or most stringent.

“Approval authority” means Washington State Department of Ecology or Ecology.

“Authorized representative of the user” means:

(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 operation facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25,000,000 (in second-quarter 1980 dollars), if 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 government facility, or his/her designee;

(4) The individuals described in subdivisions (1) through (3) above may designate another autho-

rized 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 of Washougal.

“Biochemical oxygen demand (BOD)” means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures during five days at 20 degrees centigrade, usually expressed as a concentration (milligrams per liter (mg/l)).

“Bypass” means the intentional diversion of wastestreams from any portion of a user’s treatment facility.

“Categorical pretreatment standard” or “categorical standard” means any regulation containing pollutant discharge limits promulgated by the U.S. EPA in accordance with Sections 307(b) and (c) of the Act (33 USC 1317) which apply to a specific category of users and which appear in 40 CFR Chapter I, Subchapter N, Parts 405 – 471.

“Categorical user” means a user covered by one or more categorical standards as defined herein.

“City” means the city of Washougal or its duly authorized representative, deputy or agent.

“Cooling water” means water used for cooling purposes generated from any use, such as air conditioning, heat exchangers, cooling or refrigeration. For purposes of this chapter, such waters are further divided into two subcategories:

“Color” means the optical density at the visual wave length of maximum absorption, relative to distilled water. One hundred percent transmittance is equivalent to zero (0.0) optical density.

“Composite sample” means the sample resulting from the combination of individual wastewater samples taken at selected intervals based on an increment of either flow or time.

“Director of public works” or “director” means the person designated by the city of Washougal to supervise the department of public works which includes the maintenance and operation of the POTW. The use of the term “director” in this chapter specifically includes his/her duly authorized representative or inspector.

“Domestic user (residential user)” means any person who contributes, causes or allows the contribution of wastewater into the city POTW that is similar in volume and/or chemical make-up to domestic wastewater. For comparison, discharges of domestic wastewater shall be assumed to be 100

gallons containing 0.2 pounds of BOD, and 0.2 pounds of TSS per capita per day.

“Domestic wastewater” means wastewater from residential kitchens, bathrooms and laundries, and waterborne human wastes from sanitary facilities in all other buildings, together with such groundwater infiltration or surface waters as may be present.

“Ecology” means the Washington State Department of Ecology or authorized representative thereof.

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

“Existing source” means any categorical user which discharges wastewater to the POTW, the construction or operation of which commenced prior to the publication of proposed categorical pretreatment standards which will be applicable to such source if the standard is thereafter promulgated in accordance with Section 307 of the Act.

“Existing user” means any noncategorical user which discharges wastewater to the POTW prior to the effective date of the ordinance codified in this chapter.

“Grab sample” means a sample which is taken from a wastestream on a one-time basis without regard to the flow in the wastestream and without consideration of time.

“Indirect discharge” or “discharge” means the introduction of pollutants into the POTW from any nondomestic source regulated under Section 307(b), (c) or (d) of the Act. The discharge into the POTW is normally by means of pipes, conduits, pumping stations, force mains, constructed drainage ditches, surface water intercepting ditches, and all constructed devices and appliances appurtenant thereto.

“Industrial wastewater” means water or liquid-carried waste from any industry, manufacturing operation, trade or business which includes process wastewater, cooling water, contaminated stormwater, contaminated leachates, or other wastewater, or is subject to regulation under Federal Categorical Pretreatment Standards, the State Waste Discharge Permit program, or this chapter.

“Industrial user” means a source of industrial wastewater discharging to the POTW.

“Interference” means the effect of a discharge or discharges on the POTW from one or more nondomestic users which results in either: (1) inhibition or disruption of the POTW, its treatment processes

or operations, or its sludge processes, use or disposal; (2) violation of any permit regulating Washougal's wastewater discharge or sewerage sludge; or (3) prevention of sewage sludge or disposal in compliance with any applicable statutory or regulatory provision or permit issued thereunder. (Applicable sludge regulations shall include Section 405 of the Clean Water Act; the Solid Waste Disposal Act (SWDA), including Title II commonly referred to as the Resource Conservation and Recovery Act (RCRA); state regulations contained in any state sludge management plan prepared pursuant to Subtitle D of the SWDA; the Clean Air Act; the Toxic Substance Control Act; the Marine Protection, Research, and Sanctuaries Act; and 40 CFR part 503.)

"Maximum allowable discharges" means the maximum allowable discharge of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composite sample collected, independent of the industrial flow rate and the duration of the sampling event.

"Medical wastes" means 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.

"New source" means:

(1) Any facility constructed after proposed pretreatment standards applicable to operations conducted at the facility were published; provided, the facility is or may be a source of discharge, and:

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

(b) The new construction 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.

(2) Construction of a new source as defined under this paragraph has commenced if the owner or operator has begun, or caused to begin any placement, assembly or installation of facilities or equipment or significant site preparation work including removal of existing facilities necessary for the emplacement of new source facilities or equipment or entered into a binding contractual obligation for the purchase of facilities or equipment for use in operation of a new source within a reasonable time.

"New user" is any noncategorical user that plans to discharge a new source of wastewater to the Washougal sewage collection system after the effective date of the ordinance codified in this chapter. This discharge may be from either a new or an existing facility. Any person that buys an existing facility that is discharging nondomestic wastewater will be considered an "existing user" if no significant changes are made in the manufacturing operation.

"Pass through" means a discharge which exits the POTW 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 NPDES or state waste discharge permit (including an increase in the magnitude or duration of a violation) or causes a violation of any water quality standard for waters of the state promulgated under regulations including Chapter 173-201A WAC.

"Permittee" means a person or user issued a wastewater discharge permit.

"Person" means any individual, partnership, firm, company, corporation, association, joint stock company, trust, estate, any federal, state or local governmental agency or entity, or any other entity whatsoever; or their legal representatives, agents or assigns.

"pH" is a measure of the acidity or alkalinity of a substance, expressed in standard units.

"Pollutant" means any substance discharged into a POTW or its collective system which, if discharged directly, would alter the chemical, physical, biological or radiological integrity of the receiving water.

"Pollution prevention" means source reduction; protection of natural resources by conservation; or increased efficiency in the use of raw materials, energy, water or other resources.

"Pretreatment" means 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).

"Pretreatment requirements" means any substantive or procedural state, local, or federal requirement related to pretreatment developed under Chapter 90.48 RCW and/or Section 307 and 402 of the Clean Water Act.

“Pretreatment standards” or “standards” means any pollutant discharge limitations including categorical standards, state standards, and limits of WMC 14.24.080 applicable to the discharge of nondomestic wastes to a POTW. The term shall also include the prohibited discharge standards of this chapter, WAC 173-240-060, and 40 CFR Part 403.5.

“Prohibited discharge standards” or “prohibited discharges” means absolute prohibitions against the discharge of certain substances; these prohibitions appear in Sections 14.24.050(1) and (2).

“Publicly owned treatment works (POTW)” means a “treatment works,” as defined by Section 212 of the Act (33 USC 1292) which is owned by the city. This definition includes any devices or systems used in the collection, storage, treatment, recycling and reclamation of sewage or industrial wastes of a liquid nature and any conveyances which convey wastewater to a treatment plant. The term shall also mean the city.

“Septic tank waste” or “septage” means any sewage and sludge from individual wastewater disposal systems such as septic tanks and cesspools; and domestic wastes from holding tanks, chemical toilets, campers and trailers absent of any industrial wastewater.

“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.

“Sewage” or “wastewater” means water-carried human wastes or a combination of water-carried wastes from residences, business buildings, institutions and industrial establishments, together with such ground, surface, storm or other wastes as may be present.

“Sewer” means any pipe, conduit ditch, or other device used to collect and transport sewage.

“Shall” defines a mandatory requirement.

“Significant industrial user” means:

(1) A user subject to categorical pretreatment standards; or

(2) A user that:

(a) Discharges an average of 25,000 gpd or more of process wastewater to the POTW (excluding sanitary, noncontact cooling, and boiler blow-down wastewater), or

(b) Contributes a process wastestream which makes up five percent or more of the average dry

water hydraulic or organic capacity of the POTW treatment plant, or

(c) Is designated as such by the Washington State Department of Ecology with input from the city on the basis that it, alone or in conjunction with other sources 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 subdivision (2) above has no reasonable potential for adversely affecting the POTW’s operation or for violating any applicable pretreatment standard or requirement, Ecology may at any time, on its own initiative or in response to a petition received from a user or the city and in accordance with procedures in 40 CFR 403.8(f)(6), determine that such user should not be considered a significant industrial user.

“Significant noncompliance (SNC)” means an assessment of an industry’s compliance status. An industry is in significant noncompliance of pretreatment regulations if any industrial violation or series of violations meets the SNC criteria as defined in 40 CFR 403 as amended.

“Slug load” means any discharge at a flow rate or concentration which could cause a violation of the discharge standards in WMC 14.24.050 through 14.24.080 or any discharge of a 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 or at such a flowrate as to exceed a permitted peak flow or 10 percent of the capacity of the available trunk sewer, whichever is greater.

“Standard Industrial Classification (SIC) Code” means a classification pursuant to the Standard Industrial Classification Manual issued by the United States Office of Management and Budget.

“Stormwater” means any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.

“Total suspended solids” means the total suspended matter that floats on the surface of, or is suspended in, water, wastewater or other liquid, and which is removable by laboratory filtering.

“Toxic pollutant” means one or a combination of the pollutants listed as toxic in regulations promulgated by EPA under Section 307 (33 USC 1317) of the Act.

“Treatment plant effluent” means the discharge from the POTW.

“Upset” means an exceptional incident in which there is unintentional and temporary noncompliance with applicable pretreatment standards because of factors beyond the reasonable control of the user. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of prevention maintenance, or careless or improper operation.

User. (See “Industrial user.”)

Wastewater. (See “Sewage.”)

“Wastewater discharge permit (industrial wastewater discharge permit, discharge permit)” means an authorization or equivalent control document issued by Ecology to users discharging wastewater to the POTW. The permit may contain appropriate pretreatment standards and requirements as set forth in this chapter.

