

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MILLWOOD, WASHINGTON, AMENDING THE CITY'S LOCAL SEWAGE PRETREATMENT REGULATORY PROGRAM; AND PROVIDING FOR OTHER MATTERS RELATED THERETO.

WHEREAS, the City of Millwood owns and operates a municipal sewage collection system, known as a Publicly Owned Treatment Works (POTW), and

WHEREAS, the City of Millwood entered into an Interlocal Sewer Service Agreement with Spokane County in November, 1992, for delivery and treatment of Millwood's wastewater, and

WHEREAS, the Interlocal Sewer Service Agreement requires the City of Millwood to adopt regulations for pretreatment of certain wastewater, and

WHEREAS, the City of Millwood entered into a Multijurisdictional Agreement for Pretreatment Program with Spokane County on September 6, 2011, authorized by City of Millwood Resolution No. 11-11 (the "Pretreatment Agreement"); and

WHEREAS, the City of Millwood adopted its pretreatment regulations through adoption of Ordinance No. 417 on July 5, 2011, and

WHEREAS, the City of Millwood adopted amendments of its pretreatment regulations through adoption of Ordinance No. 440 on October 12, 2012, and

WHEREAS, since the adoption of Ordinance No. 417 and Ordinance No. 440 Spokane County has adopted certain amendments to The Spokane County Code pertaining to sewage pretreatment regulations, and

WHEREAS, Spokane County notified the City of Millwood on March 29, 2016 that, in accordance with the Pretreatment Agreement, it is necessary for the City of Millwood to amend its Sewage Pretreatment Program to conform to the amendments approved by Spokane County within ninety (90) days of receipt of notice by Spokane County;

NOW THEREFORE, THE CITY COUNCIL OF THE CITY MILLWOOD DOES ORDAIN AS FOLLOWS:

Section 1. Amendment to Section 13.14.104 MMC. Section 13.14.104 – Abbreviations, is amended in its entirety to read as follows:

13.14.104 – Abbreviations [1.4].

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

AKART	All known, available, and reasonable methods of prevention, control, and treatment (Cross reference: RCW 90.48.010, WAC 173-200-(2)(c)(ii), and WAC 173-216-110 (1)(a))
ASPP	Accidental spill prevention plan
BOD	Biochemical oxygen demand
BMP	Best management practice
BMR	Baseline monitoring report
CWF	Combined wastestream formula
C.F.R.	Code of Federal Regulations
CIU	Categorical industrial user
COD	Chemical oxygen demand

DML	Daily maximum limit
EPA	U.S. Environmental Protection Agency
FIFRA	Federal Insecticide Fungicide Rodenticide Act
gpd	gallons per day
IU	Industrial user
mg/L	milligrams per liter
MMC	Millwood Municipal Code
NAICS	North American Industry Classification System
NPDES	National Pollutant Discharge Elimination System
NSCIU	Non-significant categorical industrial user
POTW	Publicly owned treatment works
RCRA	Resource Conservation and Recovery Act
RCW	Revised Code of Washington
SIU	Significant industrial user
SCC	Spokane County Code
SNC	Significant noncompliance
TSS	Total suspended solids
TTO	Total toxic organics
U.S.C. (USC)	United States Code
WAC	Washington Administrative Code

(Ord. No. 417, § 13.14.0104, 7-5-2011; Ord. No. 440, § 3, 10-9-2012)

Section 2. Amendment to Section 13.14.201 MMC. Section 13.14.201 – Prohibited discharge standards, is amended in its entirety to read as follows:

13.14.201 – Prohibited discharge standards [2.1].

