

ORDINANCE NO. 2014-943

AN ORDINANCE OF THE CITY OF DEER PARK, WASHINGTON, AMENDING CHAPTER 13.08 OF THE DEER PARK MUNICIPAL CODE TO REVISE AND UPDATE WASTEWATER SERVICE REGULATIONS IN THE CITY; CONTAINING A SEVERABILITY CLAUSE; AND SETTING AN EFFECTIVE DATE.

WHEREAS, Chapter 13.08 of the Deer Park Municipal Code ("DPMC") sets forth the wastewater system utility code for the City of Deer Park ("City"); and

WHEREAS, Chapter 13.08 DPMC has been periodically amended, in part, since its adoption in 1950 by Ordinance No. 170; and

WHEREAS, the last significant review and revision to Chapter 13.08 DPMC occurred in 2002, with the adoption of Ordinance No. 762; and

WHEREAS, the City staff have conducted a comprehensive evaluation of Chapter 13.08 DPMC and determined that said Chapter should be amended in its entirety to clarify, revise, and update the rules and regulations, including penalties, related to wastewater service in the City; and

WHEREAS, the City Council now desires to amend Chapter 13.08 DPMC, as set forth herein, to protect the health, safety and welfare of citizens of the City; now, therefore,

**THE CITY COUNCIL OF THE CITY OF DEER PARK, WASHINGTON DO
ORDAIN AS FOLLOWS:**

Section 1. Chapter 13.08 of the Deer Park Municipal Code is hereby amended to read as follows:

**Chapter 13.08
WASTEWATER SERVICE REGULATIONS**

Sections:

- 13.08.005 Wastewater utility established.
- 13.08.010 Purpose and policy.
- 13.08.020 Administration.
- 13.08.030 Definitions.
- 13.08.040 Connection required.
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- 13.08.130 Backflooding – Order to install backwater valves.
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- 13.08.160 Discharge of pollutant waste on property.
- 13.08.170 Discharging sewage into natural outlets.
- 13.08.180 Unlawful discharge into sanitary sewer.
- 13.08.190 Prohibited discharge standards.
- 13.08.200 Nondomestic wastes – Treating.
- 13.08.210 Pretreatment of nondomestic wastes.
- 13.08.220 Pretreatment facilities.
- 13.08.230 Deadline for compliance with applicable pretreatment requirements.
- 13.08.240 Additional pretreatment measures.
- 13.08.250 Nondomestic disclosure of records.
- 13.08.260 Reports from nondomestic users.
- 13.08.270 Reporting requirements for dangerous waste constituents.
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- 13.08.300 Septage and liquid hauled wastes.
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- 13.08.320 Search warrants.
- 13.08.330 Vandalism.
- 13.08.340 Notice of violation.

- 13.08.350 Penalties for violation.**
- 13.08.360 Civil penalties.**
- 13.08.370 Criminal prosecution.**
- 13.08.380 Injunctive relief.**
- 13.08.390 City Council – rules and regulations.**

13.08.005 Wastewater utility established.

There is established a wastewater utility of the City which shall be known as the wastewater department of the City for the purpose of providing wastewater collection, treatment and disposal services within the City, and such areas outside the City as provided for in this chapter.

13.08.010 Purpose and policy.

A. This chapter is enacted under the police power of the City to protect and preserve the public health, safety and welfare. Its provisions shall be liberally construed to accomplish this purpose. It is the specific intent of this chapter to place the obligation of compliance upon the Owner/Operator (as defined herein). Nothing contained in this chapter is intended to be or shall be construed to create or form the basis for liability on the part of the City, its wastewater department, officers, employees or agents for any injury or damage resulting from the failure of the Owner/Operator of any private system to comply with the provisions of this chapter, or by reason or in consequence of any act or omission in connection with the implementation or enforcement of this chapter by the City, its wastewater department, officers, employees or agents. The City Council may establish wastewater rate relief measures for specific customer classes as authorized by state law.

B. This chapter sets forth uniform requirements for users or Customers (defined herein) of the publicly owned treatment works ("POTW") operated by the City through its wastewater department. It enables the City to comply with state and federal laws that apply to POTWs with potentially significant industrial Customers, but without a discharge permit program. All actions required, or authorities granted under this chapter are in accordance with the Federal Water Pollution Control Act, referred to as the Clean Water Act (33 U.S.C. 1251, et seq.), the Federal Pretreatment Regulations (40 CFR Part 403, et. seq), and Chapter 90.48 RCW, Water Pollution Control. The objectives of this chapter are:

1. To prevent the introduction of pollutants into the POTW that will interfere with the operation of the POTW;
2. To prevent the introduction of pollutants into the POTW that will pass through the POTW, inadequately treated, into receiving waters or otherwise be incompatible with the POTW;
3. To ensure that the quality of POTW sludge is maintained at a level that allows its use and disposal in compliance with applicable statutes and regulations;

4. To protect POTW or wastewater department personnel who may be affected by wastewater and sludge in the course of their employment and to protect the general public; and

5. To promote strategies which reduce the amounts of pollution generated by Customers, thereby reducing the associated hazards to the POTW and receiving waters.

C. This chapter shall apply to all users or Customers of the POTW. The chapter defines certain prohibited discharges; sets forth local limits for use by state agencies in the issuance of wastewater discharge permits; authorizes monitoring, compliance, and enforcement activities; establishes administrative review procedures; requires Customer reporting; and provides for the recovery of liquidated damages and collection of penalties.

13.08.020 Administration.

Except as otherwise provided for herein, the community services director ("Director"), or authorized designee, shall administer, implement, and enforce the provisions of this chapter. Any powers granted to, or duties imposed upon, the Director may be delegated by the Director to other City personnel.

13.08.030 Definitions.

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

1. "Act" or "the Act" means the Federal Water Pollution Control Act, also known as the Clean Water Act (33 U.S.C. 1251 et seq.), as amended.

2. "AKART" is an acronym that means "all known, available, and reasonable methods (prevention, control, and treatment) to prevent and control pollution of the waters of the state of Washington" (Chapter 90.48 RCW). AKART shall represent the most current methodology that can be reasonably required for preventing, controlling, or abating the pollutants associated with a discharge. AKART shall be applied by all Customers, including Industrial Customer and Domestic Customers, of the POTW. AKART includes best management practices and may be required by the Director for any discharge to the POTW.

3. "Applicable pretreatment standards," means for any specified pollutant, the more stringent of City prohibitive standards, City specific pretreatment standards (local limits), state of Washington pretreatment standards, or applicable National Categorical Pretreatment Standards.

