

# Technical Memorandum

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**Date:** August 3, 2017

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**To:** Eric Hansen, City of Stevenson

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**Cc:** File

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**From:** Hunter Bennett-Daggett, P.E.  
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**Reviewed by:** Jim Santroch, PE

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**Project:** General Sewer Plan Update

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**Project Number:** 135-48600-16001

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**Subject:** Pretreatment Research Summary

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This memorandum provides a summary of research into the pretreatment ordinance and high-load fee structure for the city of Stevenson. The purpose of this memorandum is to address Task 18 – Industrial Pretreatment (from our amended contract scope of work), which states:

“Tetra Tech will research pretreatment requirements in three comparable cities (such as Hood River, Vancouver, Washougal) including the following:

- Source control requirements
- Pretreatment requirements
- Existing ordinances for high-strength load limits
- Existing rates and user classes for high load dischargers”

This TM provides a summary of research into pretreatment requirements and rate structures. The aim of this research is to assist the City of Stevenson (the City) in developing a pretreatment ordinance and updated rate structure to address the challenges presented by high load dischargers.

## BACKGROUND

In September 2016, the City conducted a sampling program focusing on locations and dischargers with potentially high strength wastewater. High wastewater strength indicates that biochemical oxygen demand (BOD) of the wastewater is high relative to domestic wastewater and will require additional treatment at the City’s wastewater treatment plant (WWTP).

The results of the sampling indicated that a small number of sewer users have a significant influence on the WWTP. In addition to higher than residential BOD loading, some samples showed high or low pH readings and high temperatures. Many samples exceeded the wastewater discharge limits in the City’s municipal code, and it is recommended that the City update and implement these requirements by developing a pretreatment ordinance comparable to that used by many other cities that have significant commercial or industrial sewer dischargers. In addition, the Washington Department of Ecology (Ecology) has mandated that the City require industrial users to obtain discharge permits from Ecology as an additional means of monitoring potential sources of high strength wastewater.

The draft General Sewer Plan and Wastewater Facilities Plan Update prepared for the City by Tetra Tech includes recommendations for significant improvements to the WWTP. Some of these improvements are sized based on the projected wastewater flow at the facility, while others are sized based on the projected wastewater strength. The City's current sewer rates are based only on water use, meaning that high strength wastewater is charged at the same rate as low strength wastewater, even though it costs more to treat. In order to ensure that payment for the WWTP upgrades is distributed equitably among the City's ratepayers, the City's sewer rates should be updated to incorporate the strength of the wastewater discharged.

## DISCHARGE PERMITS

Section S8.3 of the City's National Pollutant Discharge Elimination System (NPDES) permit requires that significant commercial and industrial operations receive authorization from Ecology before discharging to the City's sewer system. Ten large municipalities in Washington have been delegated by Ecology to issue discharge permits for significant non-domestic users; Ecology estimates that delegated permitting programs typically only makes sense for municipalities with average flows greater than five million gallons per day. For the majority of municipalities, Ecology retains the sole authority to issue discharge permits.

Ecology and the Environmental Protection Agency (EPA) define significant users as those that meet at least one of the following criteria:

- Discharge an average of 25,000 gallons per day (gpd) or more of process wastewater,
- Make up 5% or more of the average dry weather flow or load capacity of the WWTP, or
- Have a reasonable potential to adversely affect the WWTP's operation or violate pretreatment standards.

Ecology has stated that they expect discharge permits to be required for Skamania Lodge, which typically exceeds the 25,000 gpd limit as well as the 5% of capacity limit, and for at least some of the beverage producers in the City, some of which in the September 2016 sampling appeared to exceed the 5% of capacity limits. The applicable permit form is ECY 040-177, Application for a State Waste Discharge Permit to Discharge Industrial Wastewater to a Publicly-Owned Treatment Works, which is provided as Appendix A to this memo.

The discharge permit application is submitted by the discharger to Ecology, but the City must endorse the application. Ecology notes that this provides the City with an opportunity to negotiate specific limits with dischargers in order to control loads that may cause the WWTP's permitted capacity to be exceeded. The permit issued by Ecology will include any limits on flow or loading that have been agreed to by the discharger and the City. This offers the City an additional option for controlling loading at the WWTP as well as a source of information about potential new dischargers, who must provide detailed estimates of flow and loading in their application.

## PRETREATMENT ORDINANCES

Pretreatment ordinances and programs are designed to protect wastewater treatment facilities, and the environment, by limiting pollutants that may pass through the treatment facility untreated or interfere with the treatment process. The City's existing municipal code addresses this in two places:

- Chapter 13.08.230 lists prohibited discharges to the public sewer, including:
  - Wastewater with pH lower than 6.0 or higher than 9.0, and
  - Wastewater "containing suspended solids of such character and quantity that unusual attention or expense is required to handle such material at the sewage treatment plant".
- Chapter 13.08.250 states that review and approval by the superintendent are required for:

- Wastewater with BOD higher than 300 mg/L,
- Wastewater with total suspended solids higher than 350 mg/L, or
- Wastewater sources that have an average daily flow greater than 2% of the City's average daily flow.

It should be noted that multiple sampling sites during the September 2016 sampling had average results outside the limits listed above, particularly with regard to BOD and TSS. We suggest that the BOD and TSS limits not be included in the City code when it is implemented and enforced, because these limits would be included in each discharger's permit.

In addition to the language in the City Code, the City's NPDES permit in Section S8.2 requires the City to perform a survey of industrial users and enact local limits and/or an industrial user ordinances that conform to state pretreatment requirements. The current effort to develop a more detailed pretreatment ordinance is intended to meet this requirement.

Ecology distributes a Washington-specific version of the EPA's Model Pretreatment Ordinance for use by municipalities wishing to update their pretreatment requirements. Most municipalities in the state with pretreatment ordinances use comparable language to the Model Ordinance, which is included as Appendix B. Areas of the Model Ordinance pertaining to discharge permits can be removed because Stevenson is a non-delegated municipality, and other sections can be modified to meet the City's needs for details such as local limits on specific pollutants. The Model Ordinance includes a general description of the enforcement process for dischargers not complying with the pretreatment requirements, starting with notification and escalating to fines and eventual termination of service.

In general, pretreatment ordinances are intended to place limits on seriously disruptive or difficult to treat pollutants such as flammable materials. While pretreatment ordinances are used to limit pH, temperature, and fats, oils, and grease (FOG), high BOD wastewater is more typically dealt with using sewer rate structures that require dischargers to pay rates proportional to BOD.

## RATE STRUCTURES

Most municipalities' default method of billing for sewer use is to charge based on a customer's water usage. This works well for residential dischargers that typically have both consistent wastewater strength and wastewater flows roughly equal to their water use. However, wastewater discharged by some users (commercial kitchens, food processors, and breweries are three typical examples) may have BOD concentrations more than 10 times higher than typical residential wastewater. Strictly flow-based sewer rates will result in these high-strength dischargers not paying their fair share because many wastewater treatment costs incurred at the WWTP are determined by BOD, not flow. An additional complication is that some commercial users consume or package a significant percentage of the water they receive. For instance, the Brewers Association Water and Wastewater Manual states that the average brewery discharges 70% of its incoming water as wastewater.

In order to charge commercial and residential users equitably, wastewater rates should incorporate both flow and BOD strength. Ideally, both flow and strength should be based on regular measurements specific to each discharger. However, running this type of ongoing sampling program is beyond the resources of many municipalities and some combination of the following approaches is typically used:

- Tiered rates: non-domestic dischargers are assigned to a strength tier based on the type of business (for instance, a bowling alley would fall into a 'low strength' tier, and a commercial kitchen would fall in a 'high strength' tier). Each tier has an associated sewer rate per volume of water used. If a discharger believes their wastewater strength is lower than the tier to which they have been assigned, due to pretreatment or other factors, they may submit data and apply to be re-categorized. In addition,

dischargers with high water consumption rates may install a flow meter to monitor actual wastewater flows and be billed on this flow rather than their water meter reading.

- Proportional rates: non-domestic dischargers with high strength take samples from an approved sampling point and submit regular sampling results. Sewer rates are proportional to the wastewater strength, calculated by loading (i.e. dollars per pound) or a multiple of the established rate (i.e. a discharger with strength 15x the average domestic wastewater strength pays 15x the monthly residential rate).

## RESEARCH INTO COMPARABLE CITIES

The pretreatment requirements and sewer rate structures of the following cities were researched and staff at each city were contacted.

### Hood River, Oregon

Hood River was selected due to its proximity to Stevenson, its relatively small size (7,500 residents), and its large number of breweries and restaurants.

#### Pretreatment Requirements

Hood River has pretreatment requirements in their municipal code and runs a pretreatment program. The City typically requires industrial discharge permits for discharges of more than 250 pounds per day of BOD or TSS, and currently has two permitted industrial dischargers, Full Sail Brewery and Hood River Juice. These permitted dischargers monitor their discharge twice weekly and submit monthly reports to the City with data on flow, BOD, TSS, temperature, pH, and any other required parameters. Wastewater flow for each permitted discharger is measured using an effluent flow meter. The City reports that they have issued fines to their permitted dischargers due to failure to meet permit limits or submit monthly sampling reports in a timely fashion, but have not had issues with questionable sampling methods or results.

Hood River reviews all building permit applications or tenant improvement applications for manufacturers and food/beverage producers to determine if pretreatment will be required. The dischargers are required to submit information about the process to be used, strength and quantity of the wastewater that will be discharged, and must also provide a spill prevention plan for the proposed facility. Most dischargers do not have adequate information on wastewater parameters at the time of the application, and in this case the City requires a one to three month startup period during which the discharger monitors flows, BOD, TSS, temperature and pH twice weekly and reports the results to the City. If the startup period sampling results do not fall within the City's required limits, additional pretreatment is required. All food/beverage producers, regardless of size, are required to provide a sampling location that the City can access at any time for spot checks of effluent quality.

Hood River's pretreatment program is administered by their contract operations firm (CH2M). CH2M reports that the program requires approximately 3 hours per month to review monthly reports, 24 hours annually for sampling and associated lab work, and 12 hours annually for on-site inspections. Every five years an additional 16 hours is required when the two existing permits are renewed.

#### Sewer Rate Structure

Hood River has both tiered and proportional rates. The tiered rate structure has low (<401 mg/L BOD), medium (400-800 mg/L BOD), and high (801+ mg/L BOD) tiers, with typical user types listed for each tier. Dischargers using the tiered rate structure pay a base rate standard to all tiers as well as a per gallon cost corresponding to their rate tier. Full Sail Brewery is currently charged under the medium rate tier; the brewery has full on-site

pretreatment to reduce wastewater strength before discharge. No dischargers in the City are currently charged under the high rate tier.

Only one discharger, Hood River Juice, currently uses the City's proportional rate system, which charges based on listed rates for flow (dollars gallon), BOD (dollars per pound), and TSS (dollars per pound).

## **Washougal, Washington**

Washougal was selected due to its proximity to Stevenson, its relatively small size (15,000 residents), and its industrial sewer users.

### **Pretreatment Program**

Washougal has pretreatment requirements in their municipal code, based on the EPA Model Ordinance. The City includes both industrial users with their own NPDES permits that treat and discharge directly to the Columbia River as well as industrial users permitted through Ecology's discharge permitting process that discharge to the City's sewer system. Permits for discharge to the City sewer include limits on parameters including flow, BOD, TSS, pH, temperature, oil and grease, and specific metals and other pollutants specific to that discharger. All monitoring is conducted by the dischargers and results are submitted monthly to the City's Wastewater Operations Manager. The City has the right to conduct spot checks on all facilities to confirm sampling, as codified in their pretreatment ordinance.

Washougal currently contains three breweries (54-40, Amnesia, and Doomsday), none of which has a discharge permit from Ecology. Each brewery discharger was required to show data on their projected wastestream prior to connection to the City system, and the City conducts spot checks at sampling manholes to ensure that actual discharge remains within estimated limits (per municipal code, no greater than 300 mg/L BOD or TSS). The City indicates that they have not had issues with high strength wastewater being discharged, indicating that the dischargers are either pretreating their wastewater or are not discharging brewery wastewater in order to avoid paying the strength-based sewer rates required for high strength dischargers.

Washougal's pretreatment program is primarily run through their Public Works department, with assistance from their Community Development department for reviewing new construction and applying pretreatment requirements when necessary. The City estimates that the program requires approximately 0.5 to 1 hour per significant industrial discharger per month on an ongoing basis.

### **Sewer Rate Structure**

Washougal's residential and commercial users pay a monthly sewer rate based on water meter size and number of residential units. Significant industrial users are charged using a proportional rate system that compares the discharger's sampled flow, BOD load, and TSS load to a typical residential unit, which is assumed to discharge 300 gallons per day and a BOD and TSS load of 0.5 pounds per day.

## **Bend, Oregon**

Bend was selected due to its large number of breweries and restaurants and its comprehensive, newly implemented strength-based sewer rate structure for non-domestic dischargers.

### **Pretreatment Requirements**

Bend has pretreatment requirements in their municipal code. The City's Industrial Pretreatment Program includes secondary programs focused on fats, oils, and grease (FOG), flow monitoring, and extra strength charges. These programs are intended to work together to address pretreatment issues for the full range of non-residential

dischargers in the City. The Pretreatment Program works closely with the Building and Community Development Department to identify new dischargers and notify them of City pretreatment requirements.

Bend has a wide range of non-residential dischargers, most of whom are subject only to FOG monitoring. Food and beverage producers, as well as other high strength dischargers, are subject to City limits on pH and spent grains and hops. The City does not typically place limits on BOD as its extra strength charge program is designed to address high BOD strength and recoup costs for its treatment. The City has a monitoring program that was designed specifically for breweries, although other dischargers may apply to join if they discharge more than 3,000 mg/L BOD, have variable discharge volume or strength, or employ pretreatment practices. Dischargers in the monitoring program conduct regular effluent sampling and measure effluent flow; the City also conducts spot checks on effluent flow and quality from dischargers in this category at least quarterly.

Bend's Industrial Pretreatment Program is a subset of the City's Utilities Department and has three full time equivalent (FTE) staff, in addition to one FTE for FOG monitoring and one FTE for extra strength billing. Bend has an Enforcement Response Plan that addresses the City's approach to significant industrial users that are not complying with requirements. The first step is a notice of violation, followed by escalating penalties and ultimately a cease and desist order.

### **Sewer Rate Structure**

Bend's extra strength charge system is currently based on tiered rates. The tiered rate structure has standard (<500 mg/L BOD/TSS), low (501-1,000 mg/L BOD/TSS), medium (1,001-1,500 mg/L BOD/TSS), high (1,501-2,000 mg/L BOD/TSS) and super high (>2,000 mg/L BOD/TSS) tiers, with typical user types listed for each tier. Dischargers pay a base rate standard to all tiers as well as a per cubic foot cost corresponding to their rate tier. Ultimately, the City plans to charge dischargers in the monitored program using proportional rates, but the initial version of the extra strength program uses only tiered rates.

## **RECOMMENDATIONS**

While Stevenson does have existing pretreatment requirements in its municipal code, the enforcement mechanism for these requirements is not clearly defined. In the past, City staff have been able to address loading issues at the WWTP by reaching out to business owners and working cooperatively with them to implement better grease controls or other approaches. However, as the City grows and continues to attract commercial and industrial sewer users that may discharge wastewater that is high or variable in strength, it is important for the City to modernize its code to provide a more robust set of administrative tools. The model pretreatment ordinance provided by Ecology can be edited to meet the City's requirements; variations on the model ordinance are used throughout the state.

The City's sewer rate structure needs to be updated in order to equitably distribute the costs associated with wastewater treatment. A tiered rate structure, comparable to those used by Hood River and Bend, appears to be the simplest method of doing so as it requires less ongoing sampling. In addition, a tiered rate structure allows businesses considering moving to the City to more easily evaluate the rates they will pay. Table 1 shows a proposed tiered rate structure for Stevenson; further modifications will be made as the rate setting process continues and as feedback from stakeholders is received.