- A. General Prohibition. No user shall introduce or cause to be introduced into the POTW any pollutant or wastewater which causes pass through or interference. This requirement applies to all users of the POTW, whether or not they are subject to categorical pretreatment standards or any other federal, state or local pretreatment standards or requirements.
- B. Specific Prohibitions. No user shall introduce or cause to be introduced into the POTW anything listed hereafter. Where two or more items apply, the more stringent governs:
 1. Pollutants which either alone or by interaction may create a fire or explosive hazard in the POTW or any part thereof, a public nuisance or hazard to life, or prevent entry into the sewers for maintenance and repair or which are in any way injurious to the operation of the system or operating personnel. This includes wastestreams with a closed-cup flashpoint of less than 140 degrees F (60 degrees C) using the test methods specified in 40 C.F.R. § 261.21.
 2. Wastewater having a pH less than 5.0 or more than 11.0, or otherwise having any other corrosive property capable of causing damage or hazard to structures, equipment, or personnel. Discharges outside the pH range of 5.0 to 11.0 may be approved by written authorization of the supervisor pursuant to a finding

- that the system is specifically designed to accommodate a discharge of that pH. Authorization is revocable at any time in the supervisor's sole discretion. (Cross reference: Millwood Municipal Code Section 13.14.204(A));
3. Solid or viscous substances in amounts which will cause obstruction of the flow in the POTW. In general, the cutting up or reducing to smaller pieces of any solid materials as a means to enable their introduction into the POTW is prohibited. In addition, in no case shall solids greater than ¼ inch (0.64 cm) in any dimension be discharged;
 4. Pollutants, including oxygen-demanding pollutants (BOD, etc.), released at a flow rate and/or concentration which, either singly or by interaction with other pollutants, will cause interference with the POTW;
 5. Wastewater having a temperature which will inhibit biological activity in the treatment plant resulting in interference, but in no case, wastewater which causes the temperature at the point of introduction into the treatment plant to exceed 104 degrees F (40 degrees C) unless the approval authority, upon request of the supervisor, approves alternative temperature limits;
 6. Wastewater with a temperature at any point of introduction into any part of the public sewer system exceeding 130 degrees F (54 degrees C).
 7. Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin, in amounts that will cause obstruction of the POTW, interference, or pass through;
 8. Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause risk to worker health and safety, in the supervisor's judgment and/or substances identified as toxic pollutants (see Millwood Municipal Code Section 13.14.104) or any wastewater containing any pollutant, including oxygen demanding pollutants, in sufficient quantity, either singly or by interaction, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, or be in violation of any applicable statute, rule, regulation or ordinance of any public agency, including the EPA;
 9. Trucked or hauled pollutants, wastewater or other materials (hauled wastewater), except at discharge points designated by the supervisor in accordance with Millwood Municipal Code Section 13.14.212;
 10. The following are prohibited unless approved by the supervisor under special circumstances, such as lack of direct discharge alternatives due to combined sewer service or need to augment domestic wastewater flows due to septic conditions as required under WAC 173-216-050:
 - a. Noncontact cooling water in volumes deemed significant by the supervisor because of adverse effects of consequences.
 - b. Stormwater, or other direct inflow sources.

- c. Wastewater significantly affecting POTW hydraulic loading, which does not require treatment or would not be afforded a significant degree of treatment by the POTW.
11. Wastewater which imparts color which cannot be removed by the treatment process, such as dye wastes and vegetable tanning solutions, which imparts color to the treatment plant effluent causing violation of the county's NPDES permit. Color (in combination with turbidity) shall not cause the treatment plant effluent to reduce the depth of the compensation point for photosynthetic activity by more than ten percent from the seasonably established norm for aquatic life, as determined by the supervisor;
12. 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;
13. Wastewater containing any radioactive wastes or isotopes except in compliance with applicable state or federal regulations and approved by the supervisor;
14. Stormwater, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, noncontact cooling water, and unpolluted wastewater, unless specifically authorized by the supervisor;
15. Sludges, screenings, or other residues from the pretreatment of industrial wastewaters, or from industrial processes unless authorized by the supervisor;
16. Medical wastes, except as specifically authorized by the supervisor through a discharge permit issued under article 3;
17. Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail toxicity tests from applicable regulations; (Cross reference: WAC 173-205-020, 40 C.F.R. § 122.21 (5))
18. Detergents, surface-active agents, or other substances that might cause excessive foaming or interfere with effective function of the POTW;
19. Fats, oils, and greases or any other materials of animal (including human) or vegetable origin in quantities which could cause obstruction of the POTW or interference with conveyance or treatment or any discharges with total petroleum hydrocarbon concentrations greater than one hundred mg/L (Cross reference: Millwood Municipal Code Section 13.14.204(A));
20. Cinders, sand, spent lime, stone or marble dust, 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;
21. Liquids, solids or gas, which by reason of their nature or quantity may be sufficient, alone or by interaction with other materials, to cause fire or explosion, which might cause obstruction or interference or be injurious in any other way to the POTW, its