4. "Applicant" means the Owner/Operator of Premises proposed to receive wastewater service from the Department and who shall also be the Customer responsible for the payment of bills, fees, and charges for wastewater service to the

subject Premises. An authorized agent of the Owner/Operator may submit an application for service on behalf of the Owner/Operator, but, unless specifically set forth herein, such agent shall not include a tenant or other occupant not associated with or controlled by the Owner/Operator of Premises proposed to receive wastewater service.

5. "Base Rate" means the monthly charge for service from the Department to recover costs incurred by the Department such as administrative, meter reading, billing, collection and distribution. Base Rate does not include charges for wastewater consumption quantity as registered through the required water meter.

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

7. "Bypass" means the intentional diversion of waste streams from any portion of a Customer's treatment facility.

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

9. "Categorical Customer" means a user or Customer covered by one or more categorical standards as defined herein.

10. "City" means the city of Deer Park, and includes the Department. 11. "Color" means the optical density at the visual wave length of maximum absorption, relative to distilled water. One hundred percent transmittance is equivalent to zero (0.0) optical density.

11. "Commercial Customer" means any Customer class that produces nondomestic or Industrial Wastewater (as further defined herein).

12. "Commercial Services" means a Customer class of wastewater services serving buildings, uses, and facilities including, but not limited to, commercial retail, hotel/motel, offices, triplexes, apartments, condominiums, mobile or manufactured home parks, trailer parks, manufacturing/industrial and educational.

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

- a. Uncontaminated: Water to which the only pollutant added is heat, which has no direct contact with any raw material, waste, intermediate, or final product, and which does not contain a level of contaminants detectably higher than that of the intake water.

- b. Contaminated: Water likely to contain levels of pollutants detectably higher than intake water. This includes water contaminated through any means, including but not limited to, chemicals added for water treatment, corrosion inhibition, or biocides, or by direct contact with any process materials, products, and/or wastewater.

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

15. "Customer" means any Owner/Operator of Premises that discharges wastewater or receives wastewater service from the Department and who is responsible for paying all rates, costs, fees, and charges for such service pursuant to one or more rate classifications, contracts, or schedules. Except as specifically set forth herein, a Customer shall not include a tenant or other occupant not controlled by or affiliated with the Owner/Operator at the Premises receiving wastewater service.

16. "Department" means the City wastewater department.

17. "Director" means the Community Services Director of the City or his or her authorized designee.

18. "Domestic Service" means an approved residential connection to a City Wastewater Main, consisting of a wastewater service tap and a service Lateral, intended for the full range of uses.

19. "Domestic Customer" means any Customer who contributes, causes, or allows the discharge of wastewater into the City POTW that is similar in volume and/or chemical make-up to domestic wastewater. For comparison, the City may assume discharges of domestic wastewater from dwelling units to be 100 gallons containing 0.2 pounds of BOD, and 0.2 pounds of TSS per capita per day, or as identified in the design of the POTW.

20. "Domestic wastewater" means wastewater from residential kitchens, bathrooms, and laundries, and water-borne human wastes from sanitary facilities in all other buildings, together with such groundwater infiltration or surface waters as may be present.

21. "DOE" is the acronym that means and refers to the Washington State Department of Ecology.

22. "EPA" is the acronym that means the U.S. Environmental Protection Agency or other duly authorized official of said agency.

23. "Existing source" means any Categorical Customer which discharges wastewater to the POTW, the construction or operation of which commenced prior to

the publication of proposed categorical pretreatment standards which will be applicable to such source if the standard is thereafter promulgated in accordance with Section 307 of the Act.

24. "Existing Customer" means any Industrial Customer not subject to categorical pretreatment standards which discharges wastewater to the POTW prior to the effective date of the ordinance codified in this Chapter.

25. "Grab sample" means a sample which is taken from a waste stream on a one-time basis without regard to the flow in the waste stream and without consideration of time.

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

27. "Industrial wastewater" means water or liquid-carried waste from any industry, manufacturing operation, trade, or business which includes any combination of process wastewater, cooling water, contaminated stormwater, contaminated leachates, or other waters such that the combined effluent differs in some way from purely domestic wastewater, or is subject to regulation under federal categorical pretreatment standards, the state waste discharge permit program, or this chapter.

28. "Interference" means the effect of a discharge or discharges on the POTW from one or more Customers which results in either: (a) inhibition or disruption of the POTW, its treatment processes or operations, or its sludge processes, use or disposal; (b) violation of any permit regulating the City wastewater discharge or sewerage sludge; or (c) prevention of sewage sludge use or disposal in compliance with any applicable statutory or regulatory provision or permit issued thereunder. (Applicable sludge regulations shall include Section 405 of the Clean Water Act (33 USC 1345 et seq.); the Solid Waste Disposal Act (SWDA), including Title II commonly referred to as the Resource Conservation and Recovery Act (RCRA) (42 USC 6901 et seq.); state regulations contained in any state sludge management plan prepared pursuant to Subtitle D of the SWDA; the Clean Air Act (42 USC 7401 et seq.); the Toxic Substances Control Act (TSCA) (15 USC 2601 et seq.); the Marine Protection, Research, and Sanctuaries Act (33 USC et seq.); and 40 CFR part 503.)

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

30. "Medical wastes" means isolation wastes, infectious agents, human blood and blood products or by-products, pathological wastes, sharps, body parts, fomites, etiologic agents, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.

31. "New source" means:

- a. Any facility constructed after proposed categorical standards applicable to operations conducted at the facility where published, provided the facility is or may be a source of discharge to the POTW, and:
 - i. The building, structure, facility, or installation is constructed at a site or Premises at which no other source is located; or
 - ii. The new construction totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
 - iii. The production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an existing source at the same Premises.
- b. Construction of a new source as defined under this subsection has commenced if the Owner/Operator has either:
 - i. Begun, or caused to begin any placement, assembly, or installation of facilities or equipment;
 - ii. Begun, or caused to begin significant site preparation work including removal of existing facilities necessary for the emplacement of new source facilities or equipment; or
 - iii. Entered into a binding contractual obligation for the purchase of facilities or equipment for use in operation of a new source within a reasonable time.

32. "New Customer" means any noncategorical Customer that plans to discharge a new source of wastewater to the City collection system after the effective date of the ordinance codified in this chapter. This discharge may be from either a new or an existing facility. Any person that buys an existing facility discharging nondomestic wastewater will be considered an "existing user" if no significant changes in facility operation are made and wastewater characteristics are not expected to change.

33. "Owner/Operator" means the Person or Persons with an ownership interest in the subject Premises or any Person or Persons controlled by or affiliated with the owner responsible for operating the Premises served by a wastewater service connection. Except as specifically set forth herein, the Owner/Operator shall not include a tenant or other occupant of the Premises that is not controlled by or affiliated with the true owner of the Premises receiving wastewater service. See also, "Customer."

