

ORDINANCE NO. 1578

AN ORDINANCE OF THE CITY OF LYNDEN AMENDING SECTIONS OF CHAPTER 13.12
SEWER SYSTEM REGARDING INDUSTRIAL USERS

The following recitals are entered as findings of the City Council in support of this Ordinance:

WHEREAS, the City must establish guidelines for potential new and existing Significant Industrial Users to follow to restrict discharges of dangerous wastes into the City's Sewer System; and

WHEREAS, the City operates under a National Pollution Discharge Elimination System (NPDES) permit issued through the State Department of Ecology which contains regulations that regulate the operation of the City's publicly owned treatment system and permitted discharges to and from that system;

NOW THEREFORE, the City Council of the City of Lynden does ordain as follows:

Section A: Revise Section 13.12.140 as follows:

13.12.140 Certain discharges restricted or subject to conditional approval.

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

B Specific Prohibitions. No person shall discharge or cause to be discharged any substances, materials, waters, or wastes if it appears likely, in the opinion of the director, that such wastes can harm either the sewers, sewage treatment process, or equipment, have an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property, degrade biosolids quality, or constitute a nuisance. In forming his or her opinion as to the acceptability of these wastes, the director will give consideration to such factors as to quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the wastewater treatment plant, degree of treatability of wastes in the wastewater treatment plant, and other pertinent factors. The substances prohibited are:

1. Any liquid pollutant which either alone or by interaction may create a fire or explosive hazard in the POTW, including but not limited to, wastestreams with a closed-cup flashpoint of less than or vapor having a temperature higher than one hundred fifty-four degrees Fahrenheit or sixty degrees Centigrade using the test methods specified in 40 CFR 261.21.;(sixty-five degrees Centigrade);
2. Heat in amounts that will inhibit biological activity in the POTW resulting in interference but in no case heat in such quantities such that the temperature at the POTW headworks exceeds 40 degrees Centigrade (104 degrees Fahrenheit) unless Ecology approves, in writing, alternate temperature limits.
23. Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of one hundred mg/l or containing substances which may solidify or become viscous at temperatures between thirty-two degrees Fahrenheit (zero degrees Centigrade) and one hundred fifty degrees Fahrenheit (sixty-five degrees Centigrade);

34. Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-quarter horsepower (0.76) hp metric) or greater shall be subject to the review and approval of the director;
45. Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solutions whether neutralized or not;
56. Any waters or wastes containing iron, chromium, copper, zinc and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the director for such materials;
67. Any waters or wastes containing phenols or other taste or odor producing substances, in such concentrations exceeding limits which may be established by the director as necessary, after treatment of the composite sewage, to meet the requirements of the state, federal or other public agencies of jurisdiction for such discharge to the receiving waters;
78. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the director in compliance with applicable state or federal regulations;
89. Any waters or wastes having a pH in excess of 11.0 or having a pH of less than 5.0 for a duration of no longer than fifteen minutes, or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the sewage works;
910. Materials which exert or cause:
- Unusual concentrations of inert suspended solids (such as, but not limited to, Fuller's earth, lime slurries and lime residues), or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate),
 - Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions),
 - Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works, unless agreed to in writing under the provisions of Ordinance 549,
 - Any discharge or 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(2)(b)(vi)),
 - Unusual volume of flow or concentration of wastes constituting "slugs" as defined in Section 13.12.005;
4011. Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the wastewater treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters;
4412. Any discharge of pollutants, including oxygen-demanding pollutants (BOD, Cd, Cu, Ni, Cr, Zn, etc.) released at a flow rate and/or pollutant concentration that, 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)).
13. Any wastes or pollutants that adversely affect biosolids utilization or disposal practices.

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

1. Obtain a written authorization to discharge the waste from the city, and either obtain specific authorization to discharge the waste in a state waste discharge permit issued by the state, or accurately describe the wastestream in a temporary permit obtained pursuant to 90.48.165 RCW. The description shall include at least:
 - a. The name of the dangerous waste as set forth in Chapter 173-303 WAC, and the dangerous waste number,
 - b. The mass of each constituent expected to be discharged,
 - c. The type of discharge (continuous, batch, or other),
2. Compliance shall be obtained on the following schedule:
 - a. Before discharge for new users, and
 - b. Within thirty days after becoming aware of a discharge of dangerous wastes to the POTW for existing users, and
 - c. Within ninety days after the industry has been notified by the city of final rules identifying additional dangerous wastes, new characteristics, or criteria of dangerous wastes, and the rules are published for users discharging a newly listed dangerous waste;

CD. National Categorical Pretreatment Standards as adopted and hereafter amended by the EPA pursuant to the act shall be met by all users in the regulated industrial categories. These standards, found in 40 CFR Chapter 1, Subchapter N, Parts 405—471, are hereby incorporated by reference.