operations, staff or the environment. At no time shall two successive readings on an explosion hazard meter at the point of discharge into the POTW system, or at any point in the POTW system, exceed five percent or any single reading exceed ten percent of the lower explosive limit based on an explosivity meter reading;

22. Anything which in the opinion of the supervisor may cause harm either to the sewers, sewage treatment process, or equipment, have an adverse effect on the receiving waters or outside environment, or otherwise endanger life, limb or property, or constitute a nuisance, unless allowed under special agreement, except that no special waiver shall be given from categorical pretreatment standards;

23. Any dangerous wastes as defined in WAC 173-216-030 or hazardous wastes as defined in 40 C.F.R. Part 261;

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

25. Anything else not authorized by the supervisor. The supervisor may specify such substances in a specific user permit, considering the appendices hereto.

C. Supplementing subsections A and B this section, no industrial user shall violate the provisions of 40 C.F.R. § 403.5 (a) and (b) or WAC 173-216-060 or any statute or regulation referenced therein. Such provisions are all fully incorporated herein.

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

(Ord. No. 417, § 13.14.0201, 7-5-2011; Ord. No. 440, § 4, 10-9-2012)

Section 3. Amendment to Section 13.14.203 MMC. Section 13.14.203 – State requirements, is amended in its entirety to read as follows:

13.14.203 – State requirements [2.3].

A. State requirements and limitations on discharges to the POTW shall be met by all users subject to such items whenever they are more stringent than federal or local pretreatment requirements and limitations. Washington State Pretreatment Standards and Requirements, located at Chapter 173-216 WAC, were developed under authority of the State Water Pollution Control Act, Chapter 90.48 RCW. All wastewaters discharged from a commercial or industrial operation as determined by the supervisor into the POTW must satisfy the provisions of Chapter 173—216 WAC.

B. Any person who constructs, modifies or proposes to construct or modify wastewater treatment facilities must first comply with the regulations for submission of plans and reports for construction of wastewater facilities, Chapter 173-240 WAC. The city is delegated the authority to review and approve such plans and reports under RCW 90.48.110, for sources of non-domestic discharges (industrial wastewater). Said plans and reports must be filed with the supervisor, together with such information as required by the supervisor, signed by an authorized representative and certified as provided in Subsection 13.14.305(B) of this chapter, and include the fee as

provided in Section 13.14.1401 of this chapter. (Cross reference: WAC 173-216-050(1))

C. All users shall apply all known, available, and AKART to prevent and control wastewater releases into the waters of the state. (Cross reference: WAC 173-216-050(3))

D. Discharge restrictions of Chapter 173-303 WAC (Dangerous Waste) shall apply to all users.

E. All required monitoring data shall be analyzed by a laboratory or person accepted by the supervisor as qualified to perform such services, in the supervisor's sole discretion. The supervisor may require that said lab or person be registered or accredited under the provisions of Chapter 173-50 WAC. The supervisor may determine this is not required for flow, temperature, settleable solids, conductivity, pH, turbidity, and internal process control parameters. However, if the laboratory analyzing samples for conductivity, pH, and turbidity must otherwise be accredited, it shall be accredited for these parameters as well.

(Ord. No. 417, § 13.14.0203, 7-5-2011)

Section 4. Amendment to Section 13.14.204 MMC. Section 13.14.204 – Local limits, is amended in its entirety to read as follows:

13.14.204 - Local limits [2.4].