34. "Pass-through" means a condition occurring when discharges from Customer (singly or in combination) exit the POTW in quantities or concentrations which either:

- a. Cause a violation of any requirement of the City's waste discharge permit issued by the state;
- b. Cause an increase in the magnitude or duration of a violation; or
- c. Cause a violation of any water quality standard for waters of the state promulgated under state regulations including Chapter 173-201A WAC.

35. "Permittee" means any person, Customer, or Owner/Operator issued a wastewater discharge permit.

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

37. "pH" means a measure of the acidity or alkalinity of a substance, expressed in standard units (technically defined as the logarithm of the reciprocal of the mass of hydrogen ions in grams per liter of solution).

38. "Point of Delivery" means the point at which wastewater service is delivered to the Owner/Operator's property line or service line of the Premises. Point of Delivery is generally established as the Owner/Operator's property line.

39. "Pollutant" means any substance, either liquid, gaseous, solid, or radioactive, discharged to the POTW which, if discharged directly, would alter the chemical, physical, thermal, biological, or radiological properties of waters of the state of Washington including pH, temperature, taste, color, turbidity, oxygen demand, toxicity, or odor. This includes any discharge likely to create a nuisance or render such waters harmful, detrimental or injurious to any beneficial uses, terrestrial or aquatic life, or to public health, safety or welfare.

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

41. "Premises" means a residence, building, lot, parcel, apartment complex, condominium, trailer court, hotel/motel, office, multi-family residence, garage, shop, structure, mobile or manufactured home park, group of adjacent buildings, or other property utilized by or under an Owner/Operator with respect to use of the wastewater system and responsibility for payment therefore.

42. "Pretreatment" means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to (or in lieu of) introducing such pollutants into the POTW. This reduction or alteration can be obtained by physical, chemical, or biological processes; by process changes; or by

other means (except by diluting the concentration of the pollutants unless allowed by an applicable pretreatment standard).

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

44. "Pretreatment standards or standards" means any pollutant discharge limitations including categorical standards, state standards, and limits of this chapter applicable to the discharge of nondomestic wastes to the POTW. The term shall also include the prohibited discharge standards of this chapter, WAC 173-216-060, and 40 CFR Part 403.5.

45. "Prohibited discharge standards" or "prohibited discharges" means absolute prohibitions against the discharge of certain substances; these prohibitions appear in DPMC 13.08.190.

46. "Publicly owned treatment works" or "POTW" means a "treatment works," as defined by Section 212 of the Act (33 U.S.C. 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 wastewater and any conveyances which convey wastes to a wastewater treatment plant.

47. "Quantity Charge" also known as "Overage Fee" means the charges for the wastewater quantity used by a wastewater utility Customer during a billing period as recorded by a water meter to recover costs of the wastewater utility.

48. "Residential Service" means a Customer class of wastewater services to single family residences in the City, including duplexes or other residential buildings with less than three units. See also, "Domestic Customer" and "Domestic Service."

49. "Septage" means the liquid and solid material pumped from a septic tank, cesspool, or similar domestic sewage treatment system. This includes liquids and solids from domestic holding tanks, chemical toilets, campers, and trailers, when these systems are cleaned or maintained.

50. "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.

51. "Service Lateral" means a wastewater pipe beginning at the City's Wastewater Main and extending to the Customer's Point of Delivery.

52. "Sewage" or "wastewater" means water-carried human wastes or a combination of water-carried wastes from Premises, including, but not limited to, residences, business buildings, institutions and industrial establishments, together with such ground, surface, storm, or other waters as may be present.

53. "Sewer" means any pipe, conduit ditch, or other device used to collect and transport sewage or wastewater.

54. "Shall" defines a mandatory requirement.

55. "Significant industrial Customer" means:

- a. A Customer subject to categorical pretreatment standards; or
- b. A Customer that:
 - i. Discharges an average of 25,000 gpd or more of process wastewater to the POTW (excluding sanitary, noncontact cooling, and boiler blowdown wastewater); or
 - ii. Contributes a process waste stream which makes up five percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or
 - iii. Is designated as such by the Department with input from the City on the basis that it, alone or in conjunction with other sources has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.
- c. Upon a finding that a Customer meeting the criteria in subsection (b)(ii) of this definition has no reasonable potential for adversely affecting the POTW's operation or for violating any applicable pretreatment standard or requirement, the Department may at any time, on its own initiative or in response to a petition received from a Customer or the City, and in accordance with procedures in 40 CFR 403.8(f)(6), determine that such user should not be considered a significant industrial Customer.

56. "Significant noncompliance" or "SNC" shall refer to a violation or pattern of violation of one of the following natures:

- a. Chronic violations of wastewater discharge limits, defined herein as those in which 66 percent or more of all wastewater measurements taken during a six-month period exceed the daily maximum limit or average limit for the same pollutant parameter by any amount;
- b. Technical review criteria (TRC) violations, defined herein as those in which 33 percent or more of all wastewater measurements taken for each pollutant parameter during a six-month period equal or exceed the product of the daily maximum limit or the average limit multiplied by the applicable TRC (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH);

- c. Any other discharge violation that the City believes has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of City or Department personnel or the general public);
- d. Any discharge of pollutants that has caused imminent endangerment to human health, welfare or to the environment, or has resulted in the City's exercise of its emergency authority to halt or prevent such a discharge;
- e. Failure to meet, within 90 days after 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;
- f. Failure to provide within 30 days after the due date, any required reports, including baseline monitoring reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;
- g. Failure to accurately report noncompliance; or
- h. Any other violation(s) which the Director, or authorized designee, determines will adversely affect the operation or implementation of the local pretreatment program.

57. "Slug load" means any pollutant released in a discharge at a flow rate or concentration which could violate this chapter, or any discharge of a nonroutine, episodic nature such as an accidental spill or a noncustomary batch discharge.

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

59. "State" means the state of Washington.

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

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

62. "Toxic pollutant" means one or a combination of the pollutants listed as toxic in regulations promulgated by EPA under Section 307 (33 U.S.C. 1317) of the Act.

63. "Treatment plant effluent" means the discharge from the City POTW.

64. "Upset" means an exceptional incident in which there is unintentional and temporary noncompliance with applicable pretreatment standards because of factors beyond the reasonable control of the Customer. 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.

65. "Utility" means the City wastewater utility or Department. See also, Department.

66. "Utility Clerk" means the City Clerk-Treasurer or his or her designee.

67. "Wastewater" (see "sewage").

