

CODE

CITY OF MONROE
ORDINANCE NO. 004/2014

AN ORDINANCE OF THE CITY OF MONROE, WASHINGTON; AMENDING CHAPTER 13.10 OF THE MONROE MUNICIPAL CODE, SEWAGE PRETREATMENT; SECTIONS 13.10.030, DEFINITIONS; 13.10.140, ADDITIONAL PRETREATMENT MEASURES; AND 13.10.160; SEPTAGE AND LIQUID HAULED WASTES; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, the City of Monroe operates a wastewater treatment plant; and

WHEREAS, pursuant to its obligations under its NPDES permits, the City is required to adopt certain pretreatment standards in order to comply with the requirements of State and federal law; and

WHEREAS, pursuant to a consent decree entered into before the Federal District Court, the City has obligated itself to establish such an ordinance; and

WHEREAS, the City adopted Chapter 13.10 Monroe Municipal Code (MMC), Sewage Pretreatment, adopting a comprehensive regulatory scheme governing discharges to the City's publicly owned treatment works, imposing penalties for violations, and establishing an appeals process through Ordinance No. 011/2004, on June 2, 2004; and

WHEREAS, Chapter 13.10 MMC needs to be updated to add definitions not previously addressed; update and clarify existing definitions; create clear criteria to determine when grease containment is required and, if so, what type of containment should be used; and make additional minor revisions deemed necessary.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MONROE, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Amendment of MMC 13.10.030. Monroe Municipal Code Section 13.10.030, Definitions, is hereby amended, as follows:

13.10.030 Definitions.

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

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

“AKART” means an acronym for “all known, available, and reasonable treatment methods (prevention, control, and treatment) to prevent and control pollution of the waters of the state of Washington.” (Chapter 90.48 RCW governs said term and AKART shall be interpreted and applied pursuant to said chapter.) 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 users of the POTW. AKART includes best management practices and may be required by the director for any discharge to the POTW.

Applicable Pretreatment Standards. For any specified pollutant, the more stringent of city of Monroe prohibitive standards, city of Monroe specific pretreatment standards (local limits), state of Washington pretreatment standards, or applicable National Categorical Pretreatment Standards.

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 operation facilities employing more than two hundred fifty persons or having gross annual sales or expenditures exceeding twenty-five million (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;
2. If the user is a partnership or sole proprietorship, a general partner or proprietor, respectively;
3. If the user is a federal, state, or local governmental facility, a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or his/her designee;
4. The individuals described in subsections (1) through (3) of this definition 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.

“Best management practices (BMPs)” means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the United States. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

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

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

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

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

“City” means the city of Monroe, Washington.

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

1. 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.
2. Contaminated. Water likely to contain levels of pollutants detectably higher than intake water. This includes water contaminated through any means, including chemicals added for water treatment, corrosion inhibition, or biocides, or by direct contact with any process materials, products, and/or wastewater.

“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 optical density.

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

“Department, the (Ecology)” means the Washington State Department of Ecology or authorized representatives thereof.

“Director” means the city of Monroe director of public works, designated by the city to supervise the operation of the POTW, and who is charged with certain duties and responsibilities by this chapter, and specifically including his/her duly authorized representative or inspector.

“Dishwasher” means an automated device which uses chemicals and water to clean or sanitize kitchenware and/or other apparatus used for food preparation and/or food service.

“Domestic user” means any person who contributes, causes, or allows the discharge of wastewater into the city of Monroe POTW that is similar in volume and/or chemical makeup to domestic wastewater. For comparison, the director may assume discharges of domestic wastewater from dwelling units to be one hundred gallons containing two-tenths pounds of BOD, and two-tenths of a pound of TSS per capita per day, or as identified in the design of the POTW.

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

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

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

“Existing user” means any industrial user not subject to categorical pretreatment standards which discharges wastewater to the POTW prior to the effective date of the ordinance codified in this chapter.

“Fats, oils and grease (FOG)” means those components of wastewater amenable to measurement by the methods described in Standard Methods for the Examination of Water and Wastewater, 19th Edition, 1995. The term “fats, oils and grease” shall include polar and nonpolar fats, oils and grease and other components extracted from wastewater by these methods.

“Food service establishment (FSE)” means a place where food or drink is regularly prepared for consumption on the premises or elsewhere at least twelve (12) times annually, including without limitation restaurants, bakeries, delis, cafeterias, concession stands, and kitchens associated with community centers, churches, grocery stores, hospitals, hotels, motels, nursing homes, prisons and schools, but excluding residential kitchens.

“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.

“Gravity grease Interceptor (GGI)” means an interceptor with a capacity of at least five hundred gallons to serve one or more fixtures and which shall be sized, plumbed and remotely located pursuant to the Uniform Plumbing Code currently in use and MMC 13.10.140 (B).