**Table 1. Proposed Rate Tiers**

User Group Number	Description	BOD Strength	Types of Typical Users
1	Low Strength	< 300 mg/L	Public Facilities, Hotel / Motel w/o Restaurant, General Retail, Office Space, Industrial w/o Process Discharge
2	Medium Strength	301 - 600 mg/L	Hotel / Motel with Restaurant, School with Cafeteria, Laundromat, Nursing Home, Hospital
3	High Strength	600 - 2,000 mg/L	Grocery Store, Bakery, Restaurant, Coffee Shop
4	Very High Strength	> 2,000 mg/L	Food Production, Brewery, Distillery, Cider Production, Dairy, Industrial with Process Discharge

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**Appendix A. Application for a State Waste  
Discharge Permit to Discharge  
Industrial Wastewater to a  
Publicly-Owned Treatment Works**

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# Application for a State Waste Discharge Permit to Discharge Industrial Wastewater to a Publicly-Owned Treatment Works (POTW)

This application is for a state waste discharge permit for a discharge of industrial wastewater to a publicly-owned treatment works (POTW) as required by Chapter 90.48 RCW and Chapter 173-216 WAC. It is designed to provide Ecology with information on pollutants in the waste stream, materials that may enter the waste stream, and the flow characteristics of the discharge.

Ecology may request additional information to clarify the conditions of this discharge. The applicant should reference information previously submitted to Ecology that applies to this application in the appropriate section.

## SECTION A. GENERAL INFORMATION

1. Applicant Name: \_\_\_\_\_
  
2. Facility Name: \_\_\_\_\_  
(if different from Applicant)
  
3. Applicant Mail Address: \_\_\_\_\_  

Street

\_\_\_\_\_
\_\_\_\_\_

City/State Zip
  
4. Facility Location Address: \_\_\_\_\_  
(if different from 3 above)
 

Street

\_\_\_\_\_
\_\_\_\_\_

City/State Zip
  
5. UBI No. \_\_\_\_\_
 

Sometimes called a registration, tax, "C," or resale number, the Unified Business Identifier (UBI) number is a nine-digit number used to identify persons engaging in business activities. The number is assigned when a person completes a [Master Business Application](#) to register with or obtain a license from state agencies. The Departments of Revenue, Licensing, Employment Security, Labor and Industries, and the Corporations Division of the Secretary of State are among the state agencies participating in the UBI program.
  
6. Latitude/longitude of the facility as decimal degrees (NAD83/WGS84):  
 \_\_\_\_\_ / \_\_\_\_\_

<b>FOR OFFICE USE ONLY</b>		<b>Check One:</b>		New/Renewal <input type="checkbox"/>	Modification <input type="checkbox"/>
Date Application Received _____	Date Fee Paid _____	Application/ Permit No. _____	Date Application Accepted _____		

7. Person to contact who is familiar with the information contained in this application:

\_\_\_\_\_  
Name Title

\_\_\_\_\_  
Telephone number Fax number

8. Check One:

**Permit Renewal** (including renewal of temporary permits)

Does this application request a greater amount of wastewater discharge, a greater amount of pollutant discharge, or a discharge of different pollutants than specified in the last permit application for this facility?  YES  NO

For permit renewals, the current permit is an attachment, by reference, to this application.

**Permit Modification**

**Existing Unpermitted Discharge**

**Proposed Discharge**

Anticipated date of discharge: \_\_\_\_\_

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

\_\_\_\_\_  
Signature\* Date Title

\_\_\_\_\_  
Printed Name

\*Applications must be signed as follows: corporations, by a principal executive officer of at least the level of vice-president; partnership, by a general partner; sole proprietorship, by the proprietor. If these titles do not apply to your organization, the person who makes budget decisions for this facility must sign the application.

The application signatory may delegate signature authority for submittals required by the permit, such as monthly reports, to a suitable employee. You can delegate this authority to a qualified individual or to a position, which you expect to fill with a qualified individual. If you wish to delegate signature authority, please complete the following:

\_\_\_\_\_  
Signature of delegated employee Date Title or function at the facility

\_\_\_\_\_  
Printed name

## SECTION B. PRODUCT INFORMATION

- Briefly describe all manufacturing processes and products, and/or commercial activities, at this facility. Provide the applicable Standard Industrial Category (SIC) and the North American Industry Classification System (NAICS) Code(s) for each activity (see *North American Industrial Classification System*, 2007 ed.). You can find the 1997 NAICS codes and the corresponding 1987 Standard Industry Category (SIC) codes at (<http://www.census.gov/epcd/naics/frames3.htm>).

Description:

- List raw materials and products used at his facility:

Type	RAW MATERIALS	Quantity
<i>Grapes (Example)</i>		<i>1,000 tons per year</i>
Type	PRODUCTS	Quantity
<i>Grape Juice(Example)</i>		<i>300,000 gallons per year</i>

**SECTION C. PLANT OPERATIONAL CHARACTERISTICS**

1. For each process listed in B.1. that generates wastewater, list the process, assign the waste stream a name and an ID # and describe whether it is a batch or continuous flow.

Process	Waste Stream Name	Waste Stream ID#	Batch (B) or Continuous (C) Process

2. On a separate sheet, produce a schematic drawing showing production processes, water flow through the facility, wastewater treatment devices and waste streams as named above. The drawing should indicate the source of intake water and show the operations contributing wastewater to the effluent. The treatment units should be labeled. Construct a water balance by showing average flows between intakes, operations, treatment units, and points of discharge to the POTW. *(See the example on page 16 of this application form.)*

3. What is the maximum daily wastewater discharge flow? \_\_\_\_\_ gallons/day

What is the maximum average monthly wastewater discharge flow (daily flows averaged over a month)? \_\_\_\_\_ gallons/day

4. Describe any planned wastewater treatment improvements or changes in wastewater disposal methods, and the schedule for these improvements. *(Use additional sheets, if necessary and label as attachment C4.)*

5. If production processes are subject to seasonal variations, provide the following information. The combined value for each month should equal the estimated total monthly flow. Please indicate the proper flow unit by checking one of the following boxes:

gallons per day

gallons per month

million gallons per month

Waste Stream ID#	MONTHS											
	J	F	M	A	M	J	J	A	S	O	N	D
<b>Estimated Total Monthly Flow (GPD)</b>												

6. How many hours a day does this facility typically operate? \_\_\_\_\_
- How many days a week does this facility typically operate? \_\_\_\_\_
- How many weeks per year does this facility typically operate? \_\_\_\_\_

7. List all incidental materials, such as oil, paint, grease, solvents, and cleaners, that are used or stored on site (*list only those with quantities greater than 10 gallons for liquids and 50 pounds for solids*). For solvents and solvent-based cleaners, include a copy of the material safety data sheet and estimate the quantity used. (*Use additional sheets, if necessary, and label as attachment C.7.*)

Materials/Quantity Stored:

- | 8. | Some types of facilities are required to have spill or waste control plans. Does this facility have:          | Yes                      | No                       |
|----|---|--------------------------|--------------------------|
| a. | A spill prevention, control, and countermeasure plan (40 CFR 112)?  | <input type="checkbox"/> | <input type="checkbox"/> |
| b. | An Oil Spill Contingency Plan (chapter 173-182 WAC)?  | <input type="checkbox"/> | <input type="checkbox"/> |
| c. | An emergency response plan (per WAC 173-303-350)?   | <input type="checkbox"/> | <input type="checkbox"/> |
| d. | A runoff, spillage, or leak control plan (per WAC 173-216-110(f))?  | <input type="checkbox"/> | <input type="checkbox"/> |
| e. | Any spill or pollution prevention plan required by local, state or federal authorities? If yes specify: _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| f. | A solid waste control plan?   | <input type="checkbox"/> | <input type="checkbox"/> |
| g. | A Slug Discharge Control Plan (40 CFR 403.8(f)(2)(v))?  | <input type="checkbox"/> | <input type="checkbox"/> |

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**SECTION D. WATER CONSUMPTION AND WATER LOSS**

1. Potable water source(s):

Public System (Specify) \_\_\_\_\_

Private Well

Surface Water

a. Water Right Permit Number: \_\_\_\_\_

b. Legal Description of Water Source

\_\_\_\_\_ 1/4S, \_\_\_\_\_ 1/4E, \_\_\_\_\_, Section, \_\_\_\_\_ TWN, \_\_\_\_\_ R

2. Potable water use

a. Indicate total water use \_\_\_\_\_

Gallons per day (average) \_\_\_\_\_

Gallons per day (maximum) \_\_\_\_\_

b. Is water metered?

YES     NO

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## SECTION E. WASTEWATER INFORMATION

1. How are the water intake and effluent flows measured?

Intake: \_\_\_\_\_

Effluent \_\_\_\_\_

2. Describe the collection method for the samples analyzed below. (*i.e.*, grab, 24-hour composite). Applicants must collect grab samples (not composites) for analysis of pH, temperature, cyanide, total phenols, residual chlorine, oil and grease, fecal coliform (including *E. coli*), and Enterococci (previously known as fecal streptococcus at § 122.26 (d)(2)(iii)(A)(3)), or volatile organics.

3. Has the effluent been analyzed for any other parameters than those identified in question E.4.?  YES  NO  
If yes, attach results and label as attachment E.4. This data must clearly show the date, method and location of sampling. (*Note: Ecology may require additional testing.*)

4. Provide measurements or range of measurements for treated wastewater prior to discharge to the POTW for the parameters with an "X" in the left column. If you obtain the application from the internet, contact Ecology's regional office to see if testing for a subset of these parameters is permissible. All analyses (except pH) must be conducted by a laboratory registered or accredited by Ecology (WAC 173-216-125). If this is an application for permit renewal, provide data for the last year for those parameters that are routinely measured. For parameters measured only for this application, place the values under "Maximum." Report the values with units as specified in the parameter name or in the detection level.

The Permittee must use the specified analytical methods, detection limits (DLs) and quantitation levels (QLs) in the following table unless Ecology approves an alternate method or the method used produces measurable results in the sample and EPA has listed it as an EPA approved method in 40 CFR Part 136. If the Permittee uses an alternative method as allowed above, it must report the test method, DL, and QL on the discharge monitoring report or in the required report.



X	Parameter	Measurement Values			Number of Analyses	Analytical Method Std. Methods 19 <sup>th</sup> , 20 <sup>th</sup> edition or EPA	Detection Limit/Quantitation Level
		Minimum	Maximum	Average			
	BOD (5 day)				SM 5210 B	/2 mg/l	
	COD				SM 5220 D	/10 mg/l	
	Total suspended solids				SM 2540 D	/5 mg/l	
	Fixed Dissolved Solids				SM 2540 E		
	Total dissolved solids				SM 2540 C		
	Conductivity (micromhos/cm)				SM 2510 B		
	Ammonia-N as N				SM 4500-NH <sub>3</sub> C	/0.3 mg/L	
	pH				SM 4500-H	0.1 standard units	
	Fecal coliform (organisms/100 mL)				SM 9221 E or 9222 D		
	Total coliform (organisms/100 mL)				SM 9221 B or 9222 B		
	Dissolved oxygen				SM 4500-O C/G		
	Nitrate + nitrite-N as N				SM 4500-NO <sub>3</sub> E	100 µg/L	
	Total kjeldahl N as N				SM 4500-N <sub>org</sub> C/E/FG	300 µg/l	
	Ortho-phosphate-P as P				SM 4500-P E/F	10 µg/l	
	Total-phosphorous-P as P				SM 4500-P E/P/F	10 µg/l	
	Total Oil & grease				EPA 1664A	1.4/5 mg/l	
	NWTPH - Dx				Ecology NWTPH Dx	250/250 µg/l	
	NWTPH - Gx				Ecology NWTPH Gx	250/250 µg/l	
	Calcium				EPA 200.7	10 µg/l	
	Chloride				SM 4500-Cl C	0.15 µg/l	
	Fluoride				SM 4500-F E	.025/0.1 mg/l	
	Magnesium				EPA 200.7	10/50 µg/l	
	Potassium				EPA 200.7	700/ µg/l	
	Sodium				EPA 200.7	29/ µg/l	
	Sulfate				SM 4500-SO <sub>4</sub> C/D	/200 µg/l	
	Arsenic(total)				EPA 200.8	0.1/0.5 µg/l	

X	Parameter	Measurement Values			Number of Analyses	Analytical Method Std. Methods 19 <sup>th</sup> , 20 <sup>th</sup> edition or EPA	Detection Limit/Quantitation Level
		Minimum	Maximum	Average			
	Barium (total)				EPA 200.8	0.5/2 µg/l	
	Cadmium (total)				EPA 200.8	.05/.25 µg/l	
	Chromium (total)				EPA 200.8	0.2/1 µg/l	
	Copper (total)				EPA 200.8	0.4/2 µg/l	
	Lead (total)				EPA 200.8	0.1/.5 µg/l	
	Mercury (total) pg/L				EPA 1631E	0.2/0.5 pg/l	
	Molybdenum(total)				EPA 200.8	0.1/0.5 µg/l	
	Nickel(total)				EPA 200.8	0.1/0.5 µg/l	
	Selenium (total)				EPA 200.8	1/1 µg/l	
	Silver (total)				EPA 200.8	.04/.2 µg/l	
	Zinc (total)				EPA 200.8	0.5/2.5 µg/l	

6. Does this facility use any of the following chemicals as raw materials or produce them as part of the manufacturing process, or are they present in the wastewater?  YES  NO

*(The number in the column next to the chemical name is the Chemical Abstract Service (CAS) reference number to aid in identifying the compound.)*

If yes, specify how the chemical is used and the quantity used or produced:

METALS, CYANIDE & TOTAL PHENOLS			
Antimony, Total	7440-36-0	Nickel, Total	7440-02-0
Arsenic, Total	7440-38-2	Selenium, Total	7782-49-2
Beryllium, Total	7440-41-7	Silver, Total	7440-22-4
Cadmium, Total	7440-43-9	Thallium, Total	7440-28-0
Chromium (hex) dissolved	18540-29-9	Zinc, Total	7440-66-6
Chromium, Total	7440-47-3		
Copper, Total	7440-50-8	Cyanide, Total	57-12-5
Lead, Total	7439-92-1	Cyanide, Weak Acid Dissociable	
Mercury, Total	7439-97-6)	Phenols, Total	

PESTICIDES			
Aldrin	309-00-2	Endrin	72-20-8
alpha-BHC	319-84-6	Endrin Aldehyde	7421-93-4
beta-BHC	319-85-7	Heptachlor	76-44-8
gamma-BHC	58-89-9	Heptachlor Epoxide	1024-57-3
delta-BHC	319-86-8	PCB-1242	53469-21-9
Chlordane	57-74-9	PCB-1254	11097-69-1
4,4'-DDT	50-29-3	PCB-1221	11104-28-2
4,4'-DDE	72-55-9	PCB-1232	11141-16-5
4,4' DDD	72-54-8	PCB-1248	12672-29-6
Dieldrin	60-57-1	PCB-1260	11096-82-5
alpha-Endosulfan	959-98-8	PCB-1016	12674-11-2
beta-Endosulfan	33213-65-9	Toxaphene	8001-35-2
Endosulfan Sulfate	1031-07-8		

VOLATILE COMPOUNDS			
Acrolein	107-02-8		
Acrylonitrile	107-13-1	1,1-Dichloroethylene	75-35-4
Benzene	71-43-2	1,2-Dichloropropane	78-87-5
Bromoform	75-25-2	1,3-dichloropropene (mixed isomers) (1,2-dichloropropylene)	542-75-6
Carbon tetrachloride	56-23-5	Ethylbenzene	100-41-4
Chlorobenzene	108-90-7	Methyl bromide (Bromomethane)	74-83-9
Chloroethane	75-00-3	Methyl chloride (Chloromethane)	74-87-3
2-Chloroethylvinyl Ether	110-75-8	Methylene chloride	75-09-2
Chloroform	67-66-3	1,1,2,2-Tetrachloroethane	79-34-5
Dibromochloromethane	124-48-1	Tetrachloroethylene	127-18-4
1,2-Dichlorobenzene	95-50-1	Toluene (108-88-3)	
1,3-Dichlorobenzene	(541-73-1)	1,2-Trans-Dichloroethylene (Ethylene dichloride)	156-60-5
1,4-Dichlorobenzene	106-46-7	1,1,1-Trichloroethane	71-55-6
Dichlorobromomethane	75-27-4	1,1,2-Trichloroethane	79-00-5
1,1-Dichloroethane	75-34-3	Trichloroethylene	79-01-6
1,2-Dichloroethane	107-06-2	Vinyl chloride	75-01-4