68. "Wastewater Collection Main" or "Wastewater Main" means a City utility-owned wastewater pipe to which one or more wastewater services may be connected.

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

70. "Wastewater System" means the system of sewers, pumps, mains, pipelines and appurtenances for the collection, transportation, treatment and disposal of sewage, and industrial wastewater in and throughout the City.

71. "Wastewater treatment plant" or "treatment plant" means that portion of the POTW designed to provide treatment of sewage or wastewater as defined herein.

13.08.040 Connection required.

A. The Owner/Operator of developable lands or Premises located in the City who makes application for a short plat or preliminary plat that requires wastewater availability from the City shall extend, at the Owner/Operator's sole cost and expense, the Wastewater System to serve the proposed development and future developable lands, provided the City permits such extension.

B. The Owner/Operator of Premises located within the City and within 200 feet of a City Wastewater Collection Main, undertaking new residential or nonresidential construction, shall connect the newly constructed Premises to the Wastewater System upon approval of the construction and connection by the City. The Owner/Operator shall make payment of all fees, costs, and charges assessed by the City, as set forth by resolution of the City Council from time to time, for any such connection prior to commencement of wastewater service to the Premises.

C. When a Wastewater Collection Main is installed within 200 feet of any Premises presently served by a private septic system, the Owner/Operator of the Premises shall connect to the Wastewater System, at the Owner/Operator's sole expense, upon the earlier of any private septic system failure, or within two (2) years after acceptance by

the City of a Wastewater Collection Main or other sewer line capable of serving such Premises and after official written notice to the Owner/Operator to do so. Director

D. All connections made by any Owner/Operator to the Wastewater System shall be made in a permanent and sanitary manner and shall be sufficient to carry all the wastewater and waste fluids of every kind from the Premises, including any building or structure thereon, into the Wastewater System, and each toilet, sink, stationary wash stand and other piece or type of equipment having waste fluids located on the Premises shall be connected with the Wastewater System; provided, that where the building or structure on any Premises has not been completed, connection shall be made on or before the completion of such building or structure and before any occupancy or use thereof.

13.08.050 Duty to connect – Failure.

Upon neglect, failure or refusal to make connections or repairs to a Wastewater System as specified in this chapter, the City shall, after prior written notification of five working days to the Owner/Operator, terminate the water service to the Premises involved.

13.08.055 Connection charges.

A. At the time of making an application for wastewater service, the Applicant shall pay a connection charge or fee as established by resolution of the City Council from time to time.

B. When the connection is to be made in, or requires removal and replacement of, asphalt, cement, or hard top surface street, the costs for repairs or replacement to the street shall be an additional charge assessed to the Applicant, which charge shall consist of the City's actual cost (including labor, materials, and equipment) for each area repaired or replaced over and above the connection fee or charge required to be paid pursuant to subsection A of this section. Any additional fee or charge assessed to the Applicant for street repair or replacement shall be due and payable as specified by the Director and prior to service commencement.

13.08.060 Rates and charges.

A. The City shall establish each Categorical Customer and associated rate classification for wastewater service in the City by ordinance. The separate Categorical Customer classes consist of Domestic Customers and Commercial Customers. The rate classifications for Categorical Customers are established to include Commercial Service and Domestic Service. The City may add to, change, eliminate, or amend any of the Categorical Customers or rate classifications from time to time as necessary or desired. Each classification or Categorical Customer shall be assessed rates and charges for wastewater service as further set forth herein.

B. The City shall establish, by resolution of the City Council from time to time, the rates and charges for providing wastewater service to each Categorical Customer. The rates and charges for each Categorical Customer shall be comprised of or include the Base Rates, fees, and charges for providing Utility service to the Owner/Operator or Premises (including taxes, penalties, and Quantity Charges), conducting inspections, issuing permits, processing applications, making service connections or disconnections, administering accounts (including billing and collection), performing installation or maintenance, and any other costs, fees, and charges associated with the provision of wastewater service in the City.

C. The City shall charge a fixed temporary shut off fee, established by resolution of the City Council from time to time, for temporary shut off of wastewater service to any Premises at the request of the Owner/Operator, including authorized agent, which shut off period may extend for a period of between three and six months. At the end of the sixth month period, the Owner/Operator may request, and after payment of any then-due and owing or additional fees to the City, to continue the period of temporary shut off for an additional three to six month period. If the City is not contacted by the Owner/Operator at the end of any stated temporary shut off period and advised of the Owner/Operator's intent to resume service or continue the shut off, or if selected by the Owner/Operator, the Owner/Operator's Utility account will be charged a monthly fee as set forth in subsection D, of this section. The temporary shut off fee is intended to cover Utility charges incurred by the City during the period of non-use. The fixed temporary shut off fee does not include the administrative costs of shutting the wastewater service off, or turning the wastewater service back on, which shall be assessed in addition to the fixed fee to any Owner/Operator requesting temporary shut off of wastewater service. The fixed temporary shut off fee shall be paid in full at the time of request for the shut off together with the administrative fee for shutting off the wastewater service. All administrative fees associated with turning the wastewater service back on shall be paid in full prior to turning wastewater service back on to the Premises.

D. The City shall charge a fixed fee for any voluntary discontinuance of wastewater service to any Premises at the request of the Owner/Operator thereof, which shut off period may extend for a period between six months and three years. The voluntary discontinuance fee is that portion of each monthly utility bill or statement that is for repayment of financial obligations of the City for utility improvements, plus applicable taxes. Such fee shall be terminated upon receipt of an application, signed by the Owner/Operator of the Premises, requesting abandonment of the service connection. Such service shall then be subject to provisions of Section 13.08.105 DPMC.

13.08.065 Service begun or resumed only after payment in full.

A. Wastewater use or service to Premises shall not be established, or turned on after being shut off, pursuant to this chapter, until any and all current and delinquent charges, fees, fines, penalties, and/or other claims of the City against the Premises thereby served are paid in full by the Owner/Operator.

B. Service rates and charges for repairs performed by the City shall be made payable by the Owner/Operator of the Premises served. The Department may require that any required payment be made in advance, or that satisfactory security be given for the payment of any and all rates for wastewater service supplied by the City to any Premises, or for any repairs, or installation. If any such payment is not made or security given by the Owner/Operator within the time specified by the Department, the wastewater may be terminated to such Premises and shall not be turned on or reconnected until payment is made, in full, or security furnished by the Owner/Operator thereof to the satisfaction of City.

13.08.070 Account collections – Service termination – Liens.

Wastewater utility billings, collections, service terminations, and liens shall be administered pursuant to the provisions set forth in Chapter 13.16 DPMC, as the same exists now or may be hereafter amended.