A. The following limits are established as local limits, expressed as Maximum Allowable Discharge Limits. No user or other person may discharge wastewater into the POTW (which may convey wastewater to the Spokane County Regional Water Reclamation Facility) in excess of the following concentrations:

Material	Concentration (mg/L)
arsenic	0.41 mg/L
benzene, toluene, ethylbenzene, and xylene (BTEX)	a sum of these four constituents' analytical results not to exceed 1.4 mg/L
cadmium	0.07 mg/L
total chromium	5.0 mg/L
copper	1.7 mg/L
cyanide	1.9 mg/L
fats, oils and grease	(see Millwood Municipal Code Section 13.14.201(B)(19))
lead	0.32 mg/L
mercury	0.05 mg/L
nickel	3.98 mg/L
non-polar material (or total petroleum hydrocarbons)	not to exceed 100 mg/L
silver	1.7 mg/L
zinc	5.6 mg/L
Molybdenum	1.5 mg/L
Selenium	1.0 mg/L

The pH limit set in Millwood Municipal Code Section 13.14.201(B)(2) may also be enforced as a local limit.

The above limits apply at any point of introduction into any sewer or portion of the POTW (which may convey wastewater to the Spokane County Regional Water Reclamation Facility).

- B. The following limits are established as Local Limits, expressed as Maximum Allowable Discharge Limits. No User or other Person may discharge wastewater into the POTW (which conveys wastewater solely to the Riverside Park Water Reclamation Facility) in excess of the following concentrations:

Material	Concentration (mg/L)
arsenic	0.41 mg/L
benzene, toluene, ethylbenzene, and xylene (BTEX)	a sum of these four constituents' analytical results not to exceed 1.4 mg/L
cadmium	0.11 mg/L
total chromium	5.0 mg/L
copper	1.9 mg/L
cyanide	1.9 mg/L
fats, oils and grease	(see Spokane Municipal Code 23.03A.0201 B 19)
lead	0.32 mg/L
mercury	0.05 mg/L
nickel	3.98 mg/L
non-polar material (or total petroleum hydrocarbons)	not to exceed 100 mg/L
silver	1.7 mg/L
zinc	5.6 mg/L
Molybdenum	1.5 mg/L
Selenium	1.0 mg/L

The pH limit set in Spokane Municipal Code Section 13.03A.0201 B(2) may also be enforced as a local limit.

The above limits apply at any point of introduction into any sewer or portion of the POTW (which conveys wastewater solely to the Riverside Park Water Reclamation Facility).

- C. All concentrations for metallic substances are for "total" metal unless indicated otherwise. The supervisor may impose mass limitations in addition to or in place of the concentration-based limitations shown in subsections (A) and (B) of this section. Where a user is subject to a categorical pretreatment standard and a local limit for a given pollutant, the more stringent limit applies as the applicable pretreatment standard.

- D. Limits may be established for all users, groups, or specific users. They may be designed to ameliorate temporary or permanent discharge characteristics, or to accommodate any new or special temporary or permanent condition of the POTW, its effluent receiving water, or other environmental problem. The supervisor may set limits

as instantaneous maximums or for other durations (e.g., daily maximum or monthly average limits) where deemed proper.

E. Whenever determined appropriate, the supervisor may develop best management practices (BMPs) for general application, in individual discharge permits or general discharge permits, to implement local limits and the requirements of this article II and require documentation of compliance. Failure to follow such requirements is a violation of this chapter.

(Ord. No. 417, § 13.14.0204, 7-5-2011; Ord. No. 440, § 5, 10-9-2012; Ord. No. 460, § 1, 5-13-2014)

Section 5. Deletion of Section 13.14.406 MMC. Section 13.14.406 – Hazardous waste notification, is deleted in its entirety.

Section 6. Amendment to Section 13.14.408 MMC. Section 13.14.408 – Non-compliance reporting, is amended in its entirety to read as follows:
13.14.408 - Non-compliance reporting [4.8 modified].