“Wastewater treatment plant” or “treatment plant” means that portion of the POTW designed to provide treatment of sewage as defined herein. (Ord. 1221 § 1, 1996)

14.24.040 Abbreviations.

The following abbreviations shall have the designated meanings:

ASPP:	Accidental spill prevention plan
AKART:	All known, available and reasonable means of prevention, control, and treatment. (See WMC 14.24.030, Definitions.)
BOD:	Biochemical oxygen demand
CFR:	Code of Federal Regulations
COD:	Chemical oxygen demand
EPA:	U.S. Environmental Protection Agency
gpd:	gallons per day
l:	liter
LEL:	Lower explosive limit
mg:	milligrams
mg/l:	milligrams per liter
NPDES:	The National Pollutant Discharge Elimination System as defined under Section 402 of the Clean Water Act.
O&M:	Operation and maintenance
POTW:	Publicly owned treatment works

RCRA:	Resource Conservation and Recovery Act
SIC:	Standard Industrial Classifications
SWDA:	Solid Waste Disposal Act (42 USC 6901, et seq.)
TSS:	Total suspended solids
USC:	United States Code

Note: With regards to abbreviations above, the use of the singular shall be construed to include the plural and the plural shall include the singular as indicated by the context of its use. (Ord. 1221 § 1, 1996)

Article II. General Requirements

14.24.050 Prohibited discharge standards.

(1) General Prohibitions. No user shall introduce or cause to be introduced into the POTW any pollutant or wastewater which causes pass through or interference. These general prohibitions apply to all users of the POTW whether or not they are subject to categorical pretreatment standards or any other national, state or local pretreatment standards or requirements. (40 CFR 403.5(a) and WAC 173-216-060(2)(b)(I))

(2) Specific Prohibitions. No user shall introduce or cause to be introduced into the POTW the following pollutants, substances, or gases, either singly or combined in a wastestream:

(a) Any pollutant which either alone or by interaction may create a fire or explosive hazard in the POTW, including, but not limited to, a wastestream which causes two successive readings on an explosion meter to be more than five percent nor any single reading over 10 percent of the lower explosive limit (LEL) of the meter at any point in the POTW, or is capable of creating a public nuisance (WAC 173-216-060(2)(b)(ii));

(b) Any pollutant which will cause corrosive structural damage to the POTW, but in no case discharges with a pH less than 6.0 or more than 9.0, or having any other corrosive property capable of causing damage or hazard to structures, equipment, or personnel of the POTW, unless the POTW is specifically designed to accommodate such discharge and the discharge is authorized by a wastewater discharge permit (40 CFR 403.5(b)(2) and WAC 173-216-060(2)(b)(iv));

(c) Any solid or viscous substances including fats, oils and greases in amounts which may cause obstruction to the flow in a POTW or other inter-

ference with the operation of the POTW (40 CFR 403.5(b)(3) and WAC 173-216-060(2)(b)(iii));

(d) Any discharge of pollutants, including oxygen-demanding pollutants (BOD, etc.), released at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, is sufficient to cause interference with the POTW (40 CFR 403.5(b)(4) and WAC 173-216-060(2)(b)(vi));

(e) Any wastestream having a temperature which will inhibit biological activity in the treatment plant resulting in interference, or causes worker health or safety problems in the collection system. In no case shall wastewater be discharged at a temperature which causes the temperature at the introduction to the POTW treatment plant to exceed 104 degrees Fahrenheit (40 degrees Celsius) unless the system is specifically designed to accommodate such a system, and the discharge is authorized under the State Waste Discharge Permit Program (40 CFR 403.5(b)(5) and WAC 173-216-060(2)(b)(v));

(f) Any petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass through (40 CFR 403.5(b)(6) and WAC 173-216-060(2)(b)(i));

(g) Any pollutants which result in the presence of toxic gases, vapors or fumes within any portion of the POTW in a quantity that may cause acute worker health and safety problems (40 CFR 403.5(b)(7));

(h) Any trucked or hauled wastes, except at discharge points designated by the city and in compliance with all applicable city requirements and during specified hours (40 CFR 403.5(b)(8));

(i) Any noxious or malodorous liquids, gases, solids or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life, or to prevent entry into the sewers for maintenance or repair (WAC 173-216-060(2)(b)(ii));

(j) Any of the following discharges unless approved by the director under extraordinary circumstances such as the lack of direct discharge alternatives due to combined sewer or need to augment sewage flows due to septic conditions (WAC 173-216-060(2)(b)(vii)):

(i) Noncontact cooling water in significant volumes,

(ii) Stormwater, and other direct inflow sources,

(iii) Wastewater significantly affecting system hydraulic loading, which do not require

treatment or would not be afforded a significant degree of treatment by the POTW;

(k) Any dangerous or hazardous wastes as defined in Chapter 173-303 WAC, as amended, except as allowed in compliance with that regulation (WAC 173-216-060(1) and 40 CFR part 261);

(l) Any substance which will cause the POTW to violate its NPDES, state waste discharge or other disposal system permits or causing the treatment plant's effluent to fail a toxicity test;

(m) Any substance which may cause the POTW's effluent or treatment residues, sludge, or scum to be unsuitable for reclamation and reuse or would interfere with the reclamation process or cause the POTW to be in noncompliance with sludge use or disposal criteria, guidelines or regulations developed pursuant to the federal, state or local statutes or regulations applicable to the sludge management method being used;

(n) Anything which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent, thereby violating the city NPDES permit. Color (in combination with turbidity) shall not cause the treatment plant effluent to reduce the depth of the compensation point for photosynthetic activity by more than 10 percent from the seasonably established norm for aquatic life;

(o) Any discharge containing radioactive wastes or isotopes except as specifically approved by the director in compliance with applicable state or federal regulations including WAC 246-221-190 "Disposal by Release into Sanitary Sewerage Systems"; and meeting the concentration limits of WAC 246-221-290 Appendix A, Table I, Column 2, and WAC 246-221-300 Appendix B; and not violating any other prohibition;

(p) Any sludge, screenings or other residents from the pretreatment of industrial wastes or from industrial processes;

(q) Any medical wastes, except as specifically authorized by the director;

(r) Any detergents, surface-active agents or other substances in amounts which may cause excessive foaming in the POTW;

(s) Any incompatible substances such as grease, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dusts, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, gas, tar asphalt resi-

dues, residues from refining or processing of fuel or lubricating oil, mud, or glass grinding or polishing wastes, or any other organic or inorganic matter greater than 0.5 inches in any dimensions;

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

(u) Any wastewater, which in the opinion of the director, can cause harm either to the sewers, sewage treatment process, or equipment; have an adverse effect on the receiving stream; or an otherwise endanger life, limb, public property, or constitute a nuisance unless allowed under special agreement by the director (except that no special waiver shall be given from categorical pretreatment standards);

(v) Any slug load.

(3) Pollutants, substances or wastewater prohibited by this section shall not be processed or stored in such a manner that they could be discharged to the POTW. (Ord. 1221 § 1, 1996)

14.24.060 Federal categorical pretreatment standards.

National categorical pretreatment standards as adopted and hereafter amended by the EPA pursuant to the Act shall be met by all industrial users of the regulated industrial categories. These standards, found in 40 CFR Chapter I, Subchapter N, Parts 405-471, are incorporated by reference. (Ord. 1221 § 1, 1996)

14.24.070 State requirements.

(1) State requirements and limitations on discharges to the POTW, as incorporated into Washington State Law by Chapter 90.48 RCW and implemented in Chapters 173-201A, 173-216 and 173-240 WAC, shall be met by all users which are subject to such standards in any instance in which they are more stringent than federal requirements and limitations, or those in this or other applicable ordinances.

(2) Any user determined by the city to qualify as a significant industrial user shall file an application for a State Waste Discharge Permit with Ecology in accordance with the requirements of WAC 173-216-070. Proof of acceptance of the application, and payment of permit fees shall be kept at the user's facilities, and produced upon request by the city. Failure to submit the application or rejection of the application by Ecology may be considered sufficient grounds to terminate or refuse to provide sewer service. (Ord. 1221 § 1, 1996)

14.24.080 Local limits.

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

- 0.08 mg/l arsenic;
- 0.05 mg/l cadmium;
- 1.3 mg/l chromium;
- 1.5 mg/l copper;
- 0.4 mg/l lead;
- 0.02 mg/l mercury;
- 0.15 mg/l molybdenum;
- 0.95 mg/l nickel;
- 0.07 mg/l selenium;
- 0.4 mg/l silver;
- 3.0 mg/l zinc;

100 mg/l oil and grease (total of petroleum and vegetable based).

(2) The above limits apply at the point where the wastewater is discharged to the POTW (end of the pipe). All concentrations for metallic substances are for "total" metal unless indicated otherwise. Ecology may impose mass limitations in addition to or in place of the concentration-based limitations above. Where a user is subject to a categorical pretreatment standard and a local limit for a given pollutant, the more stringent limit or applicable pretreatment standard shall apply. (Ord. 1221 § 1, 1996)

14.24.090 Right of revision.

The city reserves the right, following a public hearing and public input, to amend this chapter and to establish more stringent standards or requirements on discharges to the POTW. (Ord. 1221 § 1, 1996)

14.24.100 Special agreement.

(1) Users with BOD or TSS levels higher than 300 mg/l in their wastestream must have an agreement with the city before commencing discharge. Within such agreements, the city may establish terms of the user's discharge to the POTW including maximum flow rates and concentrations. The city may also establish monitoring schedules to insure compliance with the agreement and fees to recover costs associated with treating such wastes. The fees shall be as established according to Article XII of this chapter. In no case will a special agreement waive compliance with a state or federal pretreatment standard or requirement including categorical standards. The user who wishes to make such a discharge must submit a formal

request to the city 180 days before the discharge is to occur. The request must include all pertinent data about the discharge including, but not limited to, flow rate, time and duration of discharge(s), type and concentration of pollutants, and any other relevant information requested by the city.

(2) Users discharging or intending to discharge pollutants other than BOD and TSS, and claiming compatibility, must prove to the satisfaction of the director, that such pollutants are compatible with the POTW. The director may require any claim of compatibility to be endorsed by Ecology. (Ord. 1221 § 1, 1996)

14.24.110 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 an applicable pretreatment standard or requirement unless expressly authorized by an applicable pretreatment standard or requirement. The director may request Ecology impose mass limitations on users which he/she believes may be using dilution to meet applicable pretreatment standards or requirements, or in other cases when the imposition of mass limitations is appropriate. (Ord. 1221 § 1, 1996)

14.24.120 Pretreatment facilities.

(1) Users will procure, emplace, operate and maintain the wastewater facilities which combined with appropriate practices are necessary to achieve AKART as defined herein. Pretreatment facilities shall be designed to achieve compliance with all applicable pretreatment standards and requirements within the time limitations specified by the EPA or the state, whichever is more stringent. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to Ecology for review and approval in accordance with the procedures of Chapter 173-240 WAC, and shall be disclosed to the city before construction of the facility. The review of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce a discharge acceptable to Ecology and meet discharge limitations under the provisions of this chapter. Such facilities shall be provided, operated and maintained at the user's expense.

(2) Users shall comply with approved engineering reports, plans and specifications, and operations and maintenance manuals, and shall modify such documents to reflect any proposed modifica-

tions of industrial wastewater (pretreatment) facilities. Users shall submit proposals to modify pretreatment facilities to the department before implementation in accordance with Chapter 173-240 WAC. Users shall submit a copy of such revised plans and Ecology's acceptance to the director before implementing changes to approved pretreatment facilities. The city may audit the compliance of any user, and require changes in operating procedures deemed necessary by the director to ensure continued compliance with applicable requirements. (Ord. 1221 § 1, 1996)

14.24.130 Deadline for compliance with applicable pretreatment requirements.

(1) Existing sources covered by one or more categorical pretreatment standards shall comply with such standards within three years of the date the standard is effective unless the pretreatment standard includes a more stringent compliance schedule. Ecology shall establish a final compliance deadline date for any existing user not covered by categorical pretreatment standards or for any categorical user when the local limits for the user are more restrictive than EPA's categorical pretreatment standards.