13.08.080 REPEALED

13.08.090 Utility Reimbursement Agreements.

Utility Reimbursement Agreements shall be authorized, processed, and administered pursuant to the provisions of DPMC 13.05.045, as existing or hereafter amended.

13.08.100 Temporary wastewater service connections.

A. A single wastewater service connection may be supplied to any Premises on a temporary basis during:

1. The construction of a building on the Premises;
2. During the construction of a standard main to serve the Premises;
3. For an office facility for the development of one or more Premises.

B. Application for temporary service shall only be approved upon payment of all fees and assessments required by this chapter. This application shall state fully the type and size of service desired, the circumstances which require service by temporary means, and the duration for which temporary service is necessary. The maximum length of time any temporary connection may continue until transferred into a permanent connection is 24 months from date of approval.

C. All connections made to the Wastewater System shall be completed pursuant to any standards required and/or enforced by the City.

D. In addition to the connection charges as established by this chapter, all costs necessary to complete the initial tap to the Wastewater Main for the temporary service connection to Premises, and costs associated with the removal or disconnection shall be paid by the Applicant.

E. Upon completion of the work on the Premises for which the temporary service was necessary:

1. The Owner/Operator, including developer, of the Premises being served shall immediately apply for permanent service to the Premises and the temporary service shall be removed.

2. The Owner/Operator, including developer, of a project may, in writing, elect to transfer the Owner/Operator's original connection fees collected by the City towards the costs incurred for a new Applicant for service for the same Premises or location of the original service.

13.08.105 Unused or outdated service connections.

When new Premises are to be erected on the site of old ones and it is desired by the Owner/Operator of such Premises to increase the size of, or to change the location of, the previously existing service connections to the former Premises, or where a service connection to any Premises is abandoned or no longer used for a period of three years, the City may shut off, disconnect, or remove such service connections, after which, should a service connection be required to said Premises, a new service connection shall be placed only upon the Owner/Operator, including authorized agent thereof, making application and paying a new connection fee in the manner provided in this Chapter, regardless if the service was physically disconnected or not.

13.08.110 Backflooding – Backwater valve requirement.

Any Owner/Occupant of Premises with side wastewater connections installed at or below grade shall install or cause to be installed a back wastewater valve in the wastewater system of such Premises in order to prevent backflooding or reverse flow of wastewater and solids within or at the Premises,

13.08.120 REPEALED

13.08.130 Backflooding – Order to install backwater valves.

Upon the identification of any Premises subject to backflooding, the Director shall advise the Owner/Occupant of such Premises, in writing, that the Owner/Occupant of such Premises is required to install within the plumbing system of such Premises, backwater valves as described in this chapter, for protection against the reverse flow of wastewater.

13.08.140 Backflooding – Backwater valve installation.

A. Each Owner/Operator of Premises shall install or cause to be installed the required backflow valve within sixty (60) days of receipt of a notice from the Director described in DPMC 13.08.130, as existing or hereafter amended.

B. Upon the neglect, failure or refusal to install such backwater valves, the Director shall terminate water service to the Premises involved.

C. The Director shall have the authority, in the Director's sole discretion, to grant an extension of time for the installation of such valves for good cause shown.

13.08.150 Backflooding – Backwater valve specifications.

A. The installation of backwater valves shall be in accordance with the Uniform Plumbing Code and the requirements of the Director.

B. Backwater valves shall be so constructed as to assure a mechanical seal against backflow.

C. Backwater valves when fully opened shall have a capacity not less than that of the pipe in which they are installed.

D. Backwater valves shall be so installed as to provide ready accessibility to their working parts and shall have all bearing parts of noncorrodible metal, and are to remain closed except when discharging wastewater.

E. No backwater valve shall be installed on the building drain or soil pipe of any Premises in such a manner as to interfere with the ventilation of the plumbing or drainage system.

13.08.160 Discharge of pollutant waste on property.

It is unlawful to place, deposit, or permit discharge, upon public or private property within the City, or in any area under the jurisdiction of the City, any human excrement or other pollutant waste.

13.08.170 Discharging sewage into natural outlets.

It is unlawful to discharge to any natural outlet within the City, or any other area under its jurisdiction, any sanitary sewage, wastewater, industrial wastes, or other pollutants, except where suitable treatment has been provided in accordance with subsequent provisions of this Chapter.

13.08.180 Unlawful discharge into sanitary sewer.

No Person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or uncontaminated industrial process waters to any sanitary sewer.

13.08.190 Prohibited discharge standards.

A. General Prohibitions. No Customer 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 Customers of the POTW whether or not they are subject to categorical pretreatment standards or any other national, state, or local pretreatment standards or requirements (40 CFR 403.5(a) and WAC 173-216-060(2)(b)(i)).

B. Specific Prohibitions. No Customer shall introduce or cause to be introduced into the POTW the following pollutants in any form (solid, liquid, or gaseous):

1. Any pollutant which either alone or by interaction may create a fire or explosive hazard in the POTW, including, but not limited to, waste streams with a closed-cup flashpoint of less than 140 degrees Fahrenheit (60 degrees centigrade) using the test methods specified in 40 CFR 261.21 (40 CFR 403.5(b)(1)), or are capable of creating a public nuisance (WAC 173-216-060(2)(b)(ii));
2. Any pollutant which will cause corrosive structural damage to the POTW, but in no case discharges with a pH less than 5.0 or more than 11.0, or having any other corrosive property capable of causing damage or hazard to structures, equipment, or personnel of the POTW, unless the system is specifically designed to accommodate such discharge and the discharge is authorized by an applicable wastewater discharge permit (40 CFR 403.5 (b)(2) and WAC 173-216-060(2)(b)(iv));
3. Any solid or viscous substances including fats, oils, and greases in amounts which may cause obstruction to the flow in a POTW or other interference with the operation of the POTW (40 CFR 403.5(b)(3) and WAC 173-216-060(2)(b)(iii));
4. Any discharge of pollutants, including oxygen-demanding pollutants (BOD, etc.), released at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, is sufficient to cause interference with the POTW (40 CFR 403.5 (b)(4) and WAC 173-216-060(2)(b)(vi));
5. Any wastewater or waste stream having a temperature which will inhibit biological activity in the treatment plant resulting in interference, or cause worker health or safety problems in the collection system. In no case shall wastewater be discharged at a temperature which causes the temperature of the influent to the treatment plant to exceed 104 degrees Fahrenheit (40 degrees centigrade) unless the system is specifically designed to accommodate such a discharge, and the discharge is authorized by an applicable wastewater discharge permit (40 CFR 403.5(b)(5) and WAC 173-216-060 (2)(b)(v));
6. Any petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass-through (40 CFR 403.5(b)(6) and WAC 173-216-060(2)(b)(i));
7. Any pollutants which result in the presence of toxic gases, vapors, or fumes within any portion of the POTW in a quantity that may cause acute worker health and safety problems (40 CFR 403.5(b)(7)) and WAC 173-216-060(b)(ii));
8. Any trucked or hauled wastes, except at discharge points designated by the City and in compliance with all applicable City requirements and during specified hours (40 CFR 403.5(b)(8));
9. Any noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life, or to prevent entry into the sewers for maintenance or repair (WAC 173-216-060 (2)(b)(ii));