ACID COMPOUNDS			
2-Chlorophenol	95-57-8	4-nitrophenol	100-02-7
2,4-Dichlorophenol	120-83-2	Parachlorometa cresol (4-chloro-3-methylphenol)	59-50-7
2,4-Dimethylphenol	105-67-9	Pentachlorophenol	87-86-5
4,6-dinitro-o-cresol (2-methyl-4,6,-dinitrophenol)	534-52-1	Phenol	108-95-2
2,4 dinitrophenol	51-28-5	2,4,6-Trichlorophenol	88-06-2
2-Nitrophenol	88-75-5		

BASE/NEUTRAL COMPOUNDS (compounds in bold are Ecology PBTs)			
Acenaphthene	83-32-9	3,3-Dichlorobenzidine	91-94-1
Acenaphthylene	208-96-8	Diethyl phthalate	84-66-2
Anthracene	120-12-7	Dimethyl phthalate	131-11-3
Benzidine	92-87-5	Di-n-butyl phthalate)	84-74-2
Benzyl butyl phthalate	85-68-7	2,4-dinitrotoluene	121-14-2
Benzo(a)anthracene	56-55-3	2,6-dinitrotoluene	606-20-2
Benzo(b)fluoranthene (3,4-benzofluoranthene)	205-99-2	Di-n-octyl phthalate	117-84-0
<b>Benzo(j)fluoranthene</b>	<b>205-82-3</b>	1,2-Diphenylhydrazine (as <i>Azobenzene</i> )	122-66-7
Benzo(k)fluoranthene (11,12-benzofluoranthene)	207-08-9	Fluoranthene	206-44-0
<b>Benzo(r,s,t)pentaphene</b>	<b>189-55-9</b>	Fluorene	86-73-7
Benzo(a)pyrene	50-32-8	Hexachlorobenzene	118-74-1
Benzo(ghi)Perylene	191-24-2	Hexachlorobutadiene	87-68-3
Bis(2-chloroethoxy)methane	111-91-1	Hexachlorocyclopentadiene	77-47-4
Bis(2-chloroethyl)ether	111-44-4	Hexachloroethane	67-72-1
Bis(2-chloroisopropyl)ether	39638-32-9	Indeno(1,2,3-cd)Pyrene	193-39-5
Bis(2-ethylhexyl)phthalate	117-81-7	Isophorone	78-59-1
4-Bromophenyl phenyl ether	101-55-3	<b>3-Methyl cholanthrene</b>	<b>56-49-5</b>
2-Chloronaphthalene	91-58-7	Naphthalene	91-20-3
4-Chlorophenyl phenyl ether	7005-72-3	Nitrobenzene	98-95-3
Chrysene	218-01-9	N-Nitrosodimethylamine	62-75-9
<b>Dibenzo (a,j)acridine</b>	<b>224-42-0</b>	N-Nitrosodi-n-propylamine	621-64-7
<b>Dibenzo (a,h)acridine</b>	<b>226-36-8</b>	N-Nitrosodiphenylamine	86-30-6
Dibenzo(a-h)anthracene (1,2,5,6-dibenzanthracene)	53-70-3	<b>Perylene</b>	<b>198-55-0</b>
Dibenzo(a,e)pyrene	192-65-4	Phenanthrene	85-01-8
Dibenzo(a,h)pyrene	189-64-0	Pyrene	129-00-0
		1,2,4-Trichlorobenzene	120-82-1

7. Are any other pesticides, herbicides or fungicides used at this facility?  YES  NO

If yes, specify the material and quantity used:

8. Are there other pollutants that you know of or believe to be present?  YES  NO

If yes, specify the pollutants and their concentration if known  
(attach laboratory analyses if available as Attachment E8):

9. Is the wastewater being discharged, or proposed for discharge, to the POTW designated as a dangerous waste according to the procedures in Chapter 173-303 WAC?

YES  NO  DON'T KNOW

10. If the answer to question 9 above is yes, how did the waste designate as a dangerous waste (check appropriate box)?

For Listed and TCLP Characteristic Wastes only, also provide the Dangerous Waste Number(s).

**Listed Waste**  Dangerous Waste Number(s) \_\_\_\_\_

**Characteristic Wastes** Dangerous Waste Number(s) \_\_\_\_\_

Ignitable

Reactive

Corrosive

TCLP

**State Only Dangerous Wastes** Dangerous Waste Number(s) \_\_\_\_\_

Toxicity

Persistent

For questions about waste designation under the *Dangerous Waste Regulations*, Chapter 173-303 WAC, contact Ecology's Hazardous Waste and Toxics Program at:

Northwest Regional Office - Bellevue	(425) 649-7000
Southwest Regional Office - Lacey	(360) 407-6300
Central Regional Office - Yakima	(509) 575-2490
Eastern Regional Office - Spokane	(509) 329-3400

## SECTION F. SEWER INFORMATION

1. Is an inspection and sampling manhole or similar structure available on-site?  YES  NO  
*If yes, attach a map or hand drawing of the facility that shows the location of these structures (Label as attachment F1 or this may be combined with map in H8, if H8 is applicable to your facility.)*

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## SECTION G. OTHER PERMITS

1. List all environmental control permits or approvals needed for this facility; for example, air emission permits.

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## SECTION H. STORMWATER

1. Do you have coverage under the Washington State Industrial Stormwater NPDES General Permit?  YES  NO

If yes, please list the permit number here. \_\_\_\_\_

If no, have you applied for a Washington State Stormwater Industrial Stormwater General Permit?  YES  NO

If you answered no to both questions above, complete the following questions 2 through 5.

2. Does your facility discharge stormwater: *(Check all that apply)*

To storm sewer system *(provide name of storm sewer system operator: \_\_\_\_\_)*

Directly to any surface waters of Washington State *(e.g., river, lake, creek, estuary, ocean).*

Specify waterbody name(s) \_\_\_\_\_

Indirectly to surface waters of Washington State *(i.e., flows over adjacent properties first).*

To a Sanitary Sewer

Directly to ground waters of Washington State via:

Dry well

Drainfield

Other

3. Areas with industrial activities at facility: *(check all that apply)*

Manufacturing Building

Material Handling

Material Storage

Hazardous Waste Treatment, Storage, or Disposal *(Refers to RCRA, Subtitle C Facilities Only)*

Waste Treatment, Storage, or Disposal

Application or Disposal of Wastewaters

Storage and Maintenance of Material Handling Equipment

Vehicle Maintenance

Areas Where Significant Materials Remain

Access Roads and Rail Lines for Shipping and Receiving

Other (please specify): \_\_\_\_\_



4. Material handling/management practices

a. Types of materials handled and/or stored outdoors: *(check all that apply)*

- |  |   |
|--|---|
| <input type="checkbox"/> Solvents                            | <input type="checkbox"/> Hazardous Wastes                   |
| <input type="checkbox"/> Scrap Metal                         | <input type="checkbox"/> Acids or Alkalies                  |
| <input type="checkbox"/> Petroleum or Petrochemical Products | <input type="checkbox"/> Paints/Coatings                    |
| <input type="checkbox"/> Plating Products                    | <input type="checkbox"/> Woodtreating Products              |
| <input type="checkbox"/> Pesticides                          | <input type="checkbox"/> Other <i>(please list)</i> : _____ |

b. Identify existing management practices employed to reduce pollutants in industrial stormwater discharges: *(check all that apply)*

- |  |   |
|--|---|
| <input type="checkbox"/> Oil/Water Separator         | <input type="checkbox"/> Detention Facilities               |
| <input type="checkbox"/> Containment                 | <input type="checkbox"/> Infiltration Basins                |
| <input type="checkbox"/> Spill Prevention            | <input type="checkbox"/> Operational BMPs                   |
| <input type="checkbox"/> Surface Leachate Collection | <input type="checkbox"/> Vegetation Management              |
| <input type="checkbox"/> Overhead Coverage           | <input type="checkbox"/> Other <i>(please list)</i> : _____ |

5. Attach a facility site map showing stormwater drainage/collection areas, disposal areas and discharge points. This may be a hand-drawn map if no other site map is available *(See example on page 16 of this application)*. Label this as attachment H.5.

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## SECTION I. OTHER INFORMATION

1. Describe liquid wastes or sludges being generated by your facility that are not disposed of in the waste stream(s) and how they are being disposed of. For each type of waste, provide type of waste and the name, address, and phone number of the hauler.
2. Describe storage areas for raw materials, products, and wastes.
3. Have you designated the wastes described above according to the applicable  YES  NO procedures of Dangerous Waste Regulations, Chapter 173-303 WAC?

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**SECTION J. CERTIFICATIONS**

**1. Approval by Publicly-Owned Treatment Works [required by WAC 173-216-070(4)(b)]**

*I approve of the discharge as described in this application. The applicant is:*

(Please check the appropriate box below.)

A Significant Industrial User (see Definitions at the end of this Section)

A Categorical Industrial User

Neither of the above

Name and location of sewer system to which this project will be tributary:

Treatment Works Owner: \_\_\_\_\_

Street: \_\_\_\_\_

City/State: \_\_\_\_\_ Zip: \_\_\_\_\_

\_\_\_\_\_  
Signature of Treatment Works Authority                      Date                      Title

\_\_\_\_\_  
Printed Name

**2. Application review by Intermediate Sewer Owner at point of discharge (if applicable)**

*I hereby acknowledge that I have reviewed the application for discharge to this sewer system.*

Name and location of sewer system to which this project will be tributary:

Sewer System Owner: \_\_\_\_\_

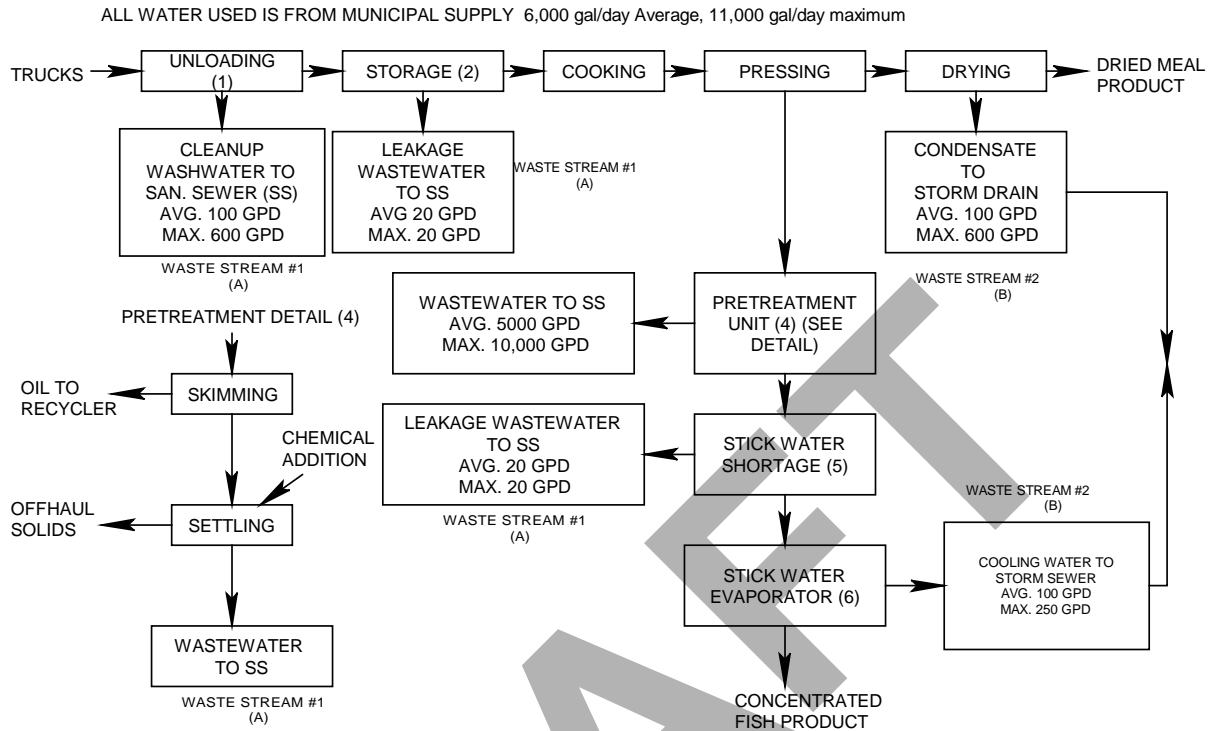
Street: \_\_\_\_\_

City/State: \_\_\_\_\_ Zip: \_\_\_\_\_

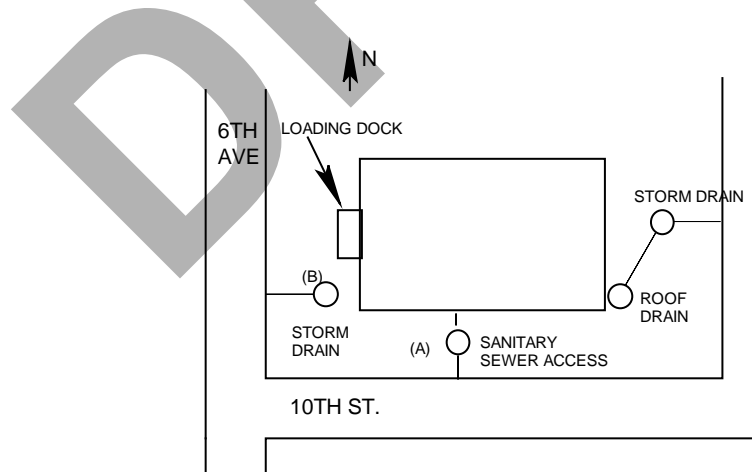
\_\_\_\_\_  
Signature of Sewer System Authority                      Date                      Title

\_\_\_\_\_  
Printed Name

Example 1 for application section C.2. (SCHEMATIC DIAGRAM)



Example 2 for application section F1 or H8 (FACILITY SITE MAP)



## DEFINITIONS

### Significant Industrial User (SIU)--

- 1) All industrial users subject to Categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR Chapter I, Subchapter N; and
- 2) Any other industrial user that: discharges an average of 25,000 gallons per day or more of process wastewater to the POTW (excluding sanitary, noncontact cooling, and boiler blow-down wastewater); contributes a process wastestream that makes up 5 percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or is designated as such by the Control Authority on the basis that the industrial user has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement (in accordance with 40 CFR 403.8(f)(6)).

Upon finding that the industrial user meeting the criteria in paragraph 2, above, has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the Control Authority may at any time, on its own initiative or in response to a petition received from an industrial user or POTW, and in accordance with 40 CFR 403.8(f)(6), determine that such industrial user is not a significant industrial user.

**Control Authority** - means the Washington State Department of Ecology in the case of non-delegated POTWs or means the POTW in the case of delegated POTWs.

**Categoric Industrial User (CIU):** An industrial user subject to national categorical pretreatment standards promulgated by EPA (40 CFR 403.6 and 40 CFR parts 405-471).

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### Summary of Attachments That May be Required for This Application:

*(Please check those attachments that are included)*

- C.2. Production schematic flow diagram and water balance
- C.4. Wastewater treatment improvements
- C.7. Additional incidental materials
- E.8. Additional results of effluent testing
- F.1. Facility site map
- H.5. Stormwater drainage map

*If you need this document in a format for the visually impaired, call the Water Quality Program at 360-407-6600. Persons with hearing loss can call 711 for Washington Relay Service. Persons with a speech disability can call 877-833-6341.*

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## **Appendix B. Washington State Model Pretreatment Ordinance**

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WASHINGTON STATE MODEL PRETREATMENT ORDINANCE

Washington State Department of Ecology

In Conjunction with EPA  
Office of Wastewater Enforcement and Compliance

July 2007

U.S. Environmental Protection Agency  
401 M Street, SW  
Washington, DC 20460

8/3/2017

i

## MODEL PRETREATMENT ORDINANCE

The Washington State Department of Ecology (Ecology) Water Quality Program, and the United States Environmental Protection Agency (EPA), Office of Wastewater Management, Water Permits Division have prepared this Model Pretreatment Ordinance. It is intended as a guide for municipalities operating Publicly Owned Treatment Works (POTWs) which also run pretreatment programs to regulate non-domestic discharges to their systems.

This model may also serve as a useful starting point for POTWs not required to implement a full pretreatment program, but obliged to perform pretreatment related tasks such as an Industrial User Survey, reinforcing prohibitions, requiring permits prior to discharge, controlling grease, and codifying local limits. In such cases, several sections may not be needed (permitting, etc.).