(2) New sources and new users shall comply with applicable pretreatment standards within the shortest feasible time, but in no case shall time exceed 90 days from the beginning of discharge. Prior to commencing discharge, such users shall install and start-up all pollution control equipment required to meet applicable pretreatment standards. (Ord. 1221 § 1, 1996)

14.24.140 Additional pretreatment measures.

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

(2) Grease, oil and sand interceptors shall be provided when, in the opinion of the director, they are necessary for the proper handling of wastewater containing grease and oil in excess of the limits in WMC 14.24.080, or excessive amounts of sand. Such interceptors shall not be required for domestic users. All interceptors shall be of type and

capacity approved by the director and shall be located to be easily accessible for cleaning and inspection. Each user shall maintain, inspect and clean required interceptors on a schedule that ensures they capture the intended pollutants, and prevents reintroduction into the storm or sanitary sewer systems. Users shall bear all expenses related to installation, maintenance, repair and disposal of removed materials.

(a) Food Service Users. Users who operate restaurants, cafes, lunch counters, cafeterias, bars or clubs, or hotel, hospital, sanitariums, factory or school kitchens, butcher shops, or other establishments where food (polar) grease may be introduced to the sewer system, shall have pretreatment facilities to prevent the discharge of fat waste, oil and grease. Such pretreatment facilities shall be either a grease interceptor or grease trap as determined by the jurisdiction located outside the building, and installed in the wastewater line leading from sinks, drains or other fixtures where grease may be discharged. Grease interceptors shall be required on all new construction projects that have a Type 1 hood exhaust system. New grease interceptors or grease traps shall be in accordance with the Uniform Plumbing Code, and any other requirements by the city as set forth herein. Grease interceptors that include dishwasher effluent shall be sized to allow sufficient detention time to allow for cooling of the effluent. No more than four fixtures shall connect to an individual grease interceptor, and no sanitary facilities will be allowed to connect upstream of any grease interceptor. Subject to the director's approval, dishwasher effluent may be excluded from pretreatment. Grease traps inside the kitchen area will only be allowed under special circumstances and shall only be approved by the director on a case-by-case basis.

(b) Industrial/Commercial User. Users who operate automobile or truck repair facilities, steam cleaning facilities for motorized equipment, air compressor(s), or any other establishments or equipment where petroleum-based (nonpolar) grease and oil may be introduced to the sewer system, shall have pretreatment facilities to prevent the discharge of oil and grease. These pretreatment facilities shall be oil/water separators or interceptors located to collect such mixture of grease, oil and water. Such facilities shall be in accordance with city and state standards.

(c) Retrofit of User Facilities. Users may be required to retrofit facilities which were constructed prior to the adoption of the ordinance codified in this chapter. The requirement to retrofit

shall be on a case-by-case basis, as determined by the director for compliance with city, state and federal regulations. The director may require installation of grease interceptors, grease traps or other pretreatment facilities for those facilities that violate discharge prohibitions and supplemental limitations as set forth in this chapter. In all cases, existing food service users that have a Type 1 hood exhaust system shall be required to retrofit with an approved grease trap or interceptor that is sized in accordance with the current Uniform Plumbing Code and its appendices. In deciding whether to require a user to retrofit their facilities, the director shall take into account all relevant circumstances, including but not limited to, the extent of potential harm caused by the discharge, the magnitude and duration of the discharge, economic detriment to the user, corrective actions by the user, the compliance history of the user, and any other relevant factors. Grease interceptor or grease trap size shall be determined in accordance with the Uniform Plumbing Code and any other requirements by the city as set forth herein at the time the user is notified that facility modifications are required. Sizing of grease traps or interceptors will be reviewed and may be modified at the request of the local sewer jurisdiction. All costs incurred in retrofitting a user's facility shall be the sole responsibility of the user.

(d) Maintenance of Grease Interceptors and/or Grease Traps. Users shall maintain grease interceptors and/or grease traps and/or other pretreatment equipment in a manner that shall prevent fat waste, oil or grease from being carried into the sewer system at all times. Authorized city employees shall be allowed access to grease traps and interceptors for the purpose of inspection and/or to verify compliance with this chapter. Fat waste, oil or grease removed from such a facility shall not be disposed of in the sanitary or storm sewer. A record of disposal shall be maintained for review by the Southwest Washington Health District and the local sewer jurisdiction.

(3) Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.

(4) Each user discharging more than 10,000 gallons per day or 10 percent of the average daily flow in the POTW, whichever is less, may be required by the director to install and maintain, on his/her property and at his/her expense, a suitable storage and flow-control facility to ensure equalization of flow over a 24-hour period. The facility

shall have a capacity for at least 50 percent of the daily discharge volume and shall be equipped with alarms and a rate of discharge controller, the regulation of which shall be directed by the director. The city may require the user to obtain a wastewater discharge permit solely for flow equalization, or to develop a slug control plan (WMC 14.24.150). (Ord. 1571 § 1, 2006; Ord. 1221 § 1, 1996)

14.24.150 Accidental spill/slug discharge control plans.

(1) The director may require any user to install, properly operate, and maintain, at his/her own expense, facilities to prevent slugloads or accidental discharges of pollutants to the POTW. The director may require users to produce and/or implement spill plans developed in compliance with OSHA, health, fire and ecology regulations that address POTW discharges. When such plans are required by the director they shall contain as a minimum the following elements:

- (a) A description of discharge practices, including nonroutine batch discharges;
- (b) A description of stored chemicals;
- (c) Procedures for immediately notifying the city of any accidental or slugload discharges, with procedures for follow-up written notification within five days; and
- (d) Procedures to prevent adverse impact from any accidental or slugload discharge, including, but not limited to, the following 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; and measures for emergency response.

(2) Users shall verbally notify the city's wastewater treatment plant immediately upon the occurrence of a slug or accidental discharge of substances regulated by this chapter and take immediate actions to correct the situation. If the treatment plant cannot be reached, the user shall try to contact City Hall. If City Hall cannot be reached, the fire department shall be notified. Immediate notification does not require placing people in jeopardy of being harmed. The notification shall include location of discharge, date and time thereof, type of waste, concentration and volume, and corrective actions. The user shall follow-up with a written notification to the director containing the same information within seven days following the discharge.

(3) Any user who discharges an accidental discharge or slugload shall be liable for:

(a) Recovery of any resultant expenses, losses and damages to the POTW;

(b) Recovery of any fines or settlements levied upon the city on account thereof by any government agency or court of competent jurisdiction; and

(c) Applicable fines and penalties assessed by the city for noncompliance with this chapter. (Ord. 1221 § 1, 1996)

14.24.160 Septic or liquid hauled wastes.

(1) Septic tank and liquid waste haulers may introduce substances into the POTW only at a designated receiving structure and at such times as are established by the director. No load may be discharged without prior consent of the director.

(2) Such wastes shall not violate any discharge prohibition or standard of this chapter or any other requirements established or adopted by the city. Wastewater discharge permits for individual vehicles to use such facilities shall be issued by the director.

(3) Septage haulers must provide a waste-tracking form for every load. This form shall include, at a minimum, the name and address of the waste hauler, permit number, truck identification, addresses of the sources of waste, and volume and characteristics of waste.

(4) Haulers of liquid wastes other than septage must provide full disclosure to the director of the source or sources of the wastewater, and such additional information as required by the director to characterize the wastewater. The director may issue an authorization on his/her own authority, or require haulers of industrial wastewater to obtain a waste discharge permit as a condition of discharge. No authorization to discharge such wastewater shall be granted until the director has determined to his satisfaction that the wastewater complies with all discharge standards, prohibitions and requirements of this chapter.

(5) The director may exercise absolute discretion in whether to accept any load of septage or hauled wastes. In determining whether to accept a load, the director may collect samples of each hauled load and/or require the hauler to provide a waste analysis of any load prior to discharge.

(6) Fees for discharge of hauled wastes will be established as part of the user fee system as authorized in this chapter. (Ord. 1221 § 1, 1996)

Article III. Wastewater Discharge Permit Requirements

14.24.170 Wastewater discharge permitting – Requirements for discharge.

(1) No significant industrial user (SIU) shall discharge wastewater into the POTW without first applying for a wastewater discharge permit from Ecology. The director may require proof of such application. Obtaining a wastewater discharge permit does not relieve a permittee of his/her obligation to comply with all federal and state pretreatment standards or requirements or with any other requirements of federal, state and local law including the requirement for applying AKART.

(2) The director may require other users, including liquid waste haulers, to apply for wastewater discharge permits as necessary to carry out the purposes of this chapter.

(3) The director may also establish, and require users by letter, permit or rule, to implement best management practices as determined by the director.

(4) The city encourages all users seeking authorization to discharge to the POTW to complete a pollution prevention review before submitting their request to discharge to the director. The city may require users who must submit a pollution prevention plan under the state of Washington's Hazardous Waste Reduction Act to provide this plan to the director as a condition of initial or continued discharge. (Ord. 1221 § 1, 1996)

14.24.180 Permit requirements for dangerous waste constituents.

Users discharging a wastestream containing dangerous wastes as defined in Chapter 173-303 WAC (listed, characteristic or criteria wastes) are required to comply with the following permit provisions:

(1) Obtain a written authorization to discharge the waste from the director, and either obtain specific authorization to discharge the waste in a wastewater discharge permit issued by Ecology, or accurately describe the wastestream in a temporary permit obtained pursuant to RCW 90.48.165. The description shall include at least:

(a) The name of the dangerous waste as set forth in Chapter 173-303 WAC, and the dangerous waste number;

(b) The mass of each constituent expected to be discharged;

(c) The type of discharge (continuous, batch or other);

(2) Compliance shall be obtained on the following schedule:

(a) Before discharge for new users;

(b) Within 30 days after becoming aware of a discharge of dangerous wastes to the POTW for existing users; and

(c) Within 90 days after final rules identifying additional dangerous wastes or new characteristics or criteria of dangerous waste are published for users discharging a newly listed dangerous waste. (Ord. 1221 § 1, 1996)

Article IV. Reporting Requirements

14.24.190 Disclosure of records.

All records and reports required by this chapter, any applicable state and federal regulation, or any permit or order issued thereunder, will be available on-site for review by the director during business hours, when activities are being conducted at the facility, and at all reasonable times. Failure to comply with this provision is a violation of this chapter. (Ord. 1221 § 1, 1996)

14.24.200 Reports from unpermitted users.

All users not obligated to obtain a wastewater discharge permit from Ecology shall provide appropriate reports to the city as the director may require. The schedule and form of such reports, and the pollutant properties, flow rates, and other pertinent information to be reported shall be determined by the director. (Ord. 1221 § 1, 1996)

14.24.210 Reporting requirements for dangerous waste constituents.

Any user discharging 100 kilograms or more of dangerous waste in any calendar month to the

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POTW where the pollutants are not reported through self monitoring under an applicable wastewater discharge permit, shall report to the director and Ecology, the following information to the extent that it is known or readily available to the user:

- (1) The name of the dangerous waste as set forth in Chapter 173-303 WAC, and the dangerous waste number;
- (2) The specific hazardous constituents;
- (3) The estimated mass and concentration of such constituents in wastestreams discharged during the calendar month;
- (4) The type of discharge (continuous, batch or other); and
- (5) The estimated mass of dangerous waste constituents in wastestreams expected to be discharged in the next 12 months. (Ord. 1221 § 1, 1996)

14.24.220 Recordkeeping.

(1) Users subject to this chapter shall retain, and make available for inspection and copying, all records of information maintained to comply with this chapter, a wastewater discharge permit, or approved operations and maintenance procedure (inspections, lubrication, repair, etc.). Users subject to monitoring requirements shall keep records of all monitoring activities required or voluntary. Monitoring records shall include the date, exact place, method, and time of sampling and the name of the person(s) taking the sampler; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses.