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

- a. Noncontact cooling water in significant volumes;
- b. Stormwater and other direct inflow sources; or
- c. Wastewaters significantly affecting system hydraulic loading, which do not require treatment or would not be afforded a significant degree of treatment by the POTW;

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

12. Any discharge containing radioactive wastes or isotopes except as specifically approved by the Director in compliance with applicable state or federal regulations including WAC 246-221-190 "Disposal by Release into Sanitary Sewerage Systems"; and meeting the concentration limits of WAC 246-221-290 Appendix A, Table I, Column 2; and WAC 246-221-300 Appendix B;

13. Any sludge, screenings, or other residues from the pretreatment of industrial wastes or from industrial processes;

14. Any medical wastes, except as specifically authorized by the director;

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

16. Any incompatible substance such as: grease, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dusts, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, gas, tar asphalt residues, residues from refining or processing of fuel or lubricating oil, mud, or glass grinding or polishing wastes, or any other organic or inorganic matter greater than 0.5 inch in any dimension;

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

18. Any wastewater, which can cause harm either to the sewers, sewage treatment process, or equipment; have an adverse effect on the receiving stream; or can otherwise endanger life, limb, public property, or constitute a nuisance, unless allowed under a legal and binding agreement by the City (except that no waiver may be given to any categorical pretreatment standard).

13.08.200 Nondomestic wastes – Treating.

All industrial wastewater or nondomestic wastes shall be pretreated at the source to meet the minimum recommendations to the State Department of Ecology, State Department of Health, and Director and/or authorized agent.

13.08.210 Pretreatment of nondomestic wastes.

A. The City may enter into agreements with Commercial Customers to accept pollutants compatible with the treatment system at concentrations greater than those typical of domestic wastewater. Commercial Customers with BOD or TSS levels higher than 300 mg/l must have such an agreement before commencing discharge. Within such agreements, the City may establish terms of the Customer's discharge to the POTW including maximum flow rates and concentrations. The City may also establish fees to recover costs associated with treating such wastes or wastewater and monitoring schedules in such agreements. In no case will a special agreement waive compliance with a state or federal pretreatment standard or requirement including categorical standards.

B. Commercial Customers discharging or intending to discharge pollutants other than BOD and TSS, and claiming compatibility, must prove to the satisfaction of the Director, or authorized designee, that such pollutants are compatible with the POTW. The Director may require any claim of compatibility to be endorsed by the Department of Ecology.

C. The City may assist, by arrangement or formal agreement, any agencies that regulate hazardous wastes and materials, and air emissions from Commercial Customers in order to maximize state, county and city resources.

D. The City may specifically arrange to act as an agent of the Department to determine compliance with treatment or disposal requirements and inspect onsite disposal activities and shipping documents.

E. The City may, at the City's discretion, facilitate compliance by arranging or providing pollution prevention technical assistance for Commercial Customers, especially those in violation of pretreatment standards. The Director intends to provide such assistance in coordination and cooperation with local, county and state authorities.

13.08.220 Pretreatment facilities.

A. Commercial Customers shall procure and properly install, operate, and maintain the wastewater facilities which combined with appropriate practices are necessary to achieve AKART as defined herein. Such pretreatment facilities shall be designed to achieve compliance with all applicable pretreatment standards and requirements within the time limitations specified by the EPA or the state, whichever is more stringent. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the Department of Ecology for review and approval in accordance with the procedures of Chapter 173-240 WAC, and shall be disclosed to the City before construction of the facility. The review of such plans and operating procedures will in no way relieve the user from the responsibility of modifying its facility as necessary to produce a discharge acceptable to the City and/or the Department and meet discharge

limitations under the provisions of this chapter. Such facilities shall be provided, operated, and maintained at the Customer's expense.

B. Commercial Customers shall comply with approved engineering reports, plans and specifications, and operations and maintenance manuals, and shall modify such documents to reflect any proposed modifications of industrial wastewater pretreatment facilities. Commercial Customers shall submit proposals to modify pretreatment facilities to the Department before implementation in accordance with Chapter 173-240 WAC. Commercial Customers shall submit a copy of such revised plans and the Department's acceptance to the Director before implementing changes to approved pretreatment facilities. The Director may audit the compliance of any Commercial Customers, and require changes in operating procedures deemed necessary by the Director to ensure continued compliance with applicable pretreatment standards and requirements.

13.08.230 Deadline for compliance with applicable pretreatment requirements.

A. Existing sources, as defined herein, to which one or more categorical pretreatment standards is applicable, shall comply with all applicable standards within three years of the date the standard is effective unless the pretreatment standard includes a more stringent compliance schedule. The Department shall establish a final compliance deadline date for any existing Commercial Customer as defined herein or any categorical Customer when the local limits for said Customer are more restrictive than EPA's categorical pretreatment standards.

B. New sources and new Commercial Customers shall comply with applicable pretreatment standards, if any, within the shortest feasible time. In no case shall such time exceed 90 days from beginning a discharge. Prior to commencing discharge, such Customers shall have all pollution control equipment required to meet applicable pretreatment standards installed and in proper operation.

13.08.240 Additional pretreatment measures.

A. Whenever deemed necessary, the Director, or authorized designee, may require Commercial Customers to comply with such conditions as may be necessary to protect the POTW and determine the Customer's compliance with the requirements of this chapter. Such measures may include: restricting a discharge during peak flow periods; designating that certain wastewater be discharged only into specific sewers; requiring relocation and/or consolidation of discharge points; and/or separating sewage waste streams from industrial waste streams.

B. Grease, oil, and sand interceptors shall be provided when, in the opinion of the Director, or authorized designee, they are necessary for the proper handling of wastewater containing grease and oil in excess of the limits established, or excessive amounts of sand or other settleable solids. Such interceptors shall not be required for Domestic Customers. All interceptors shall be of type and capacity approved by the Director, or authorized designee, and shall be located to be easily accessible for

cleaning and inspection. Each Commercial Customer shall maintain, inspect, and clean required interceptors on a schedule that ensures they capture the intended pollutants, and prevents their reintroduction into the storm or sanitary sewer systems. Commercial Customers shall bear all expenses related to installation, maintenance, and repair of interceptors, and the proper disposal of removed materials.