Municipalities should only use this model as a guide. The municipality is responsible for providing a legal review to ensure any authorities suggested by this model are within the authorities granted their municipal corporation by law and that the Ordinance provides the authorities necessary to fulfill the POTW's legal obligations with respect to pretreatment.

Some provisions are not expressly required by statute, but have been found to be a functional necessity to effectively implement a local pretreatment program. For example, no federal statute says POTWs must compel completion of survey forms. However, without this authority few POTWs could satisfy their obligation to locate all Users potentially subject to pretreatment.

Some provisions in the model contain blanks or brackets where text must be adapted to the POTW's situation and notes explaining the POTW's options. Such notes do not need to be deleted prior to printing. To view the notes in Word© select "Options" under the "Tools" menu, select the "view" tab, and check "hidden text". To ensure notes do not print, in the same options box select the "Print" tab, and under "Include with Document" uncheck "hidden text".

New to this version of the model are sections which implement various optional provisions of the "Pretreatment Streamlining Rule" (October 14, 2005, 70 FR 60134). Where these provisions are optional, they are designated "{optional}". Where a municipality has several options, the model typically provides one (the generally preferred) example and a note explaining alternatives.

For delegated POTWs, changes to their pretreatment ordinance constitute modifications to their approved pretreatment program. As such they must be submitted to Ecology for approval before being implemented. Ecology's review ensures consistency with State and Federal regulations. POTWs should request this review from their regional Pretreatment Coordinator and include a legal sufficiency statement from their legal council. Regional Coordinators are:

Northwest Region: Doug Knutson (425) 649-7025  
Central Region: Rick Frye (509) 575-2821

Southwest Region: Dave Knight (360) 407-6277  
Eastern Region: Scott Mallery (509) 329-3473



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## EPA / WA STATE MODEL PRETREATMENT ORDINANCE

ORDINANCE NO. [ ]

### SECTION 1 - GENERAL PROVISIONS

#### 1.1 Purpose and Policy

This ordinance sets clear standards and requirements for any person served by the Publicly Owned Treatment Works (POTW) for the [City] and the means by which such requirements will be imposed and enforced. This ordinance is intended to:

- A. Prevent any discharge to the sanitary sewer which could:
  1. Damage the transmission or treatment systems,
  2. Interfere with the POTW's operation,
  3. Be incompatible with the POTW's biological processes.
  4. Pass through the treatment plant at levels which may harm the environment.
  5. Threaten the health and safety of employees and the public.
- B. Enable the [City] to run a pretreatment program that meets Washington State rules in Chapter 173-216 WAC, federal rules of 40 CFR part 403, conditions of its National Pollutant Discharge Elimination System (NPDES) permit, sludge use and disposal requirements, and any other Federal or State laws to which the POTW is subject.
- C. Promote reuse and recycling of industrial wastewater and sludge from the POTW.
- D. Provide for fees for the equitable distribution of the cost of operation, maintenance, and improvement of the POTW.

This ordinance shall apply to all persons connected (or believed connected) to the sanitary sewer collection system. The ordinance compels the production of information, authorizes the issuance of wastewater discharge permits; provides for monitoring, compliance, and enforcement activities; establishes administrative review procedures; requires user reporting; and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

#### 1.2 Administration

Except as otherwise provided herein, the [Superintendent] shall administer, implement, and enforce the provisions of this ordinance. Any powers granted to or duties imposed upon the [Superintendent] may be delegated by the [Superintendent] to other [City] personnel.

#### 1.3 Abbreviations

The following abbreviations, when used in this ordinance, shall have the designated meanings:

BOD - Biochemical Oxygen Demand  
BMP - Best Management Practice  
CFR - Code of Federal Regulations  
CIU - Categorical Industrial User  
EPA - U.S. Environmental Protection Agency  
gpd - gallons per day  
mg/l - milligrams per liter  
NPDES - National Pollutant Discharge Elimination System  
NSCIU - Non-Significant Categorical Industrial User  
POTW - Publicly Owned Treatment Works  
RCRA - Resource Conservation and Recovery Act  
SIU - Significant Industrial User  
TSS - Total Suspended Solids  
U.S.C. - United States Code

#### 1.4 Definitions

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

- A. Act or "the Act." The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. Section 1251 on.
- B. Approval Authority. The Washington State Department of Ecology, Water Quality Program Manager.
- C. Authorized or Duly Authorized Representative of the User.
  - (1) If the user is a corporation:
    - (a) The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or
    - (b) The manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure

that the necessary systems are established or actions taken to gather complete and accurate information for control mechanism requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

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

(3) If the user is a Federal, State, or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.

(4) The individuals described in paragraphs 1 through 3, above, may designate another authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to [the City].

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

E. Best Management Practices or BMPs means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in Section 2.1 A and B [40CFR 403.5(a)(1) and (b)]. BMPs may also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.

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

G. Categorical Industrial User. An Industrial User subject to a Categorical Pretreatment Standard or Categorical Standard.

H. [City]. The [City] or [the City Council of     ].

I. Composite Sample. A representative composite of samples of a waste stream taken throughout the period of a day when discharges are produced by a regulated activity. Composite samplers must interface with a flow metering device to produce a



representative “flow proportionate” composite sample unless the [Superintendent] has determined that a flow proportionate samples are not required or the analyte is not amenable to composite sampling (pH, temperature, oil, etc.).

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

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

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

M. Existing Source. Any source of discharges subject to Categorical Standards and discharging prior to the promulgation of those standards or otherwise not meeting the definition of a “New Source” in this section.

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

O. Indirect Discharge or Discharge. The introduction of pollutants into the POTW from any nondomestic source subject to this Ordinance or other State or Federal regulations.

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

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

R. Local Limits. Effluent limitation developed for Users by the [Superintendent] to specifically protect the POTW from the potential of Pass Through, Interference, and intended biosolids uses. Such limits shall be based on the POTW's site-specific flow and

loading capacities, receiving water considerations, and reasonable treatment expectations for non-domestic wastewater. See section 2.4 for a full list of Local Limits.

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

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

U. Monthly Average Limit. The limit to be applied to the Monthly Average to determine compliance with the requirements of this ordinance (see section 2.4 for listing)

V. New Source.

(1) A facility whose construction began after categorical pretreatment standards applicable to its operations were proposed and with a real or potential discharge provided the facility is: A) constructed at a site at which no other source is located; B) totally replaces the process or production equipment that generate regulated process waste streams at an existing source; or C) the new processes are substantially independent of an existing source at the same site.

(2) Construction at an existing source does not make the source a new source if the construction merely alters, partially replaces, or adds to existing process or production equipment.

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

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

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

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

Y. Person. Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity; or their legal representatives, agents, or assigns. This definition includes all Federal, State, and local governmental entities.

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

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

BB. Pretreatment. The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to, or in lieu of, introducing such pollutants into the POTW. Dilution is not considered pretreatment.

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

DD. Pretreatment Standards or Standards. Discharge prohibitions (section 2.1), categorical pretreatment standards (section 2.2), state pretreatment standards (section 2.3), local limits (section 2.4), and site specific limits based on potential for vapor toxicity, explosion, sewer corrosion, or other detrimental effects to the POTW.

EE. Publicly Owned Treatment Works (POTW). A treatment works, as defined by Section 212 of the Act (33 U.S.C. Section 1292), which is owned by the [City]. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any conveyances which convey wastewater to a treatment plant.

FF. Septic Tank Waste. Sewage and typically associated solids from domestic activities pumped from a septic tank serving one or more private residences. The [Superintendent] may also consider wastes from other holding tanks such as boat blackwater, bilge water, cesspools, and treatment lagoons to be Septic Tank Waste so long as they are absent

chemicals which might inhibit biological activity.

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

HH. Significant Industrial User (SIU).

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

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

(2) A User that:

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

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

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

(3) The [City] may determine that a User subject to categorical pretreatment standards is a Non-Significant Categorical Industrial User rather than a Significant Industrial User on a finding that the User never discharges more than 100 gallons per day (gpd) of total categorical wastewater (excluding sanitary, non-contact cooling and boiler blowdown wastewater, unless specifically included in the Pretreatment Standard) and the following conditions are met:

(a) The User, prior to [City]'s finding, has consistently complied with all applicable categorical Pretreatment Standards and Requirements;

(b) The User annually submits the certification statement required in Section 6.14 B [see 40CR 403.12(q)], together with any additional information necessary to support the certification statement; and

(c) The User never discharges any untreated concentrated wastewater.

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

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

discharge standards of Section 2.1 of this ordinance

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

KK. Superintendent]. The person designated by the [City] to supervise the operation of the POTW, and who is charged with certain duties and responsibilities by this ordinance. The term also means a duly authorized representative of the [Superintendent].

LL. Suspended Solids. 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.

MM. User or Industrial User. A source of indirect discharge.

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

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

## SECTION 2 - GENERAL SEWER USE REQUIREMENTS

### 2.1 Prohibited Discharge Standards

A. 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.

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

1. Pollutants which either alone or by interaction may create a fire or explosive hazard in the POTW, a public nuisance or hazard to life, or prevent entry into the sewers for their maintenance and repair or are in any way injurious to the operation of the system or operating personnel. This includes waste streams with a closed-cup flashpoint of less than 140 degrees F (60 degrees C) using the test methods specified in 40 CFR 261.21.
2. Wastewater having a pH less than 5.0 or more than 11.0, or otherwise having any other corrosive property capable of causing damage or hazard to structures,

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equipment, or personnel. Discharges outside this pH range may be authorized by a permit issued by the [City] pursuant to a finding that the system is specifically designed to accommodate a discharge of that pH.

3. Solid or viscous substances in amounts which may cause obstruction to the flow in the sewer or other interference with the operation of the system. In no case shall solids greater than 1/4 inch (0.64 cm) in any dimension be discharged.
4. Pollutants, including oxygen-demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with the POTW.
5. Wastewater having a temperature which will interfere with the biological activity in the system, has detrimental effects on the collection system, or prevents entry into the sewer. In no case shall wastewater be discharged which causes the wastewater temperature at the treatment plant to exceed 104 degrees F (40 C).
6. Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin, in amounts that will cause Interference or Pass Through.
7. Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems.
8. Trucked or hauled pollutants, except at discharge points designated by the [Superintendent] in accordance with Section 3.4 of this ordinance.
9. The following are prohibited unless approved by the [Superintendent] under extraordinary circumstances, such as lack of direct discharge alternatives due to combined sewer service or need to augment sewage flows due to septic conditions. (As required under WAC 173-216-050)
  - a. Nontact cooling water in significant volumes.
  - b. Stormwater, or other direct inflow sources.
  - c. Wastewaters significantly affecting system hydraulic loading, which do not require treatment or would not be afforded a significant degree of treatment by the system.
10. 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.

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11. Wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent, thereby violating the [City]'s NPDES permit.
12. Wastewater containing any radioactive wastes or isotopes except in compliance with applicable State or Federal regulations.
13. Storm water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, noncontact cooling water, and unpolluted wastewater, unless specifically authorized by the [Superintendent].
14. Sludges, screenings, or other residues from the pretreatment of industrial wastes;
15. Medical wastes, except as specifically authorized by [the Superintendent] in a wastewater discharge permit;
16. Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail toxicity test;
17. Detergents, surface-active agents, or other substances which may cause excessive foaming in the POTW;
18. Fats, oils, or greases of animal or vegetable origin in concentrations greater than three hundred (300) mg/l, or Total Petroleum Hydrocarbon concentrations of no more than one hundred (100) mg/l.
19. Wastewater causing two readings on an explosion hazard meter at the point of discharge into the POTW, or at any point in the POTW, of more than ten percent (10%) or any single reading over twenty percent (20%) of the Lower Explosive Limit based on an explosivity meter reading.

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

## 2.2 National Categorical Pretreatment Standards

The categorical pretreatment standards found at 40 CFR Chapter I, Subchapter N, Parts 405-471 are hereby incorporated.

**A.** Where a categorical pretreatment standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the [Superintendent] may impose equivalent concentration or mass limits in accordance with Section 2.2E and 2.2F (see 40 CFR 403.6(c)).

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

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

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

- a. Any CIU wishing to obtain credit for intake pollutants must include, in their permit application, sample data showing influent water pollutant levels which form the basis for the credit requested in their permit application.
- b. Unless the categorical standard was written to be applied on a net basis, the information supplied by the CIU must also demonstrate that the treatment system it proposes or uses to meet the categorical standards would, if properly installed and operated, meet the Standards in the absence of pollutants in the intake waters.
- c. In response to an acceptable application, the [Superintendent] may adjust the categorical standards to the extent necessary to meet the applicable categorical Pretreatment Standard(s), up to a maximum value equal to the influent pollutant concentration.
- d. The [Superintendent] may waive the requirement for the intake water to be drawn from the same body of water the POTW discharges to if the [Superintendent] determines that no environmental degradation will result.

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



1. To be eligible for equivalent mass limits, the Industrial User must submit information with its permit application or permit modification request which:
  - a. Shows it has a pretreatment system which has consistently met all applicable Pretreatment Standards and maintained compliance without using dilution.
  - b. Describes the water conserving practices and technologies it employs, or will employ, to substantially reduce water use during the term of its permit.
  - c. Includes the facility's actual average daily flow rate for all waste streams from continuous effluent flow metering.
  - d. Determines an appropriate unit of production, and provides the present and long-term average production rates for this unit of production.
  - e. Shows that long term average flow and production are representative of current operating conditions.
  - f. Shows that its daily flow rates, production levels, or pollutant levels do not vary so much that equivalent mass limits would be inappropriate.
  - g. Shows the daily and monthly average pollutant allocations currently provided based on the proposed unit of production.
2. An Industrial User subject to equivalent mass limits must:
  - a. Maintain and effectively operate control and treatment technologies adequate to achieve compliance with the equivalent mass limits.
  - b. Continue to record the facility's flow by continuous effluent flow monitoring.
  - c. Continue to record the facility's production rates.
  - d. Notify the [Superintendent] if production rates are expected to vary by more than 20 percent from the baseline production rates submitted according to paragraph 2.2(E)(1)(d). The [Superintendent] may reassess and revise equivalent limits as necessary to reflect changed conditions.
  - e. Continue to employ the same or comparable water conservation methods and technologies as those implemented pursuant to section 2.2(E)(1)(b) so long as it discharges under an equivalent mass limit.
3. Equivalent mass limits:
  - a. Will not exceed the product of the actual average daily flow from regulated process(es) of the User and the applicable concentration-based daily maximum and monthly average standards (and the appropriate unit conversion factor).
  - b. May be reassessed and the permit revised upon notification of a revised production rate, as necessary to reflect changed conditions at the facility; and
  - c. May be retained in subsequent permits if the User's production basis and other information submitted in 2.2(E)(1) is verified in their reapplication. The User must also be in compliance with Section 13.3 regarding the prohibition of bypass.

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

- G.** The [Superintendent] is obliged under federal regulations to make the documentation of how any equivalent limits were derived (concentration to mass limits or vice versa) publicly available.
- H.** Once incorporated into its permit, the User must comply with the equivalent limits in lieu of the Categorical Standards from which they were derived.
- I.** The same production and flow estimates shall be used in calculating equivalent limits for the monthly (or multiple day average) and the maximum day.
- J.** Users subject to permits with equivalent mass or concentration limits calculated from a production based standard shall notify the [Superintendent] if production will significantly change. This notification is required within two business days after the User has a reasonable basis to know that that production will significantly change in the next calendar month. Users who fail to notify the [Superintendent] of such anticipated changes must meet the more stringent of the equivalent limits or the User's prior limits.

