

Ordinance No. 00192

[\(Council Minutes 98/12/07\)](#)

ORDINANCE NO. 192

AN ORDINANCE of the City Council of the City of Lakewood, Washington, adopting, as a non-codified Ordinance, Pierce County Ordinance No. 89-46 codified as Chapter 13.06 PCC, providing for Sewer Utility Prohibited Discharges and Industrial Pre-treatment Regulations

WHEREAS, pursuant to communications that the City received from Pierce County, the Department of Ecology (DOE) has indicated that jurisdictions currently served by Pierce County's sewer utility need to be in agreement with the sewer utility and pre-treatment regulations of Pierce County; and,

WHEREAS, since the City of Lakewood is among those jurisdictions currently provided sewer utilities by Pierce County, it is appropriate that the City of Lakewood recognize and adopt, to the extent appropriate, Pierce County's sewer utility prohibitions on certain discharges and industrial pre-treatment regulations; and,

WHEREAS, Pierce County's current sewer utility prohibited discharges and industrial pre-treatment regulations are contained in its Ordinance No. 89-46, a copy of which is attached hereto, marked as Exhibit "A" and incorporated herein by this reference.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LAKEWOOD, WASHINGTON, DO ORDAIN as Follows:

Section 1. That the provisions of Pierce County Ordinance No. 89-46, setting forth its Sewer Utility Prohibited Discharges and Industrial Pre-treatment Regulations, a copy of which is attached hereto as Exhibit "A" is adopted for use in the City of Lakewood to comply with Department of Ecology Requirements. This Ordinance shall be a non-codified Ordinance of the City of Lakewood, and enforcement of said Pierce County Ordinance in the Corporate limits of the City is authorized hereby.

Section 2. That the City Manager is authorized to negotiate and execute an agreement with Pierce County in conformity with the provisions of the agreement attached hereto, marked as Exhibit "B" and incorporated herein by this reference, or such other agreement as otherwise meets the requirements of the Department of Ecology and the needs of the City.

Section 3. Effective Date. That this Ordinance shall be in full force and effect five (5) days after publication of the Ordinance Summary.

ADOPTED by the City Council this 7th day of December, 1998.

CITY OF LAKEWOOD

Bill Harrison, Mayor

Attest:

Alice M. Bush, CMC, City Clerk

Approved as to Form:

Daniel B. Heid, City Attorney

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3 **Exhibit "A"**
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6 FILE NO. 160

PROPOSAL NO. 89-46

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8 ORDINANCE NO. 89-46

9 Sponsored By: Councilmember Bill Stoner

10 Requested By: Pierce County Executive (Utilities)

11 AN ORDINANCE OF THE PIERCE COUNTY COUNCIL REPEALING SECTIONS 13.04.030
12 AND 13.04.040 OF THE PIERCE COUNTY CODE AND CREATING A NEW
13 CHAPTER 13.06 OF THE PIERCE COUNTY CODE ENTITLED "PIERCE
14 COUNTY SEWER UTILITY PROHIBITED DISCHARGES AND INDUSTRIAL
15 PRETREATMENT REGULATIONS" WITH THE PURPOSE OF PROHIBITING
16 THE DISCHARGE OF UNLAWFUL WASTES AND REGULATING THE
17 PRETREATMENT OF SANITARY SEWAGE (WASTEWATER).

18 WHEREAS, the Pierce County Council finds that Ordinance No. 86-104
19 was passed by the Council creating Chapter 13.04 entitled "Pierce
20 County Sewer Utility Administrative Code" which regulates the construc-
21 tion and use of permanent and interim public and private sewers and
22 drains, private sewage disposal, the installation and connection of
23 building sewers and the discharge of waters and wastes into the public
24 sewer system of the County, establishing connection charges and other
25 fees, and providing penalties for violations thereof; and

26 WHEREAS, the Council finds that it has also previously passed
27 Ordinance No. 86-127 adopting Pierce County Code Sections 13.04.030 and
28 13.04.040 which codified the "Pierce County Sewer Utility Prohibited
Discharges and Industrial Pretreatment Requirements" which prohibited
the discharges of unlawful wastes and regulating the pretreatment of
sanitary sewage (wastewater); and

WHEREAS, the Council finds that the Pierce County Utilities
Department has requested that Sections 13.04.030 and 13.04.040 of the
Pierce County Code are repealed and recodified in a new chapter; NOW,
THEREFORE,

BE IT ORDAINED by the Council of Pierce County:

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1 ORDINANCE NO. 89-46 (con't)

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3 Section 1. Sections 13.04.030 and 13.04.040 of the Pierce County Code are hereby repealed.

4
5 Section 2. A new Chapter 13.06 of the Pierce County code entitled the "Pierce County Sewer Utility Prohibited Discharges and Industrial Pretreatment Regulations" is hereby adopted as shown on Exhibit "A" attached hereto and incorporated by reference.

6
7 Section 3. Exhibit "B" attached hereto and by this reference incorporated herein is hereby adopted as the "Sewer Utility Prohibited Discharges and Industrial Pretreatment Regulations."

8
9 Section 4. All other ordinances and parts of other Ordinances inconsistent or conflicting with any part of these regulations are hereby repealed to the extent of such inconsistency or conflict.

10
11 PASSED this 6th day of June, 1989.

12 PIERCE COUNTY COUNCIL
13 Pierce County, Washington

14 Barbara Skuser

15 ATTEST:

16 Gene Rasmussen
17 Clerk of the Council

18 PIERCE COUNTY EXECUTIVE

19 Joe Stottini
20 APPROVED VETOED
21 this 9th day of June
1989.

22 Approved as to Form Only:

23 M. R. Quinn
24 Deputy Prosecuting Attorney

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4 SEWER UTILITY PROHIBITED DISCHARGES
5 AND
6 INDUSTRIAL PRETREATMENT REGULATIONS

7 New Chapter 13.06:

8 Sections 13.06.010 Compliance with Regulations.
9 13.06:020 Regulations Available at the Utilities
10 Department.

11 13.06.010 Compliance with Regulations.

12 All persons, entities, organizations and/or associations of
13 any nature whatsoever shall comply with the provisions of the
14 most recently adopted version of the Sewer Utility Prohibited
Discharges and Industrial Pretreatment Regulations, together with
any and all amendments thereto.

15 13.06.020 Regulations Available at the Utilities Department.

16 The Pierce County Sewer Utility Prohibited Discharges and
17 Industrial Pretreatment Regulations shall be available for
18 inspection at the Pierce County Utilities Department during
normal business hours and/or copies may be purchased for a fee of
\$ 5.00.

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3 INDUSTRIAL PRETREATMENT REGULATIONS

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5 I. GENERAL PROVISIONS

6 A. Purpose and Policy

7 The purpose of these regulations is to set forth uniform
8 requirements for dischargers into the Pierce County (County)
9 wastewater collection and treatment systems, and enable the County to
10 protect public health in conformity with all applicable local, State,
11 and Federal