C. Commercial Customers with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.

D. The Director, or authorized designee, may require a Commercial Customer discharging more than 10,000 gallons per day or 10 percent of the average daily flow in the POTW, whichever is less, to install and maintain, on its Premises and at its expense, a suitable storage and flow-control facility to insure equalization of flow over a 24-hour period. The facility shall have a capacity for at least 50 percent of the daily wastewater discharge volume and shall be equipped with alarms and a rate of discharge controller. The Director, or authorized designee, shall direct the control of discharges. The City may require the Commercial Customer to obtain a wastewater discharge permit solely for flow equalization, or to develop a slug discharge control plan.

13.08.250 Disclosure of records by Commercial Customers.

Each Commercial Customer shall have available at the location of discharge, all records and reports required by this chapter, any applicable state and federal regulation, or any permit or order issued thereunder. Each Commercial Customer shall make such records available for review by the Director, or authorized designee, during business hours, when activities are being conducted at the facility or on the Premises, and at all reasonable times. Failure to comply with this provision is a violation of this chapter.

13.08.260 Reports from Commercial Customers.

All Commercial Customers shall provide appropriate reports to the City as the Director, or authorized designee, may require. The Director, or authorized designee, shall determine the schedule and format of such reports, and the pollutant properties, flow rates, and other pertinent information to be reported.

13.08.270 Reporting requirements for dangerous waste constituents.

Any Commercial Customer discharging 100 kilograms or more of dangerous waste in any calendar month to the POTW where the pollutants are not reported through self-monitoring under an applicable state waste discharge permit, shall report to the Director, or authorized designee, and the Department, the following information to the extent that it is known or readily available to the Commercial Customer:

A. The name of the dangerous waste as set forth in Chapter 173-303 WAC, and the dangerous waste number;

B. The specific hazardous constituents;

C. The estimated mass and concentration of such constituents in waste streams discharged during the calendar month;

D. The type of discharge (continuous, batch, or other); and

E. The estimated mass of dangerous waste constituents in waste streams expected to be discharged in the next 12 months.

13.08.280 Monitoring facilities.

A. Any Commercial Customer notified by the Department that monitoring facilities are required, shall provide and operate at its own expense a monitoring facility to allow proper inspection, sampling, and flow measurements of each sewer discharge to the POTW. Monitoring facilities shall be situated on the Commercial Customer's Premises, unless this would be impractical or cause undue hardship on the user. In such cases, the City may allow the Commercial Customer to construct the facility in the public right-of-way, providing it will not be obstructed by landscaping or parked vehicles.

B. When the Director, or authorized designee, determines it is appropriate, in the Director or designees' sole discretion, the Director or designee may require a Commercial Customer to construct and maintain monitoring facilities at other locations (for example, at the end of a manufacturing line, or wastewater treatment system).

C. There shall be ample room in or near such monitoring facilities to allow accurate sampling and preparation of samples for analysis. The Commercial Customer shall maintain the facility, sampling, and measuring equipment at all times in a safe and proper operating condition at the Customer's own expense.

D. All wastewater monitoring facilities shall be constructed and maintained in accordance with all applicable construction standards and specifications. All devices used to measure wastewater flow and quality shall be regularly calibrated, but no less frequently than annually, to ensure their accuracy. Calibration records shall be available for inspection of the Director, or authorized designee.

13.08.290 Service cutoff for discharging unauthorized substances into system.

Whenever a Commercial Customer has violated or continues to violate any provision of this chapter, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, water service and/or wastewater discharge to the Commercial Customer may be disconnected; provided, however, that the Director, or authorized designee, shall give notice of violation, with intention to disconnect the water and/or wastewater after a specified time period. Service will only recommence, at the Commercial Customer's expense, after it has satisfactorily demonstrated its ability to comply.

13.08.300 Septage and liquid hauled wastes.

A. Septage (as defined) and liquid hauled wastes shall be introduced into the POTW only at the designated receiving structure within the treatment plant area at such times as are established by the Director, or authorized designee. No load may be discharged without prior consent of the Director, or authorized designee.

B. Septage shall not violate any discharge prohibition or standard of this Chapter or any other requirements established or adopted by the City. The Director, or authorized designee, shall issue wastewater discharge permits for individual vehicles to use such facilities.

C. Septage and liquid waste haulers must provide the Director, or authorized designee, a waste-tracking form for every load when discharged. This form shall include, at a minimum, the name and address of the waste hauler, truck identification, addresses of the sources of waste, and volume and characteristics of waste.

D. Haulers of liquid wastes other than septage shall provide full disclosure to the Director, or authorized designee, of the source(s) of the wastewater, and such additional information as required by the Director, or authorized designee, to characterize the wastewater. The Director, or authorized designee, may issue an authorization on his/her own authority, or require haulers of nondomestic wastewater to obtain a waste discharge permit prior to authorizing the discharge. No authorization to discharge such wastewater shall be granted until the Director, or authorized designee, has determined to the their sole satisfaction that the wastewater complies with all applicable discharge standards, prohibitions, and requirements of this chapter.

E. The Director shall exercise absolute discretion in whether to accept any load of septage or liquid hauled wastes at the POTW. In determining whether to accept a load, the Director, or authorized designee, may collect samples of each hauled load and/or require the hauler to provide a wastewater analysis of any load prior to discharge.

F. Fees for discharge of septage or liquid hauled wastes will be established as part of the Categorical Customer fee system as authorized in this chapter.

13.08.310 Right of entry to Commercial Customer Premises.

A. The Director, or authorized designee, shall have the right to enter the facilities of any Commercial Customer to ascertain whether the purpose of this chapter, and any wastewater discharge permit or order issued under this chapter or by the Department, is being met and whether the Commercial Customer is complying with all requirements thereof.

B. The Director, or authorized designee, shall have the right to set up on any Commercial Customer's Premises such devices as are necessary to conduct sampling, compliance monitoring, and/or metering of a Commercial Customer's operations. It shall be the policy of the Director to inform the Department of such activities where Commercial Customers hold a state waste discharge permit in order to make the results of such sampling available to the Department.

C. Commercial Customers shall allow the Director, or authorized designee, 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.

D. Where an Commercial Customer has security measures in force which require proper identification and clearance before entry into its Premises, the Commercial Customer shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the Director, his or her authorized agents or designees, or assigns, and representatives of state and federal authority will be allowed to enter the Premises without delay for the purposes of performing their respective duties.