### **2.3 State Pretreatment Standards**

Washington State pretreatment standards and requirements, located at Chapter 173-216 WAC, were developed under authority of the Water Pollution Control Act, Chapter 90.48 RCW and are hereby incorporated. The version incorporated is the version current as of the date of the latest revision or version of this Ordinance. All waste materials discharged from a commercial or industrial operation into the POTW must satisfy the provisions of Chapter 173-216 WAC. In addition to some slightly more stringent prohibitions, (merged with Section 2.1), the following provisions unique to Washington State are required by this chapter for discharges to a POTW:

- A.** Any person who constructs or modifies or proposes to construct or modify wastewater treatment facilities must first comply with the regulations for submission of plans and reports for construction of wastewater facilities, chapter 173-240 WAC. Unless and until the [City] is delegated the authority to review and approve such plans under RCW 90.48.110, Sources of non-domestic discharges shall request approval for such plans through the Department of Ecology. To ensure conformance with this requirement, proof of the approval of such Plans and one copy of each approved plan shall be provided to the [Superintendent] before commencing any such construction or modification.
- B.** Users shall apply to the [Superintendent] for a permit at least 60 days prior to the intended discharge of any pollutants other than domestic wastewater or wastewater which the [Superintendent] has determined is similar in character and strength to normal domestic wastewater with no potential to adversely affect the POTW. (173-216-050(1))

- C. All Significant Industrial Users must apply for and obtain a permit prior to discharge.
- D. All users shall apply all known, available, and reasonable methods to prevent and control waste discharges to the waters of the state (AKART). (173-216-050(3))
- E. Discharge restrictions of Chapter 173-303 WAC (Dangerous Waste) shall apply to all Users. (Prohibited discharge standards have been merged with Federal prohibitions in section 2.1).
- F. Claims of confidentiality shall be submitted according to WAC 173-216-080. Information which may not be held confidential includes the: Name and address of applicant, description of proposal, the proposed receiving water, receiving water quality, and effluent data. Claims shall be reviewed based on the standards of WAC 173-216-080, Chapter 42.17 RCW, Chapter 173-03 WAC, and RCW 43.21A.160.
- G. Persons applying for a new permit or a permit renewal or modification which allows a new or increased pollutant loading shall publish notice for each application in the format provided by the [City]. Such notices shall fulfill the requirements of WAC 173-216-090. These requirement include publishing:
  - 1. The name and address of the applicant and facility/activity to be permitted.
  - 2. A brief description of the activities or operations which result in the discharge.
  - 3. Whether any tentative determination which has been reached with respect to allowing the discharge,
  - 4. The address and phone number of the office of the [Superintendent] where persons can obtain additional information.
  - 5. The dates of the comment period (which shall be at least 30 days),
  - 6. How and where to submit comments or have any other input into the permitting process, including requesting a public hearing.
- H. The [Superintendent] may require the applicant to also mail this notice to persons who have expressed an interest in being notified, to state agencies and local governments with a regulatory interest, and to post the notice on the premises. If the [Superintendent] determines there is sufficient public interest the [City] shall hold a public meeting following the rules of WAC 173-216-100. The [Superintendent] may assume responsibility for public notice requirements for any Person, and may waive this requirement for persons applying for a general permit, model permit, short term discharge authorization, or is a food service establishment.
- I. Permit terms shall include, wherever applicable, the requirement to apply all known, available, and reasonable methods of prevention, control, and treatment.
- J. All required monitoring data shall be analyzed by a laboratory registered or

accredited under the provisions of Chapter 173-50 WAC, except for flow, temperature, settleable solids, conductivity, pH, turbidity, and internal process control parameters. However, if the laboratory analyzing samples for conductivity, pH, and turbidity must otherwise be accredited, it shall be accredited for these parameters as well.

## 2.4 Local Limits

- A. The [Superintendent] may establish local limits pursuant to 40 CFR 403.5(c).
- B. The following pollutant limits are established to protect against pass through and interference and reflect the application of reasonable treatment technology. No person shall discharge wastewater in excess of the following daily maximum limits if the total mass discharged would exceed that contained in 1,000 gallons at the below limit (see column to the right of each pollutant concentration limit).
- C. The below limits apply at the point where the wastewater is discharged to the POTW. All concentrations for metallic substances are for total metal unless indicated otherwise. The [Superintendent] may impose mass limits in addition to a concentration based limits.
- D. Users discharging BOD, TSS, or ammonia in excess of the concentration limits by more than the threshold amount must apply for a permit. For example, a User discharging 2,000 gallons per day of BOD at 450 mg/l. The surchargeable concentration would be 450-300 or 150 mg/l, which when multiplied by 2,000 gpd (& 8.34 lb/g) yields 2.5 lb/d. Such Users shall be subject to surcharges as established by the [Superintendent] under the authority of this chapter up to the “ceiling” loading limit established by permit.
- E. Users shall be subject to “instantaneous limits” (as determined by a grab sample) of equal to twice the below “daily maximum” concentrations for any pollutant for which a composite sample is required in a permit. This provision is inapplicable to Users without permits, or without the permit requirement to collect a composite sample for the analyte in question.

<b>Pollutant Concentration</b>	<b>Permit Threshold</b>
<b>TOXIC METALS</b>	
[     ] mg/l arsenic (T)	_____ lb/d
[     ] mg/l cadmium (T)	_____ lb/d
[     ] mg/l chromium (T)	_____ lb/d
[     ] mg/l chromium (hexavalent)	_____ lb/d
[     ] mg/l copper (T)	_____ lb/d
[     ] mg/l cyanide (T)	_____ lb/d
[     ] mg/l lead (T)	_____ lb/d

[	]	mg/l mercury (T)	_____	lb/d
[	]	mg/l molybdenum (T)	_____	lb/d
[	]	mg/l nickel (T)	_____	lb/d
[	]	mg/l selenium (T)	_____	lb/d
[	]	mg/l silver (T)	_____	lb/d
[	]	mg/l zinc (T)	_____	lb/d

**CONVENTIONAL SURCHARGE POLLUTANT LIMITS**

Conc	Parameter:	Threshold amount:
300 mg/l	BOD5	2.5 lb/d
300 mg/l	total suspended solids	2.5 lb/d
60 mg/l	ammonia	.5 lb/d

**PROTECTION OF SEWER LINE BLOCKAGE**

300 mg/l Oil and grease of animal or vegetable origin      Any amount

**PROTECTION AGAINST CORROSION, PASS THROUGH, & INTERFERENCE**

50 mg/l	hydrocarbon based oil/grease	Any amount
0.5 mg/l	sulfides (H2S vapor toxicity threshold)	.004 lb/d
50.0 mg/l	sulfates	0.4 lb/d
1,000 mg/l	total chloride	8 lb/d
5,000 mg/l	total dissolved solids	40 lb/d
1,000 mg/l	Total Organic Solvents (incl. alcohols)	8 lb/d
5.0 su	Minimum pH in Standard Units	
11.0 su	Maximum pH in Standard Units	
10%	reduction in effluent UV transmissivity (per cm at 254nm wavelength)	
10%	decrease in the maximum effluent concentration which has no observable detrimental effect (NOEC) in any whole effluent toxicity test.	

- F. The [Superintendent] shall use the individual permit process to establish ceiling limits for compatible pollutants and appropriate discharge limits for all other pollutants not listed under section 2.4. This includes pollutants subject to regulation under RCRA, volatile or semi-volatile organics, halogenated or brominated compounds, poly-aromatic hydrocarbons, polymers, surfactants, pesticide active ingredients, etc.
- G. The [Superintendent] may establish and require Best Management Practices for any category of User or type of industrial process which creates a non-domestic waste stream. Such requirements may be applied either in lieu of or in addition to the local limits of section 2.4. BMPs may also include alternative limits which may be applied at the end of a specific process or treatment step instead of at the combined effluent.

**2.5 [City's] Right of Revision**

The [City] reserves the right to establish, by ordinance or in wastewater discharge permits, more stringent standards or requirements on discharges to the POTW.

## 2.6 Dilution

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

## **SECTION 3 - PRETREATMENT OF WASTEWATER**

### 3.1 Pretreatment Facilities

Users shall provide wastewater treatment as necessary to comply with this ordinance and shall achieve compliance with all categorical pretreatment standards, local limits, and the prohibitions set out in Section 2.1 of this ordinance within the time limitations specified by EPA, the State, or the [Superintendent], whichever is more stringent. Any facilities necessary for compliance shall be provided, operated, and maintained at the user's expense, and satisfy state requirements for review and approval of Plans for Wastewater Facilities as described in section 2.3. Such plans (Engineering Report, Plans and Specifications, and Operation and Maintenance Manuals) shall be submitted as required by Chapter 173-240 WAC to either the [Superintendent] or the Department of Ecology for review, and Users shall obtain approval prior to construction. The review of such plans and operating procedures shall in no way relieve the user from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to the [City] under the provisions of this ordinance.

### 3.2 Additional Pretreatment Measures

- A. The [Superintendent] may immediately and effectively halt or prevent any discharge of pollutants to the POTW which reasonably appear to present an imminent endangerment to the health or welfare of persons. In such cases, the [Superintendent] will provide the User advance notice if possible, but shall not delay a response to imminent endangerment.
- B. The [Superintendent] may halt or prevent any discharge to the POTW which presents or may present an endangerment to the environment or which threatens to interfere with the operation of the POTW (including the collection system and pump stations). In such cases, the [Superintendent] shall attempt to provide not only notice to the affected User(s), but the opportunity to respond.
- C. Any User causing the [Superintendent] to exercise the emergency authorities provided for under 3.2(A) and (B) shall be responsible for reimbursement of all related costs to the

[City].

- D. The [Superintendent] may require Users to reduce or curtail certain discharges to the sewer, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage wastestreams from industrial wastestreams, and take all other measures to protect the POTW and determine the user's compliance with the requirements of this ordinance.
- E. The [Superintendent], based on the determination that such devices are necessary for implementation of pretreatment requirements, may require any User to install and maintain, on their property and at their expense the following devices:
  - a. A sample taking facility accessible to the [Superintendent].
  - b. A suitable storage and/or flow equalization tank.
  - c. Grease, oil, and/or grit interceptors.
  - d. An approved combustible gas detection meter.
- F. Users installing any of the above devices shall ensure they are of the type and capacity approved by the [Superintendent], meet applicable building and plumbing codes, and conform to any separate requirements established by the [City]. Users shall locate units in areas easily accessible for cleaning and inspection by representatives of the [Superintendent]. Users shall be responsible for all periodic inspection, cleaning, and repair of such devices.

### 3.3 Accidental Discharge/Slug Discharge Control Plans

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

- A. A description of all discharge practices, including any non-routine batch discharges such as from cleaning, replenishment, or disposal;
- B. A description of all stored chemicals, disclosing all ingredients in formulations which could violate a discharge prohibition if discharged to the sewer;
- C. The procedures for immediately notifying the [Superintendent] of any accidental or slug discharge, as required by Section 6.6 of this ordinance; and
- D. The procedures that will be taken to prevent the occurrence or adverse impact from any accidental or slug discharge. Such procedures shall address the inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency response.

### 3.4 Hauled Wastewater

- A. Residential wastes meeting the definition of “septage” may be introduced into the POTW at locations designated by the [Superintendent], and at such times as are

established by the [Superintendent]. The hauler of such wastes shall be responsible for ensuring such wastes comply with all discharge prohibitions (Section 2 of this ordinance) and other applicable requirements of the [City]. The [Superintendent] may require septic tank waste haulers to obtain wastewater discharge permits or provide a manifest at the time of discharge identifying the customer name, address, and volume from each residence.

B. The [Superintendent] shall require the hauler, and may also require the generator, of non-domestic waste to obtain a wastewater discharge permit. The [Superintendent] also may prohibit the disposal of any or all hauled industrial waste. The discharge of hauled industrial waste is subject to all relevant requirements of this ordinance.

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

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

1. The name and address of the industrial waste hauler,
2. hauler permit number,
3. truck and driver identification,
4. the names and addresses of the sources of waste,
5. For each pickup, the type of industry, volume, brief description, known characteristics and presumed constituents of waste.
6. Any wastes which are “hazardous wastes” under RCRA.

## **SECTION 4 - WASTEWATER DISCHARGE PERMITS**

### **4.1 Industrial User Surveys**

The [City] is obligated under Federal law to identify all Users potentially subject to the pretreatment program, and the character and volume of pollutants discharged by such Users. To satisfy this requirement, all sources of non-domestic discharges to the POTW must, upon request of the [Superintendent], periodically complete an Industrial User Survey form. Users shall fully disclose the information requested and sign the completed form in accordance with section 4.7. Proper completion of survey requirements is a condition of initial and continued discharge to the public sewer system. Users failing to fully comply with survey requirements within 30 days shall be subject to all enforcement measures authorized under this chapter including termination



of service. The [Superintendent] is authorized to prepare several forms for this purpose and require completion of the particular form which the [Superintendent] determines appropriate to provide the information needed to categorize each User. The [Superintendent] shall be authorized to categorize each User, provide written notice of a User's categorization and what it means, and revise this categorization at any time.

#### 4.2 Wastewater Discharge Permit Requirement

A. No User categorized by the [Superintendent] as a Significant Industrial User shall discharge wastewater into the POTW without first obtaining an individual wastewater discharge permit or, where applicable, a general permit from the [Superintendent]. A Significant Industrial User that has filed a timely application pursuant to section 4.3 of this ordinance may continue to discharge unless and until notified otherwise by the [Superintendent].

B. The [Superintendent] may require all other Users to obtain wastewater discharge permits, or implement Best Management Practices as necessary to carry out the purposes of this ordinance. For example, a wastewater discharge permit may be required solely for flow equalization.

C. Any failure to complete the required survey form, apply for and obtain a required permit, or violate the terms and conditions of a wastewater discharge permit shall be deemed violations of this ordinance and subject the wastewater discharge permittee to the sanctions set out in Sections 10 through 12 of this ordinance. Obtaining a wastewater discharge permit does not relieve a permittee of its obligation to comply with all Federal and State pretreatment standards or requirements or with any other requirements of Federal, State, and local law.

#### 4.3 Wastewater Discharge Permitting: Existing Connections

Any user required to obtain a wastewater discharge permit who was discharging wastewater into the POTW prior to the effective date of this ordinance and who wishes to continue such discharges shall, within thirty (30) days after said date, apply to the [Superintendent] for a wastewater discharge permit in accordance with section 4.5 of this ordinance, and shall not cause or allow discharges to the POTW to continue after sixty (60) days of the effective date of this ordinance except in accordance with a wastewater discharge permit issued by the [Superintendent].

#### 4.4 Wastewater Discharge Permitting: New Connections

Persons wishing to discharge non-domestic wastewater must first complete either a survey form (if they do not expect a permit is needed) or a permit application. Any User identified by the [Superintendent] through the survey as needing a permit must file a permit application.

Applications for wastewater discharge permits, in accordance with Section 4.5 of this ordinance, must be filed at least ninety (90) days prior to the desired date of discharge, and the discharge permit obtained prior to commencing discharge.

#### 4.5 Wastewater Discharge Permit Application Contents

A. All users required to obtain a wastewater discharge permit must apply using the form provided by the [Superintendent]. Users eligible for coverage under a General Permit may request such coverage using an industry specific form if one has been developed (see Section 4.6). Users must supply the [Superintendent] the following information as part of the permit application if relevant to the Users operation unless waived by the [Superintendent].

1. Identifying information.
  - a. The name and physical address of the facility, the names of the operator / facility manager and owner, and the name and address of the point of contact.
  - b. A description of activities, facilities, and plant production processes on the premises;
2. A list of any environmental control permits held by or for the facility.
3. A description of operations and facilities including.
  - a. A brief description of the operations, average rate of production, and industrial classification (SIC or NAICS codes) of the operation(s) conducted on site.
  - b. The number and type of employees, and proposed or actual hours of operation.
  - c. The type, amount, rate of production, and process used for each product produced.
  - d. The type and amount of raw materials used (average and maximum rates).
  - e. The raw materials and chemicals to be routinely stored at the facility (including products in rail cars and tank trucks located on site).
  - f. The types of wastes generated on a routine and periodic basis.
  - g. The times and durations when wastes will be discharged.
  - h. A schematic process diagram showing each process step, waste stream, treatment step, internal recycle, and point of discharge to the POTW. This diagram should identify which streams are subject to categorical standards.
  - i. Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, and appurtenances by size, location, and elevation, and all points of discharge.
  - j. The sampling locations and provisions for monitoring discharges.
  - k. Whether plans for wastewater facilities under Chapter 173-240 WAC have been developed, and their approval status (Engineering Report, Plans and Specifications, and an Operations and Maintenance Manual).
4. Flow data. The average daily and maximum daily flow, in gallons per day, to the

POTW from each waste stream. Information shall be complete enough to allow use of the combined wastestream formula per Section 2.2C (and 40 CFR 403.6(e)) where applicable.