~~["GREASE INTERCEPTOR" MEANS AN INTERCEPTOR OF AT LEAST SEVEN HUNDRED FIFTY GALLON CAPACITY TO SERVE ONE OR MORE FIXTURES AND WHICH SHALL BE REMOTELY LOCATED PURSUANT TO THE UNIFORM PLUMBING CODE (2000).]~~

~~["GREASE TRAP" MEANS A DEVICE DESIGNED TO RETAIN GREASE FROM ONE TO A MAXIMUM OF FOUR FIXTURES PURSUANT TO THE UNIFORM PLUMBING CODE (2000).]~~

“Hydromechanical Grease Interceptor (HGI)” means a device designed to retain grease from one or more fixtures which shall be sized and plumbed pursuant to the Uniform Plumbing Code currently in use and MMC 13.10.140 (B).

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

“Industrial wastewater” means water- or liquid-carried waste from any industry, manufacturing operation, trade, or business which includes any combination of process wastewater, cooling water, contaminated storm water, 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.

“Interference” means the effect of a discharge or discharges on the POTW from one or more users which results in either (1) inhibition or disruption of the POTW, its treatment processes or operations, or its sludge processes, use or disposal; (2) violation of any permit regulating the city of Monroe wastewater discharge or sewage sludge; or (3) 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.]

“Interceptor” means interceptor as defined by Section 211.0 of the Uniform Plumbing Code currently in use.

“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 composited sample collected, independent of the industrial flow rate and the duration of the sampling event.

“Medical wastes” means isolation wastes, infectious agents, human blood and blood products or byproducts, pathological wastes, sharps, body parts, fomites, etiologic agents, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.

“Minor industrial user (MIU)” means an industrial user of the POTW identified by the city that discharges a waste stream which, when taken with the waste stream from other minor industrial users, may have a significant impact on the POTW. MIUs without process discharge waste streams that have potential for accidental spills to the sewer may be subject to ASPP/SCP requirements.

“New source” means:

1. Any facility constructed after proposed categorical standards applicable to operations conducted at the facility were published, provided the facility is or may be a source of discharge to the POTW, and:
 - a. The building, structure, facility, or installation is constructed at a site at which no other source is located; or
 - b. The new construction totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
 - c. The production or wastewater-generating processes of the building, structure, facility, or installation are substantially independent of an existing source at the same site.
2. Construction of a new source as defined under this paragraph has commenced if the owner or operator has either (a) begun, or caused to begin, any placement, assembly, or installation of facilities or equipment; (b) 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 (c) entered into a binding contractual obligation for the purchase of facilities or equipment for use in operation of a new source within a reasonable time.

“New user” means any noncategorical user that plans to discharge a new source of wastewater to the city of Monroe 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.

"Pass through" means a condition occurring when discharges from users (singly or in combination) exit the POTW in quantities or concentrations which either (1) cause a violation of any requirement of a city of Monroe NPDES; or (2) cause an increase in the magnitude or duration of a violation.

"Permittee" means any person or user issued a wastewater discharge permit by a state or federal agency with jurisdiction.

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

"pH" 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.)

"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.

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

"Pretreatment" means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to (or in lieu of) introducing such pollutants into the POTW. This reduction or alteration can be obtained by physical, chemical, or biological processes; by process changes; or by other means (except by diluting the concentration of the pollutants unless allowed by an applicable pretreatment standard).

"Pretreatment requirements" means any substantive or procedural 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.

"Pretreatment standards" or "standards" means any pollutant discharge limitations including categorical standards, state standards, and limits in MMC 13.10.080 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.

“Prohibited discharge standards” or “prohibited discharges” means absolute prohibitions against the discharge of certain substances; these prohibitions appear in MMC 13.10.050.

“Publicly owned treatment works (POTW)” means a treatment works, as defined by Section 212 of the Act (33 USC 1292) which is owned by the city of Monroe. 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. The term shall also mean the city of Monroe.

“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.

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

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

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

“Shall” means a mandatory requirement.

“Significant industrial user” means:

1. A user subject to categorical pretreatment standards;
2. A user that:
 - a. Discharges an average of twenty-five thousand gpd or more of process wastewater to the POTW (excluding sanitary, noncontact cooling, and boiler blowdown wastewater); or
 - b. 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
 - c. Is designated as such by the department with input from the city of Monroe on the basis that it, alone or in conjunction with other sources,

- has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement;
3. Upon a finding that a user meeting the criteria in subsection (2) 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 user or the city of Monroe and in accordance with procedures in 40 CFR 403.8(f)(6), determine that such user should not be considered a significant industrial user.

“Significant noncompliance (SNC)” shall refer to a violation or pattern of violation of one of the following natures:

1. Chronic violations of wastewater discharge limits, defined here as those in which sixty-six 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;
2. Technical review criteria (TRC) violations, defined here as those in which thirty-three 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 (one and four-tenths for BOD, TSS, fats, oils and grease, and one and two-tenths for all other pollutants except pH);
3. Any other discharge violation that the city of Monroe believes has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of city of Monroe personnel or the general public);
4. Any discharge of pollutants that has caused imminent endangerment to human health, welfare or to the environment, or has resulted in the city of Monroe's exercise of its emergency authority to halt or prevent such a discharge;
5. Failure to meet, within ninety 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;
6. Failure to provide, within thirty days after the due date, any required reports, including baseline monitoring reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;
7. Failure to accurately report noncompliance; or
8. Any other violation(s) which the director determines will adversely affect the operation or implementation of the local pretreatment program; provided, however, that nothing herein shall be interpreted to permit or require the director to take action regarding violations or alleged violations of the terms of a state permit or state statute or regulation.