(2) These records shall remain available for a period of at least three years. This period shall be automatically extended for the duration of any litigation concerning the user or POTW, or where the user has been specifically notified of a longer retention period by the director. (Ord. 1221 § 1, 1996)

Article V. Sampling and Analytical Requirements

14.24.230 Sampling requirements for users.

(1) Applicable Requirements. Users which discharge to the POTW shall abide by the applicable wastewater monitoring requirements of this chapter, any applicable order, and any state or federal regulation or permit, including a wastewater discharge permit. The director may require self-monitoring as a requirement of discharge to the POTW,

or may conduct city monitoring of any discharge to the POTW.

(2) Categorical Users Sampling Requirements. Categorical users with combined discharge shall measure flows and concentrations necessary to allow use of the combined wastestream formula of 40 CFR 403.6(e). Where feasible, such users shall sample immediately downstream from any pretreatment facilities unless the control authority determines end-of-pipe monitoring to be more stringent or applicable.

(3) Noncategorical Users. All other users, where required to sample, shall measure the flows and concentrations necessary to evaluate compliance with pretreatment standards and requirements.

(4) Data Required. All sample results shall indicate the time, date and place, of sampling, and methods of analysis, and shall certify that the samples are representative of normal work cycles and expected pollutant discharges from the user. Whenever a user samples and analyzes any regulated pollutant more frequently than required, using methodologies in 40 CFR Part 136, the results of such analysis shall be submitted with the next required discharge report. (Ord. 1221 § 1, 1996)

14.24.240 Analytical requirements.

All pollutant analyses required to be reported, with the exception of flow and temperature, shall be performed by a laboratory registered or accredited under the provisions of Chapter 173-50 WAC. Sampling and analysis techniques used in collection, preservation, and analysis, shall be in accordance with 40 CFR Part 136 unless otherwise specified in an applicable categorical pretreatment standard. Where 40 CFR Part 136 does not contain sampling or analytical technique for the pollutant in question, a sampling and analyses shall be performed in accordance with procedures approved by EPA or Ecology. (Ord. 1221 § 1, 1996)

14.24.250 City monitoring of wastewater.

The city shall follow the procedures required of users described in WMC 14.24.230 and 14.24.240 whenever conducting wastewater sampling of any industrial user when such sampling is conducted to ensure compliance with this chapter and applicable pretreatment standards and requirements. (Ord. 1221 § 1, 1996)

Article VI. Compliance Monitoring

14.24.260 Right of entry for inspection and sampling.

(1) The city shall have the right to enter the facilities of any user to ascertain whether the purpose of this chapter, and any wastewater discharge permit or order issued under this chapter or by Ecology, is being met and whether the user is complying with all requirements thereof. 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.

(2) 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, his or her agents or assigns, and representatives of state and federal authority will be allowed to enter without delay for the purposes of performing their respective duties.

(3) For users with wastewater discharge permits, the director, in coordination with Ecology, shall have the right to set up on the user's property, at the city's expense, such devices as are necessary to conduct sampling and/or metering of the user's operations. (Ord. 1221 § 1, 1996)

14.24.270 Monitoring facilities.

(1) Each user shall provide and operate at its own expense a monitoring facility to allow inspection, sampling and flow measurements of each use process waste line connected to the city's sewer system. Such facilities may be required by Ecology or the city. Monitoring facilities shall be situated on the user's premises unless this would be impractical or cause undue hardship on the user. In such cases, the director may allow the user to construct the facility in the public street or sidewalk area, providing it will not be obstructed by landscaping or parked vehicles.

(2) The director or applicable control authority may require the construction and maintenance of sampling facilities at other locations (for example, at the end of a manufacturing line, wastewater treatment system) when deemed appropriate.

(3) There shall be ample room in or near such sampling facility to allow accurate sampling and preparation of samples for analysis. The user shall maintain the facility, sampling and measuring equipment at all times in a safe and proper operating condition at his/her own expense.

(4) All monitoring facilities shall be constructed and maintained in accordance with all applicable local construction standards and specifications. Any devices used to measure wastewater flow and quality shall be regularly calibrated, but no less frequently than annually, to ensure their accuracy. Calibration records will be available for inspection of the superintendent. (Ord. 1221 § 1, 1996)

14.24.280 Search warrants.

(1) If the director or a qualified inspector acting as his/her agent has been refused access to a building, structure or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of this chapter, or that there is a need to inspect as part of a routine inspection program of the city designed to verify compliance with this chapter or any order issued hereunder or any wastewater discharge permit issued by Ecology, or to protect the overall public health, safety and welfare of the community, then the director shall seek issuance of a search and/or seizure warrant from the superior court. Such warrant shall be served at reasonable hours by the director in the company of a uniformed police officer of the city.

(2) In the event the director has reason to believe a situation represents an imminent threat to public health and safety, and where entry has been denied or the area is inaccessible, an agent of the director may enter in the company of a uniformed police officer, before a requested warrant has been produced, in order to determine if the suspected situation exists, and if so, to take such actions necessary to protect the public. (Ord. 1221 § 1, 1996)

14.24.290 Vandalism.

No person shall wilfully or negligently break, damage, destroy, uncover, deface, tamper with, or prevent access to any structure, appurtenance or equipment, or other part of the POTW. Any person found in violation of this requirement shall be subject to the sanctions set out in this chapter. (Ord. 1221 § 1, 1996)

Article VII. Confidential Information

14.24.300 Confidential information.

(1) Records kept by the city with respect to the nature and frequency of discharges from any user shall be available to the public without restriction unless the user 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 confidentiality under the law.

(2) Users shall clearly mark “confidential” on all areas of reports requested to be held confidential from the public. Upon request for this information, the city shall determine if such information is legally afforded this protection under the law. Only information marked “confidential” which the city determines qualifies as such shall be withheld from the public.

(3) Documents claimed as “confidential,” however, shall not be withheld from any state or federal agency responsible for oversight of the city’s NPDES permit or authority to implement the NPDES, or federal or state pretreatment programs. Wastewater constituents and characteristics and other “effluent data” as defined by 40 CFR 2.302 will not be recognized as confidential information and will be available to the public without restriction. (Ord. 1221 § 1, 1996)

Article VIII. Administrative Enforcement Remedies

14.24.310 State responsibility for administrative actions.

The Washington State Department of Ecology is charged with permitting and regulating significant industrial users of the city POTW. Except for emergency actions, it shall be the policy of the director to coordinate actions in regard to control of such users with Ecology until such time as a local pretreatment program for the city may be authorized by the state. Failure to do so, however, shall not invalidate any action of the city authorized by this chapter. (Ord. 1221 § 1, 1996)

14.24.320 Notification of violation.

(1) Whenever the director finds that any industrial user has violated or is continuing to violate any provision of this chapter, or order issued hereunder, the director may serve upon such industrial user written notice of the violation.

(2) Within 10 days of receipt of a notice of violation, the user shall submit an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions to the director. Submission of this plan in no way relieves the user of liability for any violations occurring before or after receipt of the notice of violation.

(3) Nothing in this section shall limit the authority of the city to take any action, including

emergency actions or any other enforcement action, without first issuing a notice of violation. (Ord. 1221 § 1, 1996)

14.24.330 Consent orders.

(1) The director is empowered to enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with any industrial user responsible for noncompliance. Such consent orders shall include a specific action to be taken by the industrial user to correct the noncompliance within a time schedule also specified by the consent order.

(2) Compliance schedules, when included in consent orders, may not extend the compliance date beyond any applicable state or federal deadlines. Consent orders shall have the same force and effect as compliance orders issued pursuant to WMC 14.24.340 and shall be judicially enforceable.

(3) Failure to comply with any terms or requirements of a consent order by the user shall be an additional and independent basis for termination of wastewater services, including collection and treatment, or for any other enforcement action authorized under this chapter and deemed appropriate by the director. (Ord. 1221 § 1, 1996)

14.24.340 Compliance orders.

(1) Whenever the director finds that a user has violated, or continues to violate, any provision of this chapter, or order issued hereunder, the director may issue a compliance order to the industrial user responsible for the violation directing that, following a specified time period, wastewater services, including collection and treatment, shall be discontinued and/or applicable penalties imposed unless adequate pretreatment facilities, devices or other related appurtenances have been installed and are properly operated and maintained.

(2) Compliance orders may also contain such other requirements as might be reasonably necessary and appropriate to address the noncompliance, including, but not limited to, the installation of pretreatment technology, additional self-monitoring, and management practices designed to minimize the amount of pollutants discharged to the POTW. A compliance order may not extend the deadline for compliance beyond any applicable state or federal pretreatment standard or requirement, nor does a compliance order release the industrial user of liability for any violation, including any continuing violation. Issuance of a compliance order shall not

be a prerequisite to taking any other action against the industrial user.

(3) Failure to comply with any terms or requirements of a compliance order by the industrial user shall be an additional and independent basis for termination of wastewater services, including collection and treatment, or for any other enforcement action authorized under this chapter and deemed appropriate by the director. (Ord. 1221 § 1, 1996)

14.24.350 Show cause hearing.

(1) A user shall be afforded the opportunity to an administrative hearing to contest the city's determination to suspend services, impose penalties, recover costs, or establish compliance schedules. A user shall also have the right to a hearing prior to termination of the user's wastewater services.

(2) Notice shall be served on the user specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the user show cause why the proposed enforcement action should not be taken. The notice of the meeting shall be served on an authorized representative of the user (return receipt requested) at least 15 days prior to the scheduled hearing date.

(3) A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the user. (Ord. 1221 § 1, 1996)

14.24.360 Cease and desist orders.

(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 by Ecology, or any other pretreatment standard or requirement, or that the user's past violations are likely to recur and may cause a violation of the POTW's NPDES permit, the director may issue an order to the user directing it to cease and desist all such violations and directing the user to:

(a) Immediately cease such actions or discharges as described;

(b) Comply with all applicable pretreatment standards and requirements;

(c) 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.

(2) Issuance of a cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the user. (Ord. 1221 § 1, 1996)

14.24.370 Emergency suspension of wastewater services.

(1) The director may immediately suspend wastewater services including collection and treatment, after informal notice to the user, if it appears to the city that such suspension is necessary to stop an actual or threatened discharge which reasonably appears to present or cause an imminent or substantial endangerment to either the environment, normal operation of the POTW, or the health or welfare of any person or the general public.