5. Pollutant data.
  - a. The categorical pretreatment standards applicable to each regulated process.
  - b. The results of sampling and analysis identifying the nature and concentration, (and mass where required by the standard or the [Superintendent]), of regulated pollutants in the discharge from each regulated process.
  - c. The estimated peak instantaneous, daily maximum, and long-term average discharge concentrations (and mass) based on the sampling results.
6. Sampling data to show samples are:
  - a. Representative of daily operations.
  - b. Taken just downstream from pretreatment facilities if such exist, or just downstream of the regulated process(es) if no pretreatment exists.
  - c. Collected as required by Section 6.11 of this ordinance.
  - d. Analyzed according to Section 6.10 of this ordinance.
7. Information confirming BMPs. Where standards specify a BMP or pollution prevention alternative, the User must include the information needed by the [Superintendent] or the applicable standard to determine whether BMPs are (or will be) implemented.
8. Any requests for a monitoring waiver (or a renewal of an approved monitoring waiver) for a pollutant neither present nor expected to be present in the discharge must include new sampling showing (continued) absence of the pollutant in the raw wastewater and satisfying Section 6.4.B.
9. Any request to be covered by a general permit shall satisfy Section 4.6 (below).
10. Any other information deemed necessary by the [Superintendent] to evaluate the situation and prepare a discharge permit.

**B.** Incomplete or inaccurate applications will not be processed and will be returned to the user for revision. The [Superintendent] shall be held harmless for delays caused by returned applications.

#### 4.6 General Permits

A. The [Superintendent] may use general permits to control discharges to the POTW from all Users. Significant Users covered by a general permit will be those that the [Superintendent] finds:

- (1) Involve the same or substantially similar types of operations.
- (2) Discharge the same types of wastes.
- (3) Require the same effluent limitations.
- (4) Require the same or similar monitoring.
- (5) Are more appropriately controlled under a general permit.
- (6) Are not subject to production-based standards, mass limits, or require use of

the Combined Wastestream Formula to calculate limits.

B. To be covered by the general permit, the User must file a written request for coverage. The request must identify contact information, production processes, types of wastes generated, the general permit under which coverage is requesting, and the basis for believing the general permit is applicable. The User must also identify the location for monitoring all wastes covered by the general permit. If requesting a monitoring waiver, the application must provide information showing Section 6.4.B has been complied with. The User must also provide any other information the [Superintendent] has requested to properly evaluate the situation. A monitoring waiver is not effective until the [Superintendent] has provided written notice granting the waiver.

C. The [Superintendent] will retain the following for 3 years after the expiration of the general permit. A copy of the general permit, the fact sheet, each User's request for coverage, and the POTW's determination to extend coverage to each User.

#### 4.7 Application Signatories and Certifications

A. All survey forms, wastewater discharge permit applications, and user reports must be signed by an authorized representative of the user and contain the certification statement in Section 6.14 A.

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

C. A facility determined to be a Non-Significant Categorical Industrial User by the [Superintendent] pursuant to 1.4 FF(3) must annually submit the signed certification statement found at Section 6.14 B.

#### 4.8 Wastewater Discharge Permit Decisions

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

### **SECTION 5 - WASTEWATER DISCHARGE PERMITS**

#### 5.1 Wastewater Discharge Permit Duration

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

## 5.2 Wastewater Discharge Permit Contents

Wastewater discharge permits will include conditions the [Superintendent] deems reasonably necessary to carry out the goals of the pretreatment program (section 1.1), federal and state regulations, and the requirements of this Ordinance.

- A. Wastewater discharge permits will contain:
1. The permit issuance date, expiration date, and effective date.
  2. A statement that the wastewater discharge permit is nontransferable without prior notification to the [City] in accordance with Section 5.5 of this ordinance, and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit.
  3. Effluent limits, including Best Management Practices, based on applicable pretreatment standards and requirements to apply AKART (see section 2.3 I).
  4. The pollutants to be monitored, and specific monitoring requirements. This includes the sampling location(s), sampling frequencies, and sample types consistent with Federal, State, and local law. (See section 2.3 J)
  5. Requirements to submit certain reports (as reflected in section 6), provide various notifications, keep records, and implement best management practices,
  6. The process to be used to request a waiver from monitoring for a pollutant neither present nor expected to be present in the Discharge in accordance with Section 6.4 B, or a specific waived pollutant in the case of an individual permit.
  7. A statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable Federal, State, or local law.
  8. Requirements to control slug discharges, including to develop, update, and implement slug discharge control plans (find required content in section 3.3) where the [Superintendent] determines such plans are important to preventing accidental, unanticipated, or non-routine discharges.
  9. Any monitoring which has been conditionally waived by the [Superintendent] according to Section 6.4 B but which automatically applies at any time the requirements of the conditional waiver are not met.
  10. Reapplication requirements.
- B. Wastewater discharge permits may contain, but need not be limited to, the following conditions:
1. Pretreatment facilities and measures required by Section 3.1 and 3.2 of this Ordinance.

2. Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization.
3. Requirements to install pretreatment technology, pollution controls, or to construct appropriate containment devices to reduce, eliminate, or prevent the introduction of pollutants into the treatment works, ground, or stormwater.
4. Requirements to develop and implement of waste minimization plans to reduce the amount of pollutants discharged to the POTW.
5. Requirements to pay charges or fees for discharge to the POTW including high strength charges.
6. Requirements to install and maintain inspection and sampling facilities and equipment, including flow measurement devices.
7. Notice that compliance with the wastewater discharge permit does not relieve the permittee of responsibility for compliance with all applicable Federal and State pretreatment standards, including those which become effective during the term of the wastewater discharge permit. And
8. Other conditions as deemed appropriate by [the Superintendent] to ensure compliance with this ordinance, and State and Federal laws, rules, and regulations.

### 5.3 Permit Issuance Process

A. Public Notice. Users shall follow the procedures for public notice found in section 2.3.G and 2.3.H. The [Superintendent] shall consider and respond to public input as appropriate prior to issuance of a permit. The [Superintendent] will arrange a public meeting if there is sufficient interest.

B. Permit Appeals. The [Superintendent] shall provide public notice of the issuance of a wastewater discharge permit. Any person, including the user, may petition the [Superintendent] to reconsider the terms of a wastewater discharge permit within thirty (30) days of notice of its issuance.

1. Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative appeal.
2. In its petition, the appealing party must indicate the wastewater discharge permit provisions objected to, the reasons for this objection, and the alternative condition, if any, it seeks to place in the wastewater discharge permit.
3. The effectiveness of the wastewater discharge permit shall not be stayed pending the appeal.
4. If the [Superintendent] fails to act within thirty (30) days, a request for reconsideration shall be deemed to be denied. Decisions not to reconsider a wastewater discharge permit, not to issue a wastewater discharge permit, or not to

modify a wastewater discharge permit shall be considered final administrative actions for purposes of judicial review.

5. Aggrieved parties seeking judicial review of the final administrative wastewater discharge permit decision must do so by filing a complaint with . [name of appropriate Court] for [proper jurisdiction] within [Statute of Limitations].

#### 5.4 Wastewater Discharge Permit Modification

The [Superintendent] may modify a wastewater discharge permit for good cause, including, but not limited to, the following reasons:

- A. To incorporate any new or revised Federal, State, or local pretreatment standards or requirements including new or revised local limits.
- B. To address new or changed operations, processes, production rates, waste streams, or changes in water volume or character.
- C. To reflect conditions at the POTW requiring an authorized discharge to be reduced or curtailed. Such requirements may be either temporary or permanent.
- D. Based on information indicating that a permitted discharge poses a threat to the [City]'s POTW or staff, the receiving waters, or to violate a prohibition of this Chapter.
- E. To address violations of any terms or conditions of the wastewater discharge permit;
- F. To address misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required report.
- G. To incorporate revisions based on a variance from categorical pretreatment standards approved pursuant to 40 CFR 403.13.
- H. To correct typographical or other errors in the wastewater discharge permit.
- I. To reflect a transfer of the facility ownership or operation to a new owner or operator as required under section 5.5.

#### 5.5 Wastewater Discharge Permit Transfer

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

- A. States that the new owner and/or operator have no immediate intent to change the facility's operations and processes.
- B. Identifies the specific date on which the transfer is to occur. And
- C. Acknowledges full responsibility for complying with the existing wastewater discharge permit.

## 5.6 Wastewater Discharge Permit Revocation

The [Superintendent] may revoke a wastewater discharge permit for good cause, including, but not limited to, when a User has:

- A. Failed to notify the [Superintendent] of significant changes to the wastewater prior to the changed discharge.
- B. Failed to provide prior notification to the [Superintendent] of changed conditions pursuant to Section 6.5 of this ordinance.
- C. Misrepresented or failed to fully disclose all relevant facts in the wastewater discharge permit application.
- D. Falsified self-monitoring reports or tampered with monitoring equipment.
- E. Refused to allow the [Superintendent] timely access to the facility premises and records.
- F. Failed to meet effluent limitations or permit conditions.
- G. Failed to pay applicable fines or sewer charges.
- H. Failed to meet compliance schedule deadline dates.
- I. Failed to complete a wastewater survey or wastewater discharge permit application.
- J. Failed to provide advance notice of the transfer of business ownership.
- K. Violated any pretreatment standard or requirement, or any terms of the wastewater discharge permit or this ordinance.
- L. Ceased operations or
- M. Transferred business ownership.

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

## 5.7 Wastewater Discharge Permit Reissuance

A user with an expiring wastewater discharge permit shall apply for wastewater discharge permit reissuance by submitting a complete permit application, in accordance with Section 4.5 of this ordinance, a minimum of ninety (90) days prior to the expiration of the user's existing wastewater discharge permit.

## 5.8 Regulation of Waste Received from Other Jurisdictions

- A. Prior to allowing wastewater to be received for treatment from another municipality, or from a User located outside the municipal corporate boundaries of the [City], the [City] shall be empowered and obliged to enter into an inter-municipal agreement with the contributing municipality (County, City, Town, Sewer District, or other municipal corporation recognized under State Law). Such agreement shall affix responsibilities in an enforceable manner to ensure that the pretreatment program is fully and equitably administered in all contributing jurisdictions. Any such agreement or modification to such an agreement shall be reviewed by the [City]'s legal council and shall be submitted,



together with the opinion that it is legally sufficient, to the Approval Authority (Department of Ecology) and processed as a minor program modification.

B. Prior to entering into an agreement required by paragraph A, above, the [Superintendent] shall request the following information from the contributing municipality:

- (1) A description of the quality and volume of wastewater discharged to the POTW by the contributing municipality;
- (2) An inventory of all users located within the contributing municipality that are discharging to the POTW; and
- (3) Such other information as [the Superintendent] may deem necessary.

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

- (1) Requirements for contributing municipalities to adopt a sewer use ordinance which establishes Pretreatment Standards and Requirements as stringent as in this ordinance (Sections 2.1 through 2.6). The Ordinance provisions and limits must be revised to conform within a reasonable time frame (within 9 months) to any future revisions of the [City]'s ordinance.
- (2) Requirements for the contributing municipality to submit a revised user inventory on at least an annual basis, and reinforce requirements to obtain a permit prior to discharge.
- (3) A clear division of responsibilities for implementing each pretreatment related activity under this Ordinance OR in the [City]'s National Pollutant Discharge Elimination System (NPDES) permit. Such tasks include reinforcing prohibitions, locating users, issuing wastewater discharge permits, conducting inspections, sampling, evaluating compliance, initiating enforcement, and reporting compliance. Any activities which will be conducted jointly by the contributing municipality and [the Superintendent] must also be identified.
- (4) Requirements for the contributing municipality to provide the [Superintendent] access to all information that the contributing municipality obtains as part of its pretreatment activities;
- (5) The nature, quality (e.g. conventional and toxic pollutant concentrations), and volume (peak and average flow rates) the contributing municipality is allowed to discharge to the [City]. How and where compliance will be measured, how fees for service and surcharges will be established, and how additional loading capacity, if needed, will be negotiated.

(6) Provisions ensuring the [Superintendent] may enter and inspect Users located within the contributing municipality's jurisdictional boundaries to confirm that the pretreatment program is being properly administered, Users are properly categorized, etc. And

(7) Provisions for addressing any breach of the terms of the inter-municipal agreement.

## SECTION 6 - REPORTING REQUIREMENTS

### 6.1 Baseline Monitoring Reports

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

B. Users that wish to begin discharging wastewater to the POTW from operations subject to categorical standards after EPA has published the standards (called New Sources), shall also submit a “baseline monitoring report” to the [Superintendent] containing the information listed in paragraph C, below. However, for New Sources, the report must be provided at least ninety (90) days before desiring to discharge. New Sources shall describe the method of pretreatment they intend to use to meet applicable categorical standards. Because monitoring data will not be available for proposed facilities, New Sources instead must provide estimates of the anticipated flow rates and quantity of pollutants to be discharged.

C. The Baseline Monitoring Report shall include the following information:

1. All information required in section 4.5.A(1) through 4.5A(7).
2. Additional Conditions for Existing Sources Measuring pollutants.
  - a. Users shall take a minimum of one representative sample to compile the data for the Baseline Monitoring Report.
  - b. Users shall take samples immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated process if no pretreatment exists. If the user mixes other wastewaters with the regulated wastewater prior to pretreatment, the User must provide the flows and concentrations necessary to apply the combined wastestream formula of section 2.2(C) and § 403.6(e). Where the User wants an

- alternate concentration or mass limit, and it is allowed by federal rules at § 403.6(e), the User shall propose the adjusted limit and provide supporting data to the Control Authority.
- c. Sampling and analysis shall be performed in accordance with Section 6.11 (sample collection), and Section 6.10 (sample analysis).
  - d. The [Superintendent] may allow the report to use only historical data if the data is good enough to allow the evaluation of whether (and which) industrial pretreatment measures are needed;
  - e. The baseline report shall indicate the time, date, and place of sampling, methods of analysis. The User shall certify that the sampling and analysis presented is representative of normal work cycles and expected pollutant discharges to the POTW.
3. Compliance Certification. A statement, reviewed by the user's authorized representative as defined in Section 1.4 C and certified by a qualified professional, such as a Professional Engineer indicating whether pretreatment standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment steps are required to meet the pretreatment standards and requirements.
  4. Compliance Schedule. While New Sources must install the treatment required to meet the Pretreatment standards prior to operation, Existing Sources may be granted a compliance schedule where they must provide additional pretreatment and/or O&M to meet the pretreatment standards. In such cases, the User shall propose the shortest schedule by which they can provide the additional pretreatment and/or O&M. The completion date which the User proposes in this schedule may not be later than the compliance date established for the applicable pretreatment standard. Any compliance schedule authorized pursuant to this section must also meet the requirements set out in Section 6.2 of this ordinance.
  5. Signature and Report Certification. All baseline monitoring reports must be certified in accordance with Section 6.14 A of this ordinance and signed by an authorized representative as defined by Section 1.4C.

## 6.2 Compliance Schedule Progress Reports

The following conditions shall apply to compliance schedules proposed by Existing Sources according to Section 6.1(C)(4) of this ordinance and incorporated into permits:

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

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

C. The user shall submit a progress report to the [Superintendent] no later than fourteen (14) days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the user to return to the established schedule; and

D. In no event shall more than nine (9) months elapse between such progress reports to the [Superintendent].

### 6.3 Reports on Compliance with Categorical Pretreatment Standard Deadline

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

In both cases, the report must contain the information described in Sections 4.5.A (3) through 4.5.A (6). For existing sources, it must also contain the compliance certification of 6.1.C (3) and, if needed, the compliance schedule described in 6.1.C (4). Users subject to equivalent mass or concentration limits, as allowed by section 2.2, must include a reasonable measure of their long-term production rate. Other users subject to standards based on a unit of production (or other measure of operation) must include their actual production during the sampling period. All compliance reports must be signed and certified in accordance with section 6.14 A of this ordinance.

### 6.4 Periodic Compliance Reports

A. The [Superintendent] may specify the necessary minimum sampling and reporting frequencies and include applicable requirements in permits. Significant Industrial Users (SIUs), except those recognized as “middle tier” Users under Section 6.4(C), must:

1. Report at least twice a year, in June and December unless otherwise specified.
2. Report the flows and concentrations of regulated pollutants in all discharges subject to pretreatment standards.
3. Report average and maximum daily flows for the reporting period and identify where flow estimates are used.
4. Include the documentation needed to show compliance with applicable BMPs, pollution prevention alternatives, maintenance, treatment, or record keeping requirements.