DE. Any user determined by the city to qualify as a significant industrial user shall file an application for a state waste discharge permit with the department in accordance with the requirements of WAC 173-216-070. Proof of acceptance of the application, and payment of permit fees shall be kept at the user's facilities, and produced upon request by the city. Failure to submit the application or rejection of the application by the department may be considered sufficient grounds to terminate or refuse to provide sewer service;

EF. Septage and Liquid Hauled Wastes.

1. Septage 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. No load may be discharged without prior consent of the director.
2. 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.
3. Septage and liquid waste haulers must provide the director a waste-tracking form for every load when discharged. This form shall include, at a minimum, the name and address of the waste hauler, city septage permit number, truck identification, addresses of the sources of waste, and volume and characteristics of waste.
4. Haulers of liquid wastes other than septage shall provide full disclosure to the director of the source(s) of the wastewater, and such additional information as required by the director to characterize the wastewater. The director may issue an authorization on his/her own authority, or require haulers of 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 has determined to his satisfaction that the

wastewater complies with all applicable discharge standards, prohibitions, and requirements of this chapter.

5. The director shall exercise absolute discretion in whether to accept any load of septage or liquid hauled wastes. In determining whether to accept a load, the director may collect samples of each hauled load and/or require the hauler to provide a wastewater analysis of any load prior to discharge.
6. Fees for discharge of septage or liquid hauled wastes will be established as part of the user fee system set by resolution.

FG. Local Limits.

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

0.20 mg/l arsenic	0.10 mg/l mercury
0.10 mg/l cadmium	17.1.7 mg/l nickel
25.2.5 mg/l chromium	0.10 mg/l selenium
0.20 mg/l copper	57.02.6 mg/l zinc
0.10 mg/l lead	100 mg/l oil and grease

2. The above limits apply to the end of any process or combination of processes identified to have a potential discharge of this pollutant. All concentrations for metallic substances are for "total metal" unless indicated otherwise. The state may impose mass limitations in addition to or in place of the concentration-based limitations above. Where a user is subject to a categorical pretreatment standard and a local limit for a given pollutant, the more stringent limit or applicable pretreatment standard shall apply.

GH. City's Right of Revision.

The city reserves the right to establish more stringent standards or requirements on discharges to the POTW.

Section B: Add a new Section 13.12.543 - Significant Industrial User, as follows:

13.12.543 - Significant Industrial User

Any industrial user that falls into any of the categories below, is considered a Significant Industrial User and needs an NPDES permit before connecting to the City's system:

1. All industrial users subject to categorical pretreatment standard under 40 CFR 403.6 and 40 CFR Chapter 1, Subchapter N;
2. Discharges an average of 25,000 gallons per day or more of process wastewater to the City sewer system (excluding sanitary, noncontact cooling and boiler blowdown wastewater); or
3. Contributes a process waste stream that makes up 5% or more of the average dry weather hydraulic or organic (BOD) or suspended solids (TSS) capacity as shown in the table below; or

<u>Average Dry Weather Flow</u>	<u>BOD lb/day (</u>	<u>TSS mg/L</u>
<u>.091 MGD</u>	<u>400 lbs/day</u>	<u>250 lbs/day</u>

4. Is designated by the Washington State Department of Ecology as having a reasonable potential for adversely affecting the City's treatment operations or for violating any pretreatment standard or requirement in accordance with 40 CFR 403.8 (f)(6).

Section C: If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The council hereby declares that it would have passed this code and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases has been declared invalid or unconstitutional, and if, for any reason, this ordinance should be declared invalid or unconstitutional, then the original ordinance or ordinances shall be in full force and effect.

Section D: Any ordinance or parts of ordinances in conflict herewith are hereby repealed.

Section E: This ordinance shall be in full force and effect five (5) days after its passage, approval and publication as provided by law.

PASSED BY THE CITY COUNCIL BY AN AFFIRMATIVE VOTE, _____ IN FAVOR _____ AGAINST, AND SIGNED BY THE MAYOR THIS _____ DAY OF _____, 2019.

MAYOR SCOTT KORTHUIS

ATTEST: CITY CLERK PAM BROWN

APPROVED AS TO FORM:

CITY ATTORNEY BOB CARMICHAEL