(2) Any user notified of a suspension of its discharge shall immediately cease all wastewater discharges. In the event of a user's failure to immediately comply voluntarily with the suspension order, the director shall take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or the danger to the public. The director may allow the user to recommence its discharge when the user has demonstrated that the period of endangerment has passed unless the termination processings in WMC 14.24.380 are initiated against the user.

(3) It is unlawful for any person to prevent or attempt to prevent the city from terminating wastewater services in an emergency situation, by barring entry, by physically interfering with city employees or contractors, or by any other means.

(4) 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, to the director prior to the date of any show cause or termination hearing authorized by this chapter.

(5) Nothing in this section shall be interpreted as requiring a hearing prior to any emergency suspension under this section. (Ord. 1221 § 1, 1996)

14.24.380 Termination of treatment services (nonemergency).

(1) The director shall have authority to terminate wastewater services, including collection and treatment, for any user upon determining that such user has:

(a) Refused access allowed by this chapter thereby preventing the implementation of any purpose of this chapter;

(b) Violated any provision of this chapter including the discharge prohibitions and standards of Article II; or

(c) Violated any lawful order of the city issued with respect to this chapter.

(2) For users holding permits to discharge to the POTW, violation of the following conditions is also grounds for terminating discharge services:

(a) Failure to accurately report wastewater constituents and characteristics;

(b) Failure to report significant changes in operations or wastewater constituents or characteristics;

(c) Violation of any condition of the user's waste discharge permit.

(3) Issuance of a termination order by the city shall not be a bar to, or a prerequisite for, taking any other action against the user. (Ord. 1221 § 1, 1996)

Article IX. Judicial Enforcement Remedies

14.24.390 Injunctive relief.

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 petition the superior court through the city attorney 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 city may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the user to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a user. (Ord. 1221 § 1, 1996)

14.24.400 Civil penalties.

(1) A user which has violated or continues to violate any provision of this chapter, or order issued hereunder, or any other pretreatment standard or requirement not reserved by a permit by Ecology shall be liable to the city for a maximum civil penalty of \$10,000 per violation. Each day upon which a violation occurs or continues shall constitute a separate violation. In the case of a monthly or other long-term average discharge limits, penalties shall accrue for each day during the period of the violation.

(2) In addition to the penalty amounts assessable under subsection (1) of this section, the director may recover reasonable attorneys' fees, court costs, and other expenses associated with enforce-

ment activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the city including penalties for non-compliance with the city's NPDES permit to the extent attributable to the user.

(3) The city shall petition the superior court to impose, assess and recover such sums. In recommending the amount of civil liability, the director shall consider all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration, any economic benefit gained through the user's violation, corrective actions by the user, the compliance history of the user, and any other factor as justice requires, and shall present this analysis as evidence in support of the recommended penalty.

(4) Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against a user. (Ord. 1221 § 1, 1996)

14.24.410 Criminal prosecution.

(1) A user which wilfully or negligently violates any provision of this chapter, or order issued hereunder, or any other pretreatment standard or a requirement shall, upon conviction, be guilty of a misdemeanor, punishable by a fine of not more than \$10,000 per violation, per day, plus costs of prosecution or imprisonment in the county jail not to exceed one year, or by both fine and imprisonment, at the discretion of the superior court.

(2) The above provision applies to any user which knowingly makes any false statements, representations or certifications in any application, record, report, plan or other documentation filed, or required to be maintained, pursuant to this chapter, wastewater discharge permit, or order issued hereunder, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this chapter.

(3) Where wilful or negligent introduction of a substance into the POTW causes personal injury or property damage, this action shall be in addition to any other civil or criminal action for personal injury or property damage available under the law. (Ord. 1221 § 1, 1996)

14.24.420 Remedies nonexclusive.

The provision in Articles VIII through XI of this chapter are not exclusive remedies. The city reserves the right to take any, all, or any combination of these actions concurrently or sequentially against a noncompliant user or to take other actions as warranted by the circumstances. (Ord. 1221 § 1, 1996)

Article X. Supplemental Enforcement Actions**14.24.430 Water supply severance.**

Whenever 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, water service to the user may be severed. Service will only recommence, at the user's expense, after it has satisfactorily demonstrated its ability to comply. (Ord. 1221 § 1, 1996)

14.24.440 Performance bonds and liability insurance.

The director may decline to reinstate wastewater service for any industrial user who has had its wastewater services suspended or terminated under the provisions of this chapter unless such industrial user, at the discretion of the director and the city council, either: (1) first files with the city a satisfactory bond, payable to the city, in a sum not to exceed a value determined by the director to be necessary to achieve compliance; or (2) first submits proof that it has obtained financial assurances sufficient to restore or repair POTW damage caused by its discharge. (Ord. 1221 § 1, 1996)

14.24.450 Innovative settlements and supplemental environmental projects.

(1) In any enforcement action allowed under this chapter, the director may recommend and the city may agree to set aside all or portions of the recommended penalty amount in lieu of requiring completion of a project of environmental benefit to the POTW of equal or greater value. Such projects must be agreed to by the user.

(2) In recommending this option, the director shall consider all relevant circumstances, including, but not limited to, the net environmental benefit, the ability of the project to help achieve or ensure compliance, the willingness of the party to change the circumstances that led to the noncompliance, and the responsible party's technical and financial ability to successfully complete the project.

(3) In enforcement actions taken by the Department of Ecology, the city may make written recommendations either for or against an innovative settlement agreement with a noncompliant user based on these same criteria. (Ord. 1221 § 1, 1996)

Article XI. Affirmative Defenses to Discharge Violations**14.24.460 General prohibited discharge standards.**

(1) The city may allow an affirmative defense to an enforcement action brought against it for non-compliance with the general and specific prohibitions in WMC 14.24.050(1) and (2)(c) through (g). Such defense requires the user to prove to the satisfaction of the director that:

(a) The user 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;

(b) The discharge did not change substantially in nature or constituents from the industrial user's prior discharge when the city was regularly in compliance with its NPDES permit; and

(c) In the case of interference, the user was in compliance with applicable sludge use or disposal requirements.

(2) This defense may relieve the user from responsibility for enforcement to recover costs as provided under WMC 14.24.400. (Ord. 1221 § 1, 1996)

14.24.470 Upset.

(1) Users shall control production or all discharges to the extent necessary to maintain compliance with applicable pretreatment standards upon reduction, loss or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost or fails.

(2) An industrial user who wishes to establish the affirmative defense of upset to an action brought for noncompliance with applicable pretreatment shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

(a) An upset occurred; the user can identify the cause(s) of the upset; and it was not due to improperly designed or inadequate treatment facilities, lack of preventative maintenance, or careless or improper operation;

(b) The facility was at the time being operated in a prudent and workman-like manner and in compliance with applicable operation and maintenance procedures; and

(c) The user has verbally notified the city's wastewater treatment plant (or City Hall or fire

department as described in WMC 14.24.150) immediately, if possible, but no later than 24 hours upon becoming aware of the upset. Immediate notification does not require placing people in jeopardy of being harmed. The notification must include the following information. A written report must have been submitted within five 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; and
- (iii) Steps being taken and/or planned to reduce, eliminate and prevent recurrence of the noncompliance.

(3) Users will only have the opportunity for a judicial determination on a claim of upset in an enforcement action brought for noncompliance with applicable pretreatment standards. In any such enforcement proceedings, the user seeking to establish the occurrence of an upset shall have the burden of proof. (Ord. 1221 § 1, 1996)

14.24.480 Bypass.

(1) A user may allow a bypass to occur if it does not cause applicable pretreatment standards or requirements to be violated and if it is for essential maintenance to ensure efficient operations. These bypasses are not subject to the provision of subsections (2) and (3) of this section.

(2) Requirements for bypasses subject to pretreatment standards or requirements:

(a) If a user knows in advance of the need for a bypass, it shall submit prior notice to the POTW, at least 10 days before the date of the bypass.

(b) An industrial user shall give verbal notification to the city of an unanticipated bypass that exceeds applicable pretreatment standards within 24 hours of becoming aware of the bypass, and submit a written report to the director within five days of becoming aware of the bypass.

(c) The written report shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate and prevent reoccurrence of the bypass. The director may waive the written report if the verbal notification has been received within 24 hours.

(3) Exceptions. Bypass is prohibited, and the POTW may take an enforcement action against a user for a bypass, unless:

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

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

(c) The user submitted notice as required under subsection (2) of this section.

(4) The POTW may approve an anticipated bypass, after considering its adverse effects, if the POTW determines that it will meet the three conditions listed in subsection (3) of this section. (Ord. 1221 § 1, 1996)

Article XII. Industrial Waste Collection and Treatment Rates

14.24.490 Purpose.

It is the purpose of this section to provide for the payment of charges from industrial users to compensate the city for the cost of installing, operating, maintaining and further improving the POTW and for the cost of administration of the pretreatment program established herein. (Ord. 1221 § 1, 1996)

14.24.500 Sewer use service charges.

(1) Any industrial user who has a process wastewater which is discharged into the city's sewer and is equivalent to domestic sewage except that the BOD or TSS levels may be higher than 300 mg/l shall pay a fee based on the domestic sewage rates established in the WMC and an equivalent domestic population. To determine the equivalent domestic population, each person is assumed to generate 0.2 pounds of BOD per day and 0.2 pounds of TSS per day. The director of public works shall determine if an industrial wastewater is equivalent to domestic sewage and, if so, the equivalent domestic population to be used in the fee calculation. The city council shall approve the director's determination.

(2) Any industrial user who has a process wastewater which is not equivalent to domestic sewage (see subsection (1) of this section) shall pay a fee to be determined by the director and approved by the city council for the cost of accommodating the waste.

(3) The city reserves the following rights:

(a) To modify the above rates to reflect changes in POTW facilities, labor costs, requirements in the city's NPDES permit, biosolids land application program, and costs of materials and supplies;

(b) To periodically review the characteristics of an industrial wastewater and modify the fee by council action based on the results of such review. (Ord. 1221 § 1, 1996)

Division III. Stormwater Utility

Chapter 14.28

STORMWATER UTILITY

Sections:

- 14.28.010 Definitions.
- 14.28.020 Creation of stormwater utility.
- 14.28.030 Administrator of utility.
- 14.28.040 Stormwater utility fund.
- 14.28.050 Authority to establish rates and charges.
- 14.28.060 Limitation of liability.

14.28.010 Definitions.

The following words when used herein shall have the following meanings, unless the context clearly indicates otherwise:

(1) "Comprehensive stormwater plan" means a plan, developed for the purposes of mapping and analyzing the city's surface and stormwater drainage system, identifying problem areas, and providing recommendations for capital improvements, best management practices, policy changes, and funding.

(2) "General facility charge" means that fee authorized by the council and charged by the utility to property which is developed after the effective date of the ordinance codified in this chapter, which charge reflects a proportionate share of the utility's capital costs attributable to the newly developed property.

(3) "Service charge" means the monthly fee levied by the utility upon all developed real property within the boundaries of the utility as authorized by WMC 14.28.020 and 14.28.030.

(4) "Storm drainage system" means constructed drainage facilities and any natural surface water drainage features that provide any combination of collecting, storing, controlling, treating or conveying surface and stormwater.