If sampling performed by a user indicates a violation, the user must notify the Supervisor within twenty-four (24) hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of a repeat analysis to the supervisor within thirty (30) days after becoming aware of the violation. Resampling by the industrial user is not required if the city performs sampling at the user's facility at least once a month, or if the city performs sampling at the user's facility between the time when the initial sampling was conducted and the time when the user or the city received the results of this sampling, or if the city has performed the sampling and analysis in lieu of the industrial user. (See 40 CFR 403.12(g)(2)).

(Ord. No. 417, § 13.14.0408, 7-5-2011(Ord. No. 440, § 12, 10-9-2012)

Section 7. Amendment to Section 13.14.409 MMC. Section 13.14.409 – Notice of changed discharge, is amended in its entirety to read as follows:

13.14.409 – Notice of changed discharge [4.9].

A. Users must notify the supervisor in writing at least ninety (90) days (preliminary notice), followed by a confirming notice at least thirty (30) days before any substantial change in volume or character of pollutants in their discharge, and any significant manufacturing process changes which could be reasonably expected to result in such a pollutant change. As used herein, a substantial or significant change is a change of twenty (20) percent or more in production levels or levels of any pollutant or other parameter specified by the supervisor. Where advance notice is not possible or has not been given, notice shall be given as required in Section 13.14.407 of this chapter, but that does not excuse compliance with this section. All submittals under this section must be signed as provided in Subsection 13.14.305(A) of this chapter and accompanied by a review fee as provided in Section 13.14.1401 of this chapter.

B. Additionally, the user must submit a permit modification application as provided in Section 13.14.310 of this chapter, which must include an engineering report detailing the features of the change, including pertinent data and analysis.

(Ord. No. 417, § 13.14.0409, 7-5-2011)

Section 8. Amendment to Section 13.14.502 MMC. Section 13.14.502 – Analytical requirements, is amended in its entirety to read as follows:

13.14.502 – Analytical requirements [5.2].

All pollutant analyses, including sampling techniques, must be performed by a laboratory accredited by the Washington State Department of Ecology in accordance with the techniques prescribed in 40 CFR Part 136 unless otherwise specified in an applicable categorical pretreatment standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, sampling and analyses must be performed in accord with procedures approved by the EPA.

(Ord. No. 417, § 13.14.0502, 7-5-2011; Ord. No. 440, § 13, 10-9-2012)

Section 9. Repeal. All ordinances, resolutions, laws, and regulations, or parts thereof in conflict with this ordinance are, to the extent of said conflict, hereby repealed.

Section 10. 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.

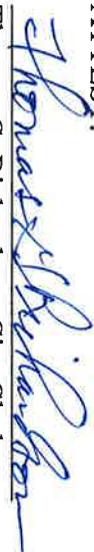
Section 11. Effect: This Ordinance shall be in full force and effect from and after its adoption and five (5) days after its publication or a publication of a summary of this Ordinance in the official newspaper of the City.

PASSED BY THE COUNCIL OF THE CITY OF MILLWOOD THIS 19th DAY OF APRIL, 2016.

CITY OF MILLWOOD,
Spokane County, Washington


Kevin Freeman, Mayor

ATTEST:


Thomas G. Richardson, City Clerk

STATE OF WASHINGTON)
)ss:
County of Spokane)

Thomas Richardson, being first duly sworn on oath deposes and says:

I am the Clerk of the City of Millwood, Washington, and the foregoing ordinance entitled “AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MILLWOOD, WASHINGTON, AMENDING THE CITY’S LOCAL SEWAGE PRETREATMENT REGULATORY PROGRAM; AND PROVIDING FOR OTHER MATTERS RELATED THERETO” is the true and correct copy of the City of Millwood’s Ordinance numbered 480 and that the same was posted and published according to law.


Thomas G. Richardson

SUBSCRIBED AND SWORN TO BEFORE ME THIS 20th DAY OF APRIL, 2016.


V. P. PETERSON
Notary Public in and for the State of
Washington, residing at Spokane
My Commission expires 5-7-2018