E. Any temporary or permanent obstruction to safe, ready, and easy access to the Premises or facilities located thereon to be inspected and/or sampled shall be promptly removed by the Commercial Customer at the written or verbal request of the Director, or authorized designee, and shall not be replaced. The costs of clearing such access shall be borne by the user.

F. Unreasonable delays or failure to allow the Director, or authorized designee, access to any area to perform functions authorized under this chapter shall be grounds for termination of wastewater treatment services, and enforcement as authorized by this chapter.

13.08.320 Search warrants.

A. If the Director, or authorized designee, has been refused access to Premises, including any building, structure, fixture or other property thereon, then the Director, or authorized designee, shall seek issuance of a search and/or seizure warrant from the court when:

1. There is probable cause to believe that there may be a violation of this chapter;
2. There is a need to inspect as part of a routine inspection program of the City designed to verify compliance with this chapter, an order issued hereunder, or any wastewater discharge permit; or
3. To protect the overall public health, safety and welfare of the community.

Such warrant shall be served at reasonable hours by the Director, or authorized designee, in the company of a uniformed police officer of the City.

B. In the event the Director, or authorized designee, has reason to believe a situation represents an imminent threat to public health and safety, and where entry to any Premises, or part thereof, has been denied, or the area is inaccessible, the Director, or authorized designee, may enter in the company of a uniformed police officer, before a requested warrant has been produced, in order to determine if the suspected situation exists, and if so, to take such actions necessary to protect the public.

13.08.330 Vandalism.

No Person shall willfully or negligently break, damage, destroy, uncover, deface, tamper with, or prevent access to any structure, appurtenance or equipment, or other part of the POTW. Any person found in violation of this requirement shall be subject to the sanctions set out in this chapter.

13.08.340 Notice of violation.

Any Customer, Owner/Operator, or Person who has violated or is continuing to violate any provision of this chapter, may receive a notice of the violation from the Director, or authorized designee, which shall indicate the violation, corrective measures, deadline, and any other stipulations that may be required by the Director for mitigating the violation. The Customer, Owner/Operator, or Person may request in writing not more than three days from the date of the violation notice, a hearing before the Director. If in the Director's judgment the violation jeopardizes the public safety, health or welfare, the hearing will be expeditiously held and shall not be grounds to delay the disconnection of service.

13.08.350 Penalties for violation.

Unless otherwise provided, a violation of this chapter, except for a failure to pay a bill or other charge, is a misdemeanor.

13.08.360 Civil penalties.

A. Any Customer, Owner/Operator or Person that has violated or continues to violate any provision of this Chapter, an order issued hereunder, a wastewater discharge permit, or any other pretreatment standard or requirement not reserved by a permit by the Department shall be liable to the City for a maximum civil penalty of \$1,000 per violation. Each day upon which a violation occurs or continues shall constitute a separate violation. In the case of noncompliance with a monthly or other long-term average discharge limits, penalties shall accrue for each day during the period of such noncompliance.

B. In addition to the penalty amounts assessable under subsection A of this section, the Director may recover, on behalf of the City, reasonable attorneys' fees, court costs, and other expenses associated with compliance and enforcement activities authorized under this Chapter. This shall include recovery of costs for sampling and monitoring,

and the cost of any actual damages incurred by the City including penalties for noncompliance with the City permit to the extent attributable to the Customer or Owner/Operator.

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

D. Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against a Customer.

13.08.370 Criminal prosecution.

A. Any Customer, Owner/Operator, or Person who violates any provision of this chapter, or order issued hereunder, or any pretreatment standard or requirement shall, upon conviction, be guilty of a gross misdemeanor.

B. Any Customer, Owner/Operator, Applicant, or Person who knowingly makes any false statements, representations, or certifications in any application, record, report, plan, or other documentation filed, or required to be maintained, pursuant to this Chapter, wastewater discharge permit, or order issued hereunder, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this Chapter shall be, upon conviction, guilty of a gross misdemeanor.

13.08.380 Injunctive relief.

When the Director finds that a Customer has violated (or continues to violate) any provision of this Chapter, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, the City may petition the court through the City Attorney for the issuance of a temporary or permanent injunction, as appropriate. Such injunction shall restrain or compel specific compliance with an applicable wastewater discharge permit, order, or other requirement imposed by this Chapter on activities of the Customer. The City may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the Customer to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against the Customer.

13.08.390 City Council – Rules and regulations.

To provide for efficient administration, the City Council may, from time to time, make or adopt such rules and regulations by ordinance or resolution as it deems necessary for the proper management of the Department and operation of the Utility. In addition to

this chapter and existing ordinances and resolutions incorporated herein or related hereto, the City Council may, from time to time, adopt additional ordinances and/or resolutions affecting this chapter or the services provided by the City or Department hereunder, and which may provide for or include, but not be limited to, regulating water or wastewater outside of the City, billing and collection, penalties for delinquencies, shut-offs for nonpayment of water or wastewater charges, meter testing, charges for installation, maintenance or repair, and such other rules and regulations to promote compliance with and enforcement of this chapter, all of which shall be considered part of the Owner/Operator's application, permit, contract or agreement with the City to receive wastewater service from the City.

Section 2. Severability. If any section, sentence, clause, or phrase of this Ordinance shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, clause, or phrase of this Ordinance.

Section 3. Effective Date. This Ordinance shall take effect and be in full force five (5) days after this ordinance or a summary thereof consisting of the title is published.

APPROVED:


MAYOR ROBERT WHISMAN

ATTEST/AUTHENTICATED:


DEBY CRAGUN, CITY CLERK/TREASURER

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY

BY: *Julie Norton*
for CHARLES D. ZIMMERMAN

FILED WITH THE CITY CLERK
PASSED BY THE CITY COUNCIL
PUBLISHED
EFFECTIVE DATE
ORDINANCE NO.

: 14 March 2014
: 02 April 2014
: 09 April 2014
: 16 April 2014
: 2014-943

SUMMARY OF ORDINANCE NO. 2014-943

of the City of Deer Park, Washington

On the 2nd day of April, 2014, the City Council of the City of Deer Park, Washington, passed Ordinance No. 2014-943. A summary of the content of said ordinance, consisting of the title, provides as follows:

AN ORDINANCE OF THE CITY OF DEER PARK, WASHINGTON, AMENDING CHAPTER 13.08 OF THE DEER PARK MUNICIPAL CODE TO REVISE AND UPDATE WASTEWATER SERVICE REGULATIONS IN THE CITY; CONTAINING A SEVERABILITY CLAUSE; AND SETTING AN EFFECTIVE DATE.

The full text of this Ordinance will be mailed upon request.

DATED this 3rd day of April, 2014


CITY CLERK, DEBY CRAGUN