(5) "Stormwater" means water originating from rainfall and other precipitation that is found in drainage facilities, rivers, streams, springs, seeps, ponds, lakes, and wetlands, as well as shallow ground water.

(6) "Utility" means the city of Washougal, Washington stormwater utility, a utility which operates and maintains the surface and stormwater drains, channels and facilities, outfalls for storm drainage and the rights and interests in property relating to the system. The boundaries of the utility

are the corporate limits of the city. (Ord. 1601 § 1, 2007)

14.28.020 Creation of stormwater utility.

(1) There is hereby created and established a surface and stormwater utility which shall be known as the “city of Washougal, Washington, stormwater utility” (the “utility”) for the purposes set forth in subsection (2) of this section.

(2) The city shall exercise, through the utility where possible, all the lawful powers necessary and appropriate to the construction, condemnation and purchase, acquisition, addition to, maintenance, conduct and operation, management, regulation and control of the surface and stormwater within the boundaries of the city, as necessary to protect the health, safety, and welfare of the citizens of the city, including, without limitation, all the lawful powers to fix, alter, regulate and control the rates, charges and conditions for the use thereof, to purchase and condemn property on behalf of the utility, to regulate actions taken with respect to public and private property which affect the flow of surface and stormwater and the use of drainage facilities, and to adopt, alter, and amend a plan adopted as necessary to implement the policies of the city pertaining to surface and stormwater drainage.

(3) It is not the purpose of this chapter to create a duty of the city or its utility to insure or protect individual persons or property against water drainage. (Ord. 1601 § 2, 2007)

14.28.030 Administrator of utility.

The public works director or the official designated by the public works director shall be administrator of the utility and shall report directly to the public works director. (Ord. 1601 § 3, 2007)

14.28.040 Stormwater utility fund.

(1) There is hereby created a fund which shall be known as the “stormwater utility fund.” All revenues, assessments, and other charges collected by the utility, or otherwise received for drainage purposes or attributable to the operation and maintenance of the utility, and all loans to or grants or funds received for its construction, improvement and operation, shall be deposited in the stormwater utility fund. All disbursements for costs of data collection, planning, designing, constructing, acquiring, maintaining, operating, and improving the drainage utility facilities, whether such facilities are natural, constructed or both, and administering

the utility shall be made from the stormwater utility fund.

(2) The city may create, at such time or times as it deems appropriate, any other funds necessary to the administration of the stormwater utility and may designate the revenues to be placed therein and the purpose or purposes of such funds which may be the same as one, some or all of the purposes designated in this section as the purposes of the stormwater utility fund created herein, and such purposes shall then be transferred to such newly created fund. (Ord. 1601 § 4, 2007)

14.28.050 Authority to establish rates and charges.

The city shall establish by ordinance rate classifications, service charges, general facilities charges, inspection, permitting, application, and such other fees and charges necessary and sufficient in the opinion of the city council to pay for the following:

(1) The costs associated with the development and adoption of a comprehensive stormwater plan;

(2) The costs, including debt service and related financing expenses, for the construction and reconstruction of storm drainage facilities necessary or useful for the handling of surface and stormwater within the city, but not presently in existence;

(3) The operation, repair, maintenance, improvement, replacement and reconstruction of storm drainage facilities within the city which presently exist;

(4) The acquisition of real property interests, which may be useful or necessary for the storm drainage system in the city including but not limited to land necessary for the installation and construction of storm drainage facilities, and all other facilities, including retention and detention facilities, which are reasonably required for proper and adequate handling of stormwater within the city;

(5) The costs of monitoring, inspection, enforcement and administration of the utility including but not limited to water quality surveillance, private drainage facility maintenance inspection, construction inspection and other activities which are reasonably required for the proper and adequate implementation of the city’s surface and stormwater policies;

(6) The construction and subsequent maintenance of those future facilities as required by the utility; and

(7) Creation and implementation of ordinances, policies, standards, and procedures for the pur-

poses of gaining compliance with state or federal rules and regulations.

The fees and charges to be paid and collected pursuant hereto shall not be used for general or other governmental or proprietary purposes of the city, except to pay for the equitable share of the costs of accounting, management, legally levied taxes, and government thereof incurred on behalf of the utility. (Ord. 1601 § 5, 2007)

14.28.060 Limitation of liability.

This chapter, any drainage code to be adopted by the city council to implement this chapter, and any guidelines, rules, standards, specifications, requirements, regulations and procedures established pursuant to any section of such code are intended to provide the authority and processes to achieve cost-effective surface and stormwater management in accordance with reasonable standards for such management in the city as necessary to protect the health, safety, and welfare of the citizens and of the city. No city liability shall be inferred, implied, or interpreted by the adoption and application of this chapter for damages to individual persons or properties which result from existing conditions or which occur subsequent to the date of this chapter. There shall be no liability associated with the utility's approval of any privately constructed portion of the storm drainage system and/or privately maintained portion of the storm drainage system unless the city accepts the same as part of its publicly owned and/or maintained system. (Ord. 1601 § 6, 2007)

Chapter 14.32

STORMWATER UTILITY RATES

Sections:

- 14.32.010 Definitions.
- 14.32.020 Rate structure.
- 14.32.030 Service charge rates.
- 14.32.040 Credits for qualified existing or new stormwater facilities.
- 14.32.050 General facilities charge.
- 14.32.060 Rate adjustments and appeals.
- 14.32.070 Billing procedure and collection.
- 14.32.080 Annual review of charges and fees.
- 14.32.090 Effective date of service charge.

14.32.010 Definitions.

The following words when used herein shall have the following meanings, unless the context clearly indicates otherwise:

(1) "Best management practices (BMPs)" means the best available and reasonable physical, structural, managerial, or behavioral activities that, when used singly or in combination, eliminate or reduce the contamination of surface and/or ground water.

(2) "Commercial properties" include commercial, multifamily residential – three units or greater, industrial and institutional properties.

(3) "Developed" means that condition of real property altered from its natural state by the addition to or construction on such property of impervious ground surface or other manmade physical improvements such that the drainage characteristics of the property or portion thereof is affected.

(4) "Duplex" means any structure which contains no more than two residences or two residential units which are within a single structure and are used primarily for residential purposes.

(5) "Dwelling unit – single-family" means a structure consisting of one detached building in which there are facilities for the living accommodations of one family.

(6) "Equivalent residential unit (ERU)" means and shall be equal to 3,900 square feet of impervious surface and is the measure of impervious surface to be used by the utility in assessing service charges and general facility charges against each parcel of property.

(7) "General facility charge" means that fee authorized by the council and charged by the utility to property which is developed after the effective date of the ordinance codified in this chapter, which charge reflects a proportionate share of the

utility's capital costs attributable to the newly developed property.

(8) "Impervious surface" means a hard surface area which either prevents or retards the entry of water into the soil mantle as it entered under natural conditions prior to development, or a hard surface area which causes water to run off the surface in greater quantities or at an increased rate of flow from the flow present under natural conditions prior to development. Common impervious surfaces include, but are not limited to, roofs, sidewalks, walkways, patios, concrete or asphalt paving, driveways, parking lots, storage areas, areas which are paved, graveled, or made of packed earthen materials and other surfaces which similarly impede the natural infiltration of surface and stormwater. Open, uncovered flow control or water quality treatment facilities shall not be considered as impervious surfaces.

(9) "Manual" means the most recently adopted technical drainage manual that describes the requirements for drainage review, drainage plan and report submittal, hydrologic analysis and design, flow control design, water quality design, and other technical requirements.

(10) "Natural surface water drainage system" means such landscape features as rivers, streams, lakes and wetlands.

(11) "Parcel" means the smallest separately segregated unit or plot of land having an identified owner, boundaries and surface area which is documented for property tax purposes and given a tax lot number by the Clark County assessor.

(12) "Person" means any individual, firm, company, association, corporation or governmental agency.

(13) "Program" means the stormwater management program.

(14) "Service charge" means the monthly fee levied by the utility upon all developed real property within the boundaries of the utility as authorized by WMC 14.32.020 and 14.32.030.

(15) "Storm drainage system" means constructed drainage facilities and any natural surface water drainage features that do any combination of collecting, storing, controlling, treating or conveying surface and stormwater.

(16) "Stormwater" means water originating from rainfall and other precipitation that is found in drainage facilities, rivers, streams, springs, seeps, ponds, lakes, and wetlands, as well as shallow ground water.

(17) "Stormwater management program" means the services provided by the city relating to

surface and stormwater drainage, including but not limited to basin planning, facilities operations and maintenance, regulation, financial administration, public involvement, drainage investigation and enforcement, aquatic resource restoration, surface and stormwater quality and environmental monitoring, natural surface water drainage system planning, intergovernmental relations and facility design and construction.

(18) "Undeveloped parcel" means any parcel which has not been altered from its natural state by the construction, creation or addition of impervious surface.

(19) "Utility" means the city of Washougal, Washington stormwater utility, a utility which operates and maintains the surface and stormwater drains, channels and facilities, outfalls for storm drainage and the rights and interests in property relating to the system. The boundaries of the utility are the corporate limits of the city.

(20) "Water quality treatment facility" means a drainage facility designed to reduce pollutants once they are already contained in surface and stormwater runoff. Water quality treatment facilities are the structural component of BMPs. When used singly or in combination, water quality treatment facilities reduce the potential for contamination of surface and/or ground water. (Ord. 1602 § 1, 2007)

14.32.020 Rate structure.

(1) It shall be the policy of the city that the rate structure to be applied in establishing the amount of service charges and general facility charges assessed against each parcel of developed real property within the boundaries of the utility shall be based upon the amount of impervious surface contained within each parcel of property as set forth below.

(2) The city shall determine the service charge for each parcel within the service area by the following methodology:

(a) All single-family dwelling units and accessory uses thereof are deemed to contain one equivalent residential unit.

(b) Each dwelling unit of a duplex structure is deemed to contain one equivalent residential unit.

(c) All other developed real properties within the utility boundaries, the utility shall determine the number of equivalent residential units by dividing the number of square feet of impervious surface on each property by 3,900 square feet per ERU; the total thus obtained will be rounded to the

nearest half representing the equivalent residential units contained on such property. Each developed parcel of property shall be deemed to comprise a minimum of one equivalent residential unit.

(3) Property Exempt from Service Charges. The following special categories of property are exempt from service charges and general facility charges:

- (a) City street rights-of-way;
- (b) Washington State rights-of-way; and
- (c) Undeveloped parcels. (Ord. 1602 § 2, 2007)

14.32.030 Service charge rates.

(1) For all single-family dwelling units and accessory uses thereof (one equivalent residential unit), the monthly service charge shall be \$8.00 per month.

(2) For all other developed property within the boundaries of the utility, unless exempt as set forth above, the monthly service charge shall be \$8.00 per month per ERU multiplied by the number of equivalent residential units determined by the utility to be contained in such parcel.

(3) For low to moderate income senior citizens, rates shall be charged per the chart listed below. For purposes of this section, “senior citizens” means those persons 60 years or older who have gross income of not exceeding \$20,000 in the last preceding calendar year. The city clerk shall develop such forms and/or affidavits necessary to qualify citizens for these categories and to administer the program.

Residential Classification

Senior Citizens (Over 60)	Monthly Rate
Residential Rates – \$15,000/Year Income or less	\$4.00
Residential Rates – \$20,000/Year Income or less	\$6.00

(Ord. 1618 § 1, 2008; Ord. 1602 § 3, 2007)

14.32.040 Credits for qualified existing or new stormwater facilities.

(1) The city of Washougal recognizes that some commercial property owners have constructed private on-site stormwater quality and quantity mitigation facilities (“facilities”) which may aid the city in controlling the overall effects of stormwater pollution and those other problems necessitating

that the city enact this chapter. Properties or portions of properties with facilities that meet one of the criteria listed below, to the city’s satisfaction, shall receive a reduction of 50 percent from the monthly fee charged under WMC 14.32.030 as currently enacted or hereafter amended.

(a) Any property with a properly maintained water quantity and quality facility that meets or exceeds the design requirements of the 2005 Department of Ecology Stormwater Management Manual for Western Washington.

(b) Any property that has an active and valid NPDES permit that includes stormwater requirements. A copy of the permit and the Storm Water Pollution Prevention Plan (SWPPP) shall be provided to the city.

(2) The property owner is responsible for providing all documentation necessary to demonstrate that the design and construction of any water quality and/or water quantity facility meets the above requirements. Documentation shall be by a licensed civil engineer with the state of Washington. In the event facilities or control measures address only a portion of the total property, the credit will be applied to only that affected portion. The property owner must maintain any water quantity and/or quality control facility in accordance with Department of Ecology maintenance guidelines and appropriate practice to ensure proper function and effectiveness of the facility. Failure to maintain the facilities within 30 days after written notice may be cause for termination of the credit granted in this section. (Ord. 1602 § 4, 2007)

14.32.050 General facilities charge.

(1) Beginning on the effective date of the ordinance codified in this section, and thereafter in addition to other fees required by ordinance or pursuant to agreement, there is imposed upon the owners of property seeking to connect to the city’s stormwater system a general facility charge. This general facility charge is determined as the product of \$450.00 times the number of equivalent service units (ESU) (\$450.00 x ESU).

(2) The general facility charge shall be paid and collected at the time of permit issuance for development and prior to actual development.

(3) Applicants for development shall be required to pay the stormwater general facility charge in effect at the time the permit is issued. (Ord. 1602 § 5, 2007)

14.32.060 Rate adjustments and appeals.

(1) Any person billed for service charges may file a request for rate adjustment with the city within two years of the date from which the bill was sent. Rate adjustment request forms shall be available at the city clerk's office. However, filing of such request does not extend the period for payment of the charge.

(2) Requests for rate adjustment may be granted or approved by the city finance manager (residential and commercial accounts) or public works director (industrial accounts) only when at least one of the following conditions exist:

(a) The service charge bill was otherwise not calculated in accordance with this chapter.

(3) The property owner shall have the burden of proving that the rate adjustment sought should be granted.

(4) Decisions on requests for rate adjustments shall be made by the city finance director or public works director based on information submitted by the applicant within 30 days of the adjustment request except when additional information is needed. The applicant shall be notified in writing of the city's decision. If an adjustment is granted which reduces the charge for the current year or two prior years, the applicant shall be refunded the amount overpaid in the current and two prior years.

(5) If the city finance director finds that a service charge bill has been undercharged, then an amended bill shall be issued which reflects the increase in the service charge. The city may include in the bill the amount undercharged for two previous billing years in addition to the current bill.

(6) Decisions of the city finance director on requests for rate adjustments shall be final unless, within 30 days of the date the decision was mailed, the applicant submits in writing to the city finance director a notice of appeal setting forth a brief statement of the grounds for appeal and requesting a hearing before the city council. (Ord. 1602 § 6, 2007)

14.32.070 Billing procedure and collection.

(1) All property subject to charges of the program shall be billed based on the property characteristics existing one month prior to billing. All property is billed bimonthly beginning January 1st of each year.

(2) All service charges, general facility charges and all other fees or charges hereafter established by the city council by ordinance shall be deemed to be levied upon real property.

(3) The city shall have a lien for all delinquent and unpaid charges and fees for storm drainage purposes, including without limitation service charges and general facility charges, assessed against all parcels to which service was furnished, which lien shall have the superiority established by RCW 35.67.200 and shall be foreclosed in the manner provided in RCW 35.67.220 et seq.

(4) Service charges shall be deemed delinquent if not paid by the end of the month of the billing date. A late charge equal to 10 percent or \$10.00, whichever is greater, of the delinquent service charge shall be imposed at the time of such delinquency and interest at the rate of 12 percent per annum shall be charged on all delinquent service charges and late charges. If the delinquent service charge or imposed interest is usurious under Washington law, then the maximum charge and/or interest rate allowable by law will be imposed. (Ord. 1602 § 7, 2007)

14.32.080 Annual review of charges and fees.

The charges and fees established by this chapter and any other ordinances of the city council establishing charges and fees for the utility may be reviewed annually by the city council. (Ord. 1602 § 8, 2007)

14.32.090 Effective date of service charge.

The service charge herein established shall apply on or after January 1, 2009, and shall be billed beginning in January 2009. (Ord. 1618 § 1, 2008; Ord. 1602 § 9, 2007)

Chapter 14.36

ILLEGAL DISCHARGES TO STORMWATER SYSTEM AND WATERCOURSES

Sections:

- 14.36.010 Purpose and intent.
- 14.36.020 Definitions.
- 14.36.030 Applicability.
- 14.36.040 Responsibility for administration.
- 14.36.050 Severability.
- 14.36.060 Ultimate responsibility.
- 14.36.070 Discharge prohibitions.
- 14.36.080 Suspension of water service, sanitary sewer service and municipal separate storm sewer system access.
- 14.36.090 Industrial or construction activity discharges.
- 14.36.100 Monitoring of discharges.
- 14.36.110 Requirement to prevent, control, and reduce stormwater pollutants by the use of BMPs.
- 14.36.120 Watercourse protection.
- 14.36.130 Notification of spills.

14.36.010 Purpose and intent.

The purposes of this chapter are:

(1) To provide for the health, safety, and general welfare of the citizens of the city of Washougal, Washington, through the regulation of nonstormwater discharges to the storm drainage system to the maximum extent practicable as required by federal and state law.

(2) To establish methods for controlling the introduction of pollutants into the municipal separate storm sewer system in order to comply with the requirements of the National Pollutant Discharge Elimination System (NPDES) permit process. Specifically:

(a) To regulate the contribution of pollutants to the municipal separate storm sewer system by stormwater discharges from any user.

(b) To prohibit illicit connections and illegal discharges to the city's municipal separate storm sewer system.

(c) To define the city's legal authority to carry out all inspection, surveillance and monitoring necessary to effectuate said purposes.

(3) To protect and enhance water quality and aquatic wildlife and its habitat by preventing harmful discharges to local watercourses. (Ord. 1657 § 1 (Exh. A), 2010)

14.36.020 Definitions.

For the purposes of this chapter, the following shall mean:

(1) "Best management practices (BMPs)" means schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to stormwater, receiving waters, or stormwater conveyance systems. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

(2) "City" means the city of Washougal, Washington.

(3) "Clean Water Act" means the federal Water Pollution Control Act (33 USC 1251 et seq.), and any subsequent amendments thereto.

(4) "Director" means the city of Washougal public works director and/or designees.

(5) "Hazardous materials" means any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

(6) "Illegal discharge" means any direct or indirect nonstormwater discharge to the city's storm drain system, except as expressly exempted by this chapter.

(7) "Illicit connections" means either: (a) any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the city's storm drain system, watercourse or waterbody, including but not limited to conveyances allowing any nonstormwater discharge such as sewage, process wastewater, and wash water to enter the storm drain system and any connections thereto from indoor drains and sinks, regardless of whether said drain or connection was previously allowed, permitted, or approved by the city of Washougal; or (b) any drain or conveyance connected from a commercial or industrial land use to the storm drain system which has not been documented in plans, maps, or equivalent records and approved by the city.

(8) "Industrial activity" means activities subject to NPDES industrial permits as defined in 40 CFR 122.26(b)(14).

(9) “Municipal separate storm sewer system” means a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains):

(a) Owned or operated by a municipal corporation or other public entity with jurisdiction over management and discharge of stormwater and which discharges to surface waters of the state;

(b) Designed or used for collecting or conveying stormwater;

(c) Which is not part of a publicly owned treatment works (POTW). “POTW” means any device or system used in treatment of municipal sewage or industrial wastes of a liquid nature which is publicly owned; and

(d) Which is not a combined sewer. “Combined sewer” means a system that collects sanitary sewage, industrial wastewater and stormwater in a single sewer system.

(10) “National Pollutant Discharge Elimination System (NPDES) stormwater discharge permit” means a permit issued by the Environmental Protection Agency (EPA) (or by the state under authority delegated pursuant to 33 USC 1342(b)) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

(11) “Nonstormwater discharge” means any discharge to the storm drain system that is not composed entirely of stormwater.

(12) “Person” means any individual, association, organization, partnership, firm, corporation or other entity recognized by law and acting as either the owner of a premises or as the owner’s agent.

(13) “Pollutant” means anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; nonhazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

(14) “Premises” means any building, lot, parcel of land, or portion of land, whether improved or unimproved, including adjacent sidewalks and parking strips.

(15) “Storm drainage system” means publicly owned facilities, including the city’s municipal separate storm sewer system, by which stormwater is collected and/or conveyed, including but not limited to any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures.

(16) “Stormwater” means any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation and resulting from such precipitation.

(17) “Stormwater facility” means a constructed component of a stormwater drainage system, designed or constructed to perform a particular function or multiple functions. Stormwater facilities include but are not limited to swales, detention ponds, retention ponds, constructed wetlands, infiltration devices, oil/water separators, biofiltration swales and LID facilities as defined in the Washougal Engineering Standards.

(18) “Stormwater pollution prevention plan” means a document which describes the best management practices and activities to be implemented by a person to identify sources of pollution or contamination at a premises and the actions to eliminate or reduce pollutant discharges to stormwater, stormwater conveyance systems, and/or receiving waters to the maximum extent practicable.

(19) “Wastewater” means any water or other liquid, other than uncontaminated stormwater, discharged from a premises.

(20) “Waterbody” means any landscape feature comprising any body of water, whether standing or flowing, including, but not limited to, Puget Sound, lakes, ponds, rivers, streams or creeks.

(21) “Watercourse” means a waterbody consisting of a natural or artificial channel through which water flows. (Ord. 1657 § 1 (Exh. A), 2010)

14.36.030 Applicability.

This chapter shall apply to all nonstormwater discharges entering the storm drain system generated on any developed or undeveloped lands, unless explicitly exempted by the city. (Ord. 1657 § 1 (Exh. A), 2010)

14.36.040 Responsibility for administration.

The public works director shall administer, implement, and enforce the provisions of this chapter. Any powers granted or duties imposed upon the director may be delegated in writing by the

director to persons or entities acting in the beneficial interest of or in the employ of the city. (Ord. 1657 § 1 (Exh. A), 2010)

14.36.050 Severability.

The provisions of this chapter are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this chapter or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this chapter. (Ord. 1657 § 1 (Exh. A), 2010)

14.36.060 Ultimate responsibility.

The standards set forth herein and promulgated pursuant to this chapter represent minimum standards. Compliance by any person with the standards established under this chapter does not relieve any person from any responsibility or obligation imposed pursuant to any other local, state or federal regulation. (Ord. 1657 § 1 (Exh. A), 2010)

14.36.070 Discharge prohibitions.

(1) Prohibition of Illegal Discharges. No person shall discharge or cause to be discharged into the municipal storm drain system or any watercourse any materials (including but not limited to pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards) other than stormwater. Contaminants include but are not limited to the following:

- (a) Trash or debris;
- (b) Construction materials;
- (c) Petroleum products including but not limited to oil, gasoline, grease, fuel oil and heating oil;
- (d) Antifreeze and other automotive products;
- (e) Metals in either particulate or dissolved form;
- (f) Flammable or explosive materials;
- (g) Radioactive material;
- (h) Batteries;
- (i) Acids, alkalis, or bases;
- (j) Paints, stains, resins, lacquers, or varnishes;
- (k) Degreasers and/or solvents;
- (l) Drain cleaners;
- (m) Pesticides, herbicides, or fertilizers;
- (n) Steam cleaning wastes;
- (o) Soaps, detergents, or ammonia;
- (p) Swimming pool or spa filter backwash;
- (q) Chlorine, bromine, or other disinfectants;
- (r) Heated water;

- (s) Domestic animal wastes;
- (t) Sewage;
- (u) Recreational vehicle waste;
- (v) Animal carcasses;
- (w) Food wastes;
- (x) Bark and other fibrous materials;
- (y) Lawn clippings, leaves, or branches;
- (z) Silt, sediment, concrete, cement or gravel;
- (aa) Dyes (except as described below under "permissible discharges");
- (bb) Chemicals, including suspected metals, not normally found in uncontaminated water;
- (cc) Any other process-associated discharge except as otherwise allowed in this section;
- (dd) Any hazardous material or waste not listed above.

(2) Permissible Discharges. The following types of discharges shall not be considered illegal discharges for the purposes of this chapter unless the director determines that the type of discharge, whether singly or in combination with others, is causing or is likely to cause pollution of surface water or groundwater:

- (a) Uncontaminated water from crawl space pumps or footing drains;
- (b) Yard watering;
- (c) Dechlorinated swimming pool water;
- (d) Materials placed as part of an approved habitat restoration or bank stabilization project;
- (e) Natural uncontaminated surface water, springs or groundwater;
- (f) Flows from riparian habitats and wetlands;
- (g) Common practices for water well disinfection;
- (h) Discharges resulting from diffuse or ubiquitous sources such as atmospheric deposition;
- (i) Discharges resulting from dye testing authorized by the director;
- (j) Discharges which result from emergency response activities or other actions that must be undertaken immediately or within a time too short to allow full compliance with this chapter so as to avoid an imminent threat to public health or safety. The director may further define qualifying activities in administrative guidance. The person responsible for said emergency response activities shall take all necessary steps to ensure that the discharges resulting from such activities are minimized and ensure that future incidents are prevented to the greatest extent possible;
- (k) Air conditioning condensation;

(l) Discharges permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the federal Environmental Protection Agency; provided, that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations; and provided, that written approval from the director has been granted for any discharge to the storm drain system;

(m) Other water sources not containing pollutants;

(n) Other types of discharges as determined in advance by the director.

(3) Conditional Discharges. The following types of discharges shall not be considered illegal discharges for the purposes of this chapter if they meet the stated conditions, unless the director determines that the type of discharge, whether singly or in combination with others, is causing or is likely to cause pollution of surface water or groundwater:

(a) Potable water, including water from water line flushing, hyperchlorinated water line flushing, fire hydrant system flushing, and pipeline hydrostatic test water. Planned discharges shall be dechlorinated to a concentration of 0.1 ppm or less, pH-adjusted if necessary and in volumes and velocities controlled to prevent resuspension of sediments in the stormwater system;

(b) Lawn watering and other irrigation runoff are permitted but shall be minimized;

(c) Dechlorinated swimming pool discharges. These discharges shall be dechlorinated to a concentration of 0.1 ppm or less, pH-adjusted if necessary and in volumes and velocities controlled to prevent resuspension of sediments in the stormwater system;

(d) Street and sidewalk wash water, water used to control dust, and routine external building wash-down that does not use detergents are permitted if the amount of street wash and dust control water used is minimized. At active construction sites, street sweeping must be performed prior to washing the street;

(e) Nonstormwater discharges covered by another NPDES permit; provided, that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations; and provided, that written approval has been granted for any discharge to the storm drain system;

(f) Other nonstormwater discharges. The discharges shall be in compliance with the require-

ments of a stormwater pollution prevention plan (SWPPP), reviewed and approved by the city, which addresses control of such discharges by applying AKART to prevent contaminants from entering surface or ground water.

(4) Prohibition of Illicit Connections.

(a) The construction, use, maintenance or continued existence of illicit connections to the storm drain system is prohibited.

(b) This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

(c) Anybody is considered to be in violation of this chapter if the person connects a line conveying sewage to the municipal separate storm sewer system, or allows such a connection to continue. (Ord. 1657 § 1 (Exh. A), 2010)

14.36.080 Suspension of water service, sanitary sewer service and municipal separate storm sewer system access.

(1) Suspension Due to Illegal Discharges in Emergency Situations. The director may, without prior notice, suspend water service, sanitary sewer service and/or municipal separate storm sewer system discharge access to a person when such suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to the municipal separate storm sewer system or waters of the state of Washington. If the violator fails to comply with an emergency suspension order, the director may take such steps as deemed necessary to prevent or minimize damage to the municipal separate storm sewer system or waters of the state of Washington, or to minimize danger to persons.

(2) Suspension Due to the Detection of Illegal Discharge. Any person discharging to the municipal separate storm sewer system in violation of this chapter may have his/her water service, sanitary sewer service and/or municipal separate storm sewer system access terminated if such termination would abate or reduce an illegal discharge. The director will notify a violator of the proposed termination of its municipal separate storm sewer system access. The violator may petition the director for a reconsideration and hearing as provided in this chapter.

(3) Unauthorized Reinstatement. Anybody commits an offense and violates this chapter if the

person reinstates municipal separate storm sewer system access to premises terminated pursuant to this section, without the prior approval of the director. (Ord. 1657 § 1 (Exh. A), 2010)

14.36.090 Industrial or construction activity discharges.

Any person or activity subject to an NPDES stormwater discharge permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the federal Environmental Protection Agency shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the city prior to allowing discharges to the municipal separate storm sewer system. (Ord. 1657 § 1 (Exh. A), 2010)

14.36.100 Monitoring of discharges.

(1) Applicability. This section applies to all facilities that have stormwater discharges associated with industrial or commercial activity, including but not limited to construction activity.

(2) Access to Facilities.

(a) The city shall be permitted to enter and inspect facilities subject to regulation under this chapter as often as may be necessary to determine compliance with this chapter. If a discharger has security measures in force which require proper identification and clearance before entry into its premises, the discharger shall make the necessary arrangements to allow access to representatives of the director.

(b) Premises owners, occupiers and their agents shall allow the city ready access to all parts of the premises for the purposes of inspection, sampling, examination and copying of records that must be kept under the conditions of an NPDES permit to discharge stormwater, and the performance of any additional duties as defined by state and federal law.

(c) The city shall have the right to install on any permitted premises such devices as are necessary in the opinion of the director to conduct monitoring and/or sampling of the premises' stormwater discharge.

(d) The city has the right to require the discharger to install monitoring equipment as necessary. The premises' sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure stormwater flow and quality shall be calibrated to ensure their accuracy.

(e) Any temporary or permanent obstruction to safe and easy access to the premises to be inspected and/or sampled shall be promptly removed by the operator at the written or oral request of the director. The costs of clearing such access shall be borne by the operator.

(f) Unreasonable delays in allowing the city access to a permitted premises are violations of a stormwater discharge permit and of this chapter. A person who is the owner or operator of a premises with an NPDES permit to discharge stormwater associated with industrial activity commits an offense and violates this chapter if the person denies the city reasonable access to the permitted premises for the purpose of conducting any activity authorized or required by this chapter.

(g) If the director has been refused access to any part of the premises from which stormwater is discharged, and is able to demonstrate probable cause to believe that there may be a violation of this chapter, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this chapter or any order issued hereunder, or to protect the overall public health, safety, and welfare of the community, then the director may seek issuance of a search warrant from any court of competent jurisdiction.

(h) In addition, the director may suspend water, sanitary sewer and/or storm drain access or access to any party refusing to provide or delaying access. (Ord. 1657 § 1 (Exh. A), 2010)

14.36.110 Requirement to prevent, control, and reduce stormwater pollutants by the use of BMPs.

The city has adopted requirements identifying best management practices for any activity, operation, or facility which may cause or contribute to pollution or contamination of stormwater, the storm drain system, or waters of the United States.

The owner or operator of a commercial or industrial establishment shall provide, at its own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the municipal storm drain system or watercourses through the use of these structural and non-structural BMPs. Further, any person responsible for a premises which is, or may be, the source of an illegal discharge, may be required to implement, at said person's expense, additional structural and nonstructural BMPs to prevent the further discharge of pollutants to the municipal separate storm sewer system. Compliance with all terms

and conditions of a valid NPDES permit authorizing the discharge of stormwater associated with industrial activity shall be deemed compliance with the provisions of this section. These BMPs shall be part of a stormwater pollution prevention plan (SWPPP) as necessary for compliance with requirements of the NPDES permit.

The owner or operator of a stormwater facility shall maintain, at its own expense, all facility functions in accordance with the maintenance manual associated with said facility. If no maintenance manual is known to exist, the latest version of Clark County's "Stormwater Facility Maintenance Manual" shall be utilized. Any discharges from an unmaintained stormwater facility shall be considered illegal discharges and punishable in accordance with this chapter. (Ord. 1657 § 1 (Exh. A), 2010)

14.36.120 Watercourse protection.

Every person owning property through which a watercourse passes, or such person's lessee, shall not pollute, contaminate, introduce new vegetation into, or significantly retard the flow of water through the watercourse, and must comply with all critical areas protection requirements established in Chapter 16.04 WMC. In addition, the owner or lessee shall maintain existing privately owned structures within or adjacent to a watercourse, in a manner that such structures will not become a hazard to the use, function, or physical integrity of the watercourse. (Ord. 1657 § 1 (Exh. A), 2010)

14.36.130 Notification of spills.

Notwithstanding other requirements of law, as soon as any person responsible for a premises or operation, or responsible for emergency response for a premises or operation has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into stormwater, the storm drain system, or watercourses, said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials, said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of non-hazardous materials, said person shall notify the director in person or by phone or facsimile no later than the next business day. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the city of Washougal within three business days of the phone notice. If

the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years. (Ord. 1657 § 1 (Exh. A), 2010)