B. The [Superintendent] may authorize a CIU to forego sampling of a pollutant regulated by a categorical Standard when it is not present in raw wastewater provided:

1. The CIU submits a request for the waiver with their permit application or reapplication (see Section 4.5.A(8)).
2. The CIU analyzes a sample (or samples) representative of all wastewater from all processes before any treatment and includes all results with the request.
3. The CIU demonstrates through source water and untreated process water sample results that the pollutant never exceeds intake water levels. (Pollutants simply reduced by treatment to background levels are ineligible for the waiver.)
4. The CIU shows, where non-detectable sample results are returned in (2) or (3), that they used the method from 40 CFR Part 136 with the lowest detection level.
5. The duly authorized representative of the CIU signs the request using the certification statement of Section 6.14.A.
6. The CIU includes, in routine monitoring reports, the statement in Section 6.14.C, certifying that there has been no increase in the pollutant in its waste stream due to activities of the Industrial User
7. The CIU reports and immediately resumes the monitoring which would otherwise have been required upon discovering that a waived pollutant is present or expected to be present based on changes to the User's operations

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

C. The [Superintendent] may reduce the minimum periodic compliance reporting frequency for CIU's from twice a year (Section 6.4 A) to once a year where the CIU:

- (1) Discharges wastewater subject to categorical standards at a rate less than one gallon per every 10,000 gallons of POTW design maximum monthly average flow capacity (per the [City] NPDES permit). The CIU must measure their discharge using a continuous (or totalizing) effluent flow meter. If the CIU discharges in batches, the [Superintendent] will determine eligibility by dividing total flows in all batches which contain any proportion subject to categorical regulation by the number of days the CIU is in full operation in a given calendar month.
- (2) Discharges less than 5,000 gallons of wastewater subject to categorical standards on the maximum day (including for batch dischargers).
- (3) Discharges categorical wastewater with less than one pound of BOD5 per each 10,000 pounds of POTW loading capacity. POTW loading capacity is the design maximum monthly average BOD5 loading capacity per the [City]'s NPDES permit (or if not included in the permit, in approved [City] plans).
- (4) Discharges less than 0.01 percent of the maximum allowable headworks loading for any pollutant regulated by both an applicable Categorical Standard and a local limit in Section 2.4 of this ordinance.

- (5) Has not been in Significant Non-Compliance as defined in this Ordinance during the prior two years.
- (6) Has daily flow rates, production levels, or pollutant levels that are consistent enough the [Superintendent] believes will allow representative data at the decreasing reporting interval.

D. Users must sign and certify all periodic compliance reports in accordance with section 6.14 A of this ordinance.

E. Users must take wastewater samples which are representative of their range of discharge conditions and of any discharge not disclosed in their permit application. Users must properly operate, clean, and maintain sampling and flow metering facilities and devices and ensure they function properly. The [Superintendent] may not allow User claims that sampling results are unrepresentative due to a Users failure to meet this requirement.

F. Users subject to the reporting requirements in this section must report any additional monitoring which might determine compliance with permit requirements. This includes any additional monitoring of regulated pollutant at their respective effluent monitoring locations using procedures prescribed in Section 6.11 of this ordinance. In such cases, the results of this monitoring shall be included in periodic monitoring reports.

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

## 6.5 Reports of Changed Conditions

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

- A. The [Superintendent] may require the User to submit whatever information is needed to evaluate the changed condition. The [Superintendent] may also require a new or revised wastewater discharge permit application under Section 4.5 of this ordinance.
- B. The [Superintendent] may issue, reissue, or modify a wastewater discharge permit applying the procedures of Chapter 5 of this ordinance in response to a User's notice under this section.

## 6.6 Reports of Potential Problems

A. Any User which has any unusual discharge that could cause problems to the POTW must immediately notify the [Superintendent] by telephone of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the user to control and curtail the discharge. Such discharges may include spills, slug loads, accidental discharges, or other discharges of a non-routine, episodic nature. Problems to the POTW which require reporting under this section include violating pretreatment prohibitions, treatment standards, or other requirements of Chapter 2 of this Ordinance such as vapor toxicity and explosivity limits.

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

C. Regardless of whether the User has been required to submit a Slug Discharge Control Plan (per section 3.3), all Users shall post notice in a prominent location advising employees who to call at the POTW to inform the [Superintendent] of a potential problem discharge (6.6 A). Users shall ensure that all employees who may cause or witness such a discharge are advised of the emergency notification procedures.

D. All Users must immediately notify the [Superintendent] of any changes at their facility which might increase their potential for a slug discharge. This includes increasing the volume of materials stored or located on site which, if discharged to the POTW, would cause problems. Users required to prepare a Slug Discharge Control Plan under section 3.3 shall also modify their plans to include the new conditions prior to, or immediately after making such changes.

#### 6.7 Reports from Unpermitted Users

All users not required to obtain a wastewater discharge permit or general permit shall provide appropriate reports to the [Superintendent] as the [Superintendent] may require. This includes periodically completing and signing Industrial User Surveys.

#### 6.8 Notice of Violation/Repeat Sampling and Reporting

If sampling performed by a User indicates a violation, the User must notify the [Superintendent] within twenty-four (24) hours of becoming aware of the violation. The User shall also repeat the sampling and analysis and submit the results of the repeat analysis to the [Superintendent] within

thirty (30) days after becoming aware of the violation. The [Superintendent] may waive the repeat sampling requirement where the [City] has sampled the effluent for the pollutant in question prior to the User obtaining sampling results.

#### 6.9 Notification of the Discharge of Hazardous Waste

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

1. Notify the [Superintendent], the EPA Regional Waste Management Division Director, and State hazardous waste authorities, in writing, of the discharge. Maintain a copy of this notification and include it in all subsequent permit application or re-applications under this Chapter.
2. Include the following information in the notification:
  - a. The name of the hazardous waste as found in 40 CFR Part 261,
  - b. The EPA hazardous waste number,
  - c. The type of discharge (continuous, batch, or other).
3. If the discharge totals more than 220 pound in any month, also provide:
  - a. The hazardous constituents contained in the wastes,
  - b. An estimate of the mass and concentration of hazardous constituents in the wastestream discharged during that calendar month, and
  - c. An estimate of the mass of constituents in the wastestream expected to be discharged during the following twelve (12) months.
4. This notice shall be repeated for new or increased discharges of substances subject to this reporting requirement.
5. All notifications must take place prior to discharging a substance for which these reporting requirements apply. If this is not possible, the notice must be provide as soon after discharge as practical and describe why prior notice was not possible.
6. Users must provide notifications under this paragraph only once to EPA and the State for each hazardous waste discharged. However, all of the information of these notices shall be repeated in each new permit application submitted under this Chapter.
7. This requirement does not relieve the User from requirements to provide other notifications, such as of changed conditions under Section 6.5 of this ordinance, or applicable permit conditions, permit application requirements, and prohibitions.
8. The notification requirements in this section do not apply to pollutants for which routine monitoring and reporting is required in a permit under this ordinance.

B. Users must report all discharges of more than thirty-three (33) pounds per month of substances which, if otherwise disposed of, would be hazardous wastes. Users must also



report any discharge of acutely hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e). Subsequent months during which the user discharges more of a hazardous waste for which notice has already been provided do not require another notification to EPA or the State, but must be reported to the [Superintendent].

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

D. For any notification made under this section, the user shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical and shall describe that program and reductions obtained through its implementation.

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

#### 6.10 Analytical Requirements

All pollutant sampling and analyses required under this ordinance shall conform to the most current version of 40 CFR Part 136, unless otherwise specified in an applicable categorical pretreatment standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for a pollutant, or the [Superintendent] determines that the Part 136 sampling and analytical techniques are inconsistent with the goal of the sampling, the [Superintendent] may specify an analytical method. If neither case applies, Users shall use validated analytical methods or applicable sampling and analytical procedures approved by EPA.

#### 6.11 Sample Collection

Users must ensure all samples they collect to satisfy sampling requirements under this ordinance are representative of the range of conditions occurring during the reporting period. Users must also ensure that, when specified, samples are collected during the specific period.

- A. Users must use properly cleaned sample containers appropriate for the sample analysis and sample collection and preservation protocols specified in 40 CFR Part 136 and appropriate EPA guidance.
- B. Users must obtain samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides, and volatile organic compounds using grab collection techniques.
- C. For certain pollutants, Users may composite multiple grab samples taken over a 24-hour period. Users may composite grab samples for cyanide, total phenols, and sulfides either in the laboratory or in the field, and may composite grab samples for

- volatile organics and oil & grease in the laboratory prior to analysis.
- D. For all other pollutants, users must employ 24-hour flow-proportional composite samplers unless the [Superintendent] authorizes or requires an alternative sample collection method.
  - E. The [Superintendent] may authorize composite samples for parameters unaffected by the compositing procedures, as appropriate.
  - F. The [Superintendent] may require grab samples either in lieu of or in addition to composite sampling to show compliance with instantaneous discharge limits.
  - G. In all cases, Users must take care to ensure the samples are representative of their wastewater discharges.
  - H. Users sampling to complete baseline monitoring and 90-day compliance reports required by Section 6.1 and 6.3, must satisfy some specific requirements. These reports require at least four grab samples for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds. Users may composite samples prior to analysis if allowed in 6.11.C . Where historical sampling data exists; the [Superintendent] may also authorize fewer samples.
  - I. For periodic monitoring reports, (Section 6.4), the [Superintendent] may specify the number of grab samples necessary to assess and assure compliance with applicable pretreatment standards and requirements.

#### 6.12 Date of Receipt of Reports

The [Superintendent] will credit written reports as having been submitted on the date of the post mark when mailed through the United States Postal Service. Reports delivered in any other manner will be credited as having been submitted on the business day received.

#### 6.13 Record Keeping

Users subject to reporting requirements of this ordinance shall retain the below records for all monitoring required by this ordinance and for any additional monitoring which could be used to satisfy minimum monitoring requirements. Users must make these records available for inspection and copying at the location of the discharge. Users must similarly maintain documentation associated with any Best Management Practices required under authority of Section 2.4 C. Monitoring records shall include at least:

- A. The time, date, and place of sampling
- B. The sampling and preservation methods used
- C. The person taking the sample, and persons with control of the sample prior to analysis.
- D. The person performing the analyses and the date the analysis was completed;
- E. The analytical techniques or methods used; and
- F. The results of analysis.

Users are encouraged to retain quality control and quality assurance information provided by the laboratory and submit this information in routine reporting. This information also has value in the

event that the sample data is called into question. For analytes for which Washington State requires use of a certified/accredited laboratory, Users must maintain the scope of accreditation for laboratories performing any analyses for them.

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

#### **6.14 Certification Statements**

A. The following certification statement must be signed by an authorized representative as defined by Section 1.4 C and included when submitting:

1. A permit (re-)application in accordance with Section 4.7;
2. A baseline monitoring report under Section 6.1 B (5),
3. A report on compliance with the categorical pretreatment standard deadlines under Section 6.3;
4. A periodic compliance report required by Section 6.4 A – D, or
5. An initial request to forego sampling of a pollutant based on Section 6.4B(4)

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

B. Annual Certification for Non-Significant Categorical Industrial Users - A facility determined to be a Non-Significant Categorical Industrial User by the [Superintendent] pursuant to 1.4 FF(3) and 4.7 C must complete the below statement and submit it to the [Superintendent] annually. The statement must be signed by an authorized representative (Section 1.4 C):

Based on my inquiry of the person or persons directly responsible for managing compliance with the categorical Pretreatment Standards under 40 CFR \_\_\_\_\_, I certify that, to the best of my knowledge and belief that during the period from \_\_\_\_\_, \_\_\_\_\_ to \_\_\_\_\_, \_\_\_\_\_ [months, days, year]:

(a) The facility described as \_\_\_\_\_ [facility name] met the definition of a non-significant categorical Industrial User as described in 1.4 FF (3) [40 CFR 403.3(v)(2)];

(b) the facility complied with all applicable Pretreatment Standards and requirements during this reporting period; and (c) the facility never discharged more than 100 gallons of total categorical wastewater on any given day during this reporting period.

This compliance certification is based upon the following information.

\_\_\_\_\_

P  
ollutants Not Present

Users that have an approved monitoring waiver based on Section 6.4 B must also include the following certification statement in each report. This statement certifies that there has been no increase in the pollutant in its wastestream due to activities of the user:

Based on my inquiry of the person or persons directly responsible for managing compliance with the Pretreatment Standard for 40 CFR \_\_\_\_\_ [specify applicable National Pretreatment Standard part(s)], I certify that, to the best of my knowledge and belief, there has been no increase in the level of \_\_\_\_\_ [list pollutant(s)] in the wastewaters due to the activities at the facility since filing of the last periodic report under Section 6.4.A.

## SECTION 7 - COMPLIANCE MONITORING

### 7.1 Right of Entry: Inspection and Sampling

The [Superintendent] shall have the right to enter the premises of any user to determine whether the User is complying with all requirements of this ordinance and any wastewater discharge

permit or order issued hereunder. Users shall allow the [Superintendent] 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.

A. 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 [Superintendent] will be permitted to enter without delay for the purposes of performing specific responsibilities.

B. The [Superintendent] shall have the right to set up on the user's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the user's operations.

C. Users shall provide full access to the [Superintendent] to use any monitoring facilities and utilities available or required in accordance with sections 3.1 and 3.2 E and F to confirm that the standards or treatment required for discharge to the sewer are being met.

D. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the user at the written or verbal request of [the Superintendent] and shall not be replaced. The costs of clearing such access shall be born by the user.

E. Any unreasonable delay in allowing the [Superintendent] full access to the user's premises and wastewater operations shall be a violation of this ordinance.

## 7.2 Search Warrants

The [Superintendent] may seek issuance of a search warrant from the [insert name of appropriate Court]. Such warrants may be secured when:

- A. The [Superintendent] has been refused access or is unable to locate a representative who can authorize access to a building, structure, or property, or any part thereof, and has probable cause that a violation of this ordinance is occurring on the premises.
- B. The [Superintendent] has been denied access to inspect and/or sample as part of a routine inspection and sampling program of the [City] designed to verify compliance with this ordinance or any permit or order issued hereunder, or
- C. The [Superintendent] has cause to believe there is imminent endangerment of the overall public health, safety and welfare of the community by an activity on the premises.

## SECTION 8 - CONFIDENTIAL INFORMATION

Generally, information submitted to demonstrate compliance with pretreatment standards and

requirements will be freely available to the public. Users may have certain information, however, withheld as confidential if the following process is followed.

- A. When a User submits information to the [Superintendent], or provides information to inspectors, Users may request that specific information be maintained as confidential. Users must promptly identify the specific information in writing, and describe why the release would divulge information, processes, or methods of production entitled to protection as trade secrets or confidential business information under applicable State or Federal laws.
- B. The [Superintendent] shall review and approve or deny such requests. When approved, the information shall not be available as public records and shall be marked Confidential.
- C. All other information submitted to the [Superintendent] and obtained from the [Superintendent]'s oversight shall be available to the public subject to the [City] records review policy.
- D. Information held as confidential may not be withheld from governmental agencies for uses related to the NPDES program or pretreatment program, or in enforcement proceedings involving the person furnishing the report.
- E. Federal rules prevent wastewater constituents and characteristics and other effluent data, as defined by 40 CFR 2.302 from being recognized as confidential information.

#### SECTION 9 - PUBLICATION OF USERS IN SIGNIFICANT NONCOMPLIANCE

- A. PUBLISHING: The [Superintendent] must annually publish a list of the Users which, at any time during the previous twelve (12) months, were in significant noncompliance with applicable pretreatment standards and requirements. The list will be published in a newspaper of general circulation that provides meaningful public notice within the jurisdictions served by the POTW.
- B. DEFINITION: The term significant noncompliance means:
  - 1. Any violation of a pretreatment standard or requirement including numerical limits, narrative standards, and prohibitions, that the [Superintendent] determines has caused, alone or in combination with other discharges, interference or pass through, including endangering the health of POTW personnel or the general public.
  - 2. Any discharge of a pollutant that has caused imminent endangerment to the public or to the environment, or has resulted in the [Superintendent's] exercise of its emergency authority to halt or prevent such a discharge.
  - 3. Any violation(s), including of Best Management Practices, which the [Superintendent] determines will adversely affect the operation or implementation of the local pretreatment program.

4. Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all of the measurements taken for the same pollutant parameter taken during a rolling six (6) month period exceed, by any magnitude, a numeric pretreatment standard or requirement, including instantaneous limits of Section 2.
5. Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of wastewater measurements taken for each pollutant parameter during a rolling six (6) month period equal or exceed the product of the numeric pretreatment standard or requirement, (including instantaneous limits, as defined by Section 2), multiplied by the applicable criteria. Applicable criteria are 1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH.
6. Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance.
7. Failure to provide any required report within forty-five (45) calendar days after the due date. This includes initial and periodic monitoring reports, and reports on initial compliance and on meeting compliance schedules.
8. Failure to accurately report noncompliance.

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

## SECTION 10 - ADMINISTRATIVE ENFORCEMENT REMEDIES

In administering the [City] Pretreatment Program, the [Superintendent] is obliged to follow the [City] Pretreatment Program's approved procedures. In response to non-compliance with any requirement of this ordinance, the [Superintendent] shall apply its Enforcement Response Plan, which is a part of these approved procedures. This plan ensures that the application of remedies provided for in sections 10, 11, and 12 of this ordinance is appropriate to the violation, and consistent with the treatment of other Users. Any person may review or obtain a copy (for a nominal charge) of the Enforcement Response Plan by contacting the [Superintendent] or [City].

### 10.1 Notification of Violation

The [Superintendent] may serve a written Notice of Violation on any User that the [Superintendent] finds has violated any provision of this ordinance, including terms or requirements of a permit, order, or a pretreatment standard or requirement. In all cases in this ordinance, a continuation of a violation of a provision of this ordinance is a "violation". Users shall, in response to a Notice of Violation, provide the [Superintendent] a written explanation of the violation, its cause, and a corrective action plan within thirty (30) days of the receiving this notice. Users submitting plans to correct noncompliance must include the specific actions they will take to correct ongoing and prevent future violations at the soonest practicable date. The [Superintendent]'s acceptance of a plan does not relieve a User of liability for any violations. The

[Superintendent] may also take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation.

## 10.2 Consent Orders

The [Superintendent] may enter into a Consent Order or other voluntary agreement to memorialize agreements with Users violating any requirement of this ordinance. Such agreements must include the specific action(s) required and date(s) they are to be completed to correct the noncompliance. Such documents must be constructed in a judicially enforceable manner, and have the same force and effect as administrative orders issued pursuant to Sections 10.4 and 10.5 of this ordinance.

## 10.3 Show Cause Hearing

The [Superintendent] may propose actions in response to a violation of any provision of this ordinance, including a provision of a permit, order, or a pretreatment standard or requirement. The [Superintendent] may order a User in violation to appear at a date, time, and location set by the [Superintendent] to show why the proposed enforcement action should not be taken. The [Superintendent] will notify the User of the violation, the proposed action, the rationale, and the Users rights and obligations to provide evidence why the proposed enforcement action should not be taken, and to provide its support for any alternative it proposes at this meeting. This notification shall be served personally or by registered or certified mail (return receipt requested) at least twenty (20) days prior to the hearing. Such notice may be served on any authorized representative of the user as defined in Section 1.4 C. A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the user.

## 10.4 Compliance Orders

The [Superintendent] may issue a compliance order to any user which has violated any provision of this ordinance including a requirement of a permit, order, or a pretreatment standard or requirement. The compliance order may direct that the user come into compliance within a specified time, install and properly operate adequate treatment facilities or devices, or take such measures as the [Superintendent] finds are reasonably necessary. These measures may include additional self-monitoring and management practices designed to minimize the amount of pollutants discharged to the sewer. A compliance order may not extend the deadline for compliance established for a pretreatment standard or requirement, or relieve a User of liability for any violation, including a continuing violation. If the user does not come into compliance within the time provided, sewer service may be discontinued. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the user.

## 10.5 Cease and Desist Orders

When [the Superintendent] finds that a user has violated, or continues to violate, any provision of



this ordinance, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, or that the user's past violations are likely to recur, the [Superintendent] may issue an order to the user directing it to cease and desist all such violations and directing the user to:

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

#### 10.6 Administrative Fines

- A. When the [Superintendent] finds that a user has violated, or continues to violate, any provision of this ordinance, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the [Superintendent] may fine such user in an amount not to exceed ten thousand dollars. Such fines shall be assessed on a per-violation, per-day basis. In the case of monthly or other long-term average discharge limits, fines shall be assessed for each day during the period of violation.
- B. The [Superintendent] may add the costs of any emergency response, additional monitoring, investigation, and administrative costs related to the noncompliance and the [Superintendent]'s response to the situation to the amount of the fine.
- C. The [Superintendent] will consider the economic benefit enjoyed by a User as a result of the noncompliance in cases where there appears to have been a monetary benefit from not complying. In such cases, the [Superintendent] shall ensure that fines, to the maximum amounts allowable, exceed the benefit to the User from the noncompliance.
- D. Unpaid charges, fines, and penalties shall, at thirty (30) calendar days past the due date, be assessed an additional penalty of one percent (1%) of the unpaid balance, and interest shall accrue thereafter at a rate of one percent (1%) per month. After thirty days the [City] shall be authorized to file a lien against the user's property for unpaid charges, fines, and penalties.
- E. Users desiring to dispute such fines must file a written request for the [Superintendent] to reconsider the fine along with full payment of the fine amount within fifteen (15) working days of being notified of the fine. Where a request has merit, the [Superintendent] may convene a hearing on the matter. In the event the user's appeal is successful, the [Superintendent] shall rebate the difference between the initial and final penalty amounts to the user.
- F. Issuance of an administrative fine shall not be a bar against, or a prerequisite for, taking any other action against the user.

#### 10.7 Emergency Suspensions

The [Superintendent] may immediately suspend a User's discharge (or threatened discharge) when it reasonably appears to present a substantial danger to the health or welfare of persons. In such cases, the [Superintendent] will first provide informal notice to the user. The [Superintendent] may also immediately suspend a User's discharge, after notice and opportunity to respond, that threatens to interfere with the operation of the POTW, or which presents, or may present, a danger to the environment.

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

B. A User that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution and the measures taken to prevent any future occurrence. Users shall submit this report to the [Superintendent] prior to the date of any show cause or termination hearing under Sections 10.3 and 10.8 of this ordinance.

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

#### 10.8 Termination of Discharge

Any User who violates the following conditions is subject to having the privilege of discharging to the public sewer system withdrawn:

- A. Discharge of non-domestic wastewater without a permit, including
  1. where the appropriate permit has not been requested,
  2. where the appropriate permit has not yet been issued, or
  3. where the permit has been denied or revoked based on the provisions of section 5.6 (Permit Revocation) of this ordinance.
  
- B. Violation of permit terms and conditions including
  - a. Exceeding any permit limit.
  - b. Failing to meet other pretreatment standards or requirements.
  - c. Violating any prohibition. Or
  - d. Failing to properly monitor and report discharges or changed conditions.

D. Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring, or sampling; (whether subject to a permit or not) or

E. Violation of the pretreatment standards and requirements in Section 2 of this ordinance, including failure to satisfy Industrial User Survey requirements.

When the [Superintendent] determines this remedy is necessary and appropriate to fulfill the intentions of this ordinance, such User will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under Section 10.3 of this ordinance why the proposed action should not be taken. Exercise of this option by the [Superintendent] shall not be a bar to, or a prerequisite for, taking any other action against the User.

## SECTION 11 - JUDICIAL ENFORCEMENT REMEDIES

### 11.1 Injunctive Relief

The [Superintendent] may seek injunctive relief when a User has violated, or continues to violate a provision of this ordinance, including a pretreatment standard or requirement, or a permit or order issued hereunder. In such cases, the [Superintendent] may petition the [insert name of appropriate Court] through the [City]'s 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 ordinance on activities of the User. The [Superintendent] 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.

### 11.2 Civil Penalties

A. A User which has violated, or continues to violate a provision of this ordinance, including a pretreatment standard or requirement, or a permit or order issued hereunder shall be liable to the [City] for a maximum civil penalty of \$10,000 per violation, per day. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation.

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

C. In determining the amount of civil liability, the Court shall take into account all relevant circumstances. The [Superintendent] shall provide the Court a recommended civil penalty amount, and its basis. This basis address, as available, the extent of harm

caused, the magnitude and duration of the violation, any economic benefit gained, the timing of Users actions and responses, corrective actions by the User, and the Users compliance history. The [Superintendent] will provide the range of penalty amounts its Enforcement Response Plan suggests if it addresses the situation and provides such guidance. The [Superintendent] will provide any other facts the Court requests, or the [Superintendent] believes important for the Court to have to render a just determination.

D. Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, any other action the [Superintendent] may take to resolve noncompliance by a User.

### 11.3 Criminal Prosecution

A. A User who willfully or negligently violates any provision of this ordinance, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement shall, upon conviction, be guilty of a misdemeanor, punishable by a fine of not more than \$10,000 per violation, per day, or imprisonment for not more than one year, or both.

B. A User who willfully or negligently introduces any substance into the POTW which causes personal injury or property damage shall, upon conviction, be guilty of a [misdemeanor] and be subject to a penalty of at least [insert maximum fine allowable under State law], or be subject to imprisonment for not more than [\_\_\_\_\_] (\_\_\_\_\_) years, or both. This penalty shall be in addition to any other criminal charges or judicial remedies, including remedies for causing personal injury, endangerment, or destruction of public property available under State law.

C. A User who knowingly makes any false statements, representations, or certifications in any application, record, report, plan, or other documentation filed, or required to be maintained, pursuant to this ordinance, wastewater discharge permit, or order issued hereunder, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this ordinance shall, upon conviction, be punished by a fine of not more than [insert maximum fine allowable under State law] per violation, per day, or imprisonment for not more than [\_\_\_\_\_] (\_\_\_\_\_) years, or both.

D. In the event of a second conviction, a user shall be punished by a fine of not more than [insert maximum fine allowable under State law] per violation, per day, or imprisonment for not more than [\_\_\_\_\_] (\_\_\_\_\_) years, or both.

### 11.4 Remedies Nonexclusive

The remedies provided for in this ordinance are not exclusive. The [Superintendent] may take any, all, or any combination of these actions against a noncompliant user. Enforcement of pretreatment violations will generally be in accordance with [the City's] enforcement response

plan. However, the [Superintendent] may take other action against any user when the circumstances warrant. Further, the [Superintendent] is empowered to take more than one enforcement action against any noncompliant user.

## SECTION 12 - SUPPLEMENTAL ENFORCEMENT ACTION

### 12.1 Penalties for Late Reports

The [Superintendent] may assess a Penalty of \$[xx] to any User for each day that a report required by this ordinance, a permit or order issued hereunder is late. Penalties accrue beginning the fifth day after the report is due. . The [Superintendent]'s actions to collect late reporting penalties shall not limit the [Superintendent]'s authority to initiate any other enforcement action.

### 12.2 Performance Bonds

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

### 12.3 Liability Insurance

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

### 12.4 Payment of Outstanding Fees and Penalties

The [Superintendent] may decline to issue or reissue a wastewater discharge permit to any User who has failed to pay any outstanding fees, fines or penalties incurred as a result of any provision of this ordinance, a previous permit or order issued hereunder.

### 12.5 Water Supply Severance

The [Superintendent] may order water service to a User severed whenever a User has violated or continues to violate any provision of this ordinance, a permit, or order issued hereunder, or any other pretreatment standard or requirement. Users wishing to restore their service must first demonstrate their ability to comply with this ordinance and pay the related costs of this action.

### 12.6 Public Nuisances

A violation of any provision of this ordinance or a permit or order issued hereunder, or any other pretreatment standard or requirement, is hereby declared a public nuisance and shall be corrected or abated as directed by the [Superintendent]. Any person(s) creating a public nuisance shall be subject to the provisions of [insert applicable reference to City Code] governing such nuisances, including reimbursing the [City] for any costs incurred in removing, abating, or remedying said nuisance.

### 12.7 Informant Rewards

The [Superintendent] may pay up to [\_\_\_\_\_ dollars (\$\_\_\_\_\_)] for information leading to the discovery of noncompliance by a user. In the event that the information provided results in a civil penalty [or an administrative fine] levied against the user, the [Superintendent] may disperse up to [\_\_\_\_\_ percent (\_\_\_\_%)] of the collected fine or penalty to the informant. However, a single reward payment may not exceed [\_\_\_\_\_ dollars (\$\_\_\_\_\_)].

### 12.8 Contractor Listing

Users which have not achieved compliance with applicable pretreatment standards and requirements are not eligible to receive a contractual award for the sale of goods or services to the [City]. Existing contracts for the sale of goods or services to the [City] held by a user found to be in significant noncompliance with pretreatment standards or requirements may be terminated at the discretion of the [Superintendent].

## SECTION 13 - AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATIONS

### 13.1 Upset

A. For the purposes of this section, “upset” means an exceptional incident in which there is unintentional and temporary noncompliance with categorical 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 preventive maintenance, or careless or improper operation.

B. An upset shall constitute an affirmative defense to punitive actions in response to noncompliance with categorical pretreatment standards (section 2.2), but not local limits (section 2.3) when the requirements of paragraph (C), below, must be met.

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

1. An upset occurred and the user can identify the cause(s) of the upset.
2. The facility was at the time being operated in a prudent and workman-like manner and was in compliance with applicable operation and maintenance procedures.
3. Where the upset involved reduction, loss, or failure of its treatment facility (e.g. a power failure), the User controlled production of all discharges to the extent necessary to maintain compliance with categorical pretreatment standards until the facility was restored or an alternative method of treatment was provided.
4. The User submitted the following information to the [Superintendent] within twenty-four hours of becoming aware of the upset. When initially provided orally, the User must have provided a written report within five days:
  - a. A description of the indirect discharge and cause of noncompliance.
  - b. The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue. And
  - c. Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance.

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

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

### 13.2 Prohibited Discharge Standards

A User will have an affirmative defense to an enforcement action brought against it for noncompliance with the prohibitions in Section 2.1.A, and 2.1.B.3-7 of this ordinance in certain cases. The User must be able to prove that it did not know, or have reason to know, that its discharge, alone or in conjunction with discharges from other sources, would cause pass through

or interference and that either:

A. A local limit exists for each pollutant discharged and the user was in compliance with each limit directly prior to, and during, the pass through or interference; or

B. No local limit exists, but the discharge did not change substantially in nature or constituents from the User's prior discharge when the [City] was regularly in compliance with its NPDES permit, and in the case of interference, was in compliance with applicable sludge use or disposal requirements.

### 13.3 Bypass

A. For the purposes of this section,

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

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

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

C. Any other bypass must meet the following requirements:

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

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

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



#### D. Bypass

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

SECTION 14 - WASTEWATER TREATMENT RATES AND SURCHARGES- [RESERVED]

SECTION 15 - MISCELLANEOUS PROVISIONS

#### 15.1 Pretreatment Charges and Fees

The [City] may adopt reasonable fees for reimbursement of costs of setting up and operating the [City]'s Pretreatment Program which may include:

- A. Fees for wastewater discharge permit applications including the cost of processing such applications;
- C. Fees for monitoring, inspection, and surveillance procedures including the cost of collection and analyzing a user's discharge, and reviewing monitoring reports submitted by users;
- D. Fees for reviewing and responding to accidental discharge procedures and construction;
- E. Fees for filing appeals;
- F. Fees to recover administrative and legal costs (not included in Section 15.1 B) associated with the enforcement activity taken by the [Superintendent] to address IU noncompliance; and
- G. Other fees as [the City] may deem necessary to carry out the requirements contained herein. These fees relate solely to the matters covered by this ordinance and are

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separate from all other fees, fines, and penalties chargeable by [the City].

#### 15.2 Severability

If any provision of this ordinance is invalidated by any court of competent jurisdiction, the remaining provisions shall not be effected and shall continue in full force and effect.

#### SECTION 16 - EFFECTIVE DATE

This ordinance shall be in full force and effect immediately following its passage, approval, and publication, as provided by law.

DRAFT