“Sludge” means any solid, semisolid or liquid residue generated by the weight processes of a domestic treatment works or the wastewater treatment plant.

“Sludge” includes, but is not limited to, domestic septage, scum or solids removed in primary, secondary or advanced wastewater treatment processes and any material derived from sewage sludge. “Sludge” does not include ash generated during the firing of sludge in a sludge incinerator or grit in screenings generated during preliminary treatment of domestic sewage in a treatment works. For the purposes of this chapter, scum which is not combined with the solids removed in primary, secondary or advanced wastewater treatment process is not considered to be sludge.

“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.

“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.

“State” means the state of Washington.

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

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

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

“Treatment plant effluent” means the discharge from the city of Monroe POTW.

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

“User” or “industrial user” means any nondomestic source of wastewater discharged to the POTW. This excludes “domestic users” as defined herein. Wastewater. See “Sewage.”

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

“Wastewater treatment plant” or “treatment plant” means that portion of the POTW designed to provide treatment of sewage as defined herein.

Section 2. Amendment of MMC 13.10.140. Monroe Municipal Code Section 13.10.140, Additional pretreatment measures, is hereby amended, as follows:

13.10.140 Additional pretreatment measures.

A. Whenever deemed necessary, the director may require users and specifically users with a history of significant noncompliance to comply with such conditions as may be necessary to protect the POTW and determine the user’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. Any FSE which washes food preparation and/or food service equipment, appliances, utensils and/or containers on site shall install and utilize a city-approved interceptor. All plumbing fixtures, garbage disposals, dishwashers, floor drains and cooking equipment with drain connections shall be plumbed to an appropriate interceptor approved by the public works director. Food service establishments with dishwashers and/or garbage grinders shall be required to install a gravity grease interceptor (GGI). Food service establishments without dishwashers and garbage grinders shall be required to install a hydromechanical grease interceptor (HGI). Interceptors shall be sized and installed in accordance with the city’s currently adopted plumbing code.

~~C.~~[B.] Grease, oil, and sand interceptors or traps shall be required when they are necessary for the proper handling of wastewater containing grease and oil in excess of the limits in MMC ~~13.10.050(B)(3)~~[13.10.080] or excessive amounts of sand or other settleable solids. Such interceptors shall not be required for domestic users. All interceptors shall be of type and capacity approved by the director and shall be located to be easily accessible for cleaning and inspection. Each user shall maintain, inspect, and clean required interceptors or traps on a schedule that ensures they capture the intended pollutants and prevents their reintroduction into the storm or sanitary sewer systems. Users shall bear all expenses related to installation, maintenance, and repair of interceptors and the proper disposal of removed materials.

~~D.~~[C.] Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.

~~E.~~[D.] The director may require a user discharging more than ten thousand gallons per day or ten percent of the average daily flow in the POTW, whichever is less, to install and maintain, on its property and at its expense, a suitable

storage and flow-control facility to ensure equalization of flow over a twenty-four-hour period. The facility shall have a capacity for at least fifty percent of the daily wastewater discharge volume and shall be equipped with alarms and a rate of discharge controller. The director shall direct the control of discharges. The city may require the user to obtain a wastewater discharge permit solely for flow equalization or to develop a slug discharge control plan (below).

Section 3. Amendment of MMC 13.10.160. Monroe Municipal Code Section 13.10.160, Septage and liquid hauled wastes, Subsection B, is hereby amended, as follows:

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 SHALL ISSUE WASTEWATER DISCHARGE PERMITS FOR INDIVIDUAL VEHICLES TO USE SUCH FACILITIES.]~~

Section 4. Severability. If any section, sentence, clause or phrase of this ordinance should 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, sentence, clause or phrase of this ordinance.

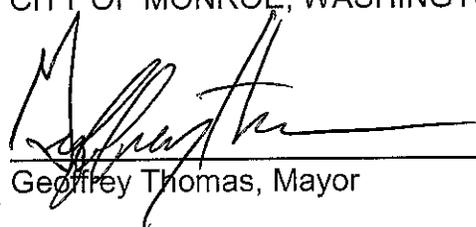
Section 5. Effective Date. This ordinance shall become effective thirty (30) days following final passage.

ADOPTED by the City Council and APPROVED by the Mayor of the City of Monroe, at a regular meeting held this 11th day of March, 2014.

1st Reading: March 4, 2014
2nd/Final Reading: March 11, 2014
Published: March 18, 2014
Effective: April 10, 2014

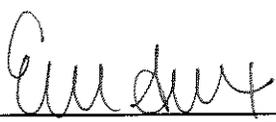
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CITY OF MONROE, WASHINGTON:



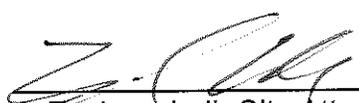
Geoffrey Thomas, Mayor

ATTEST:



Elizabeth M. Smoot, CMC, City Clerk

APPROVED AS TO FORM:



J. Zachary Lell, City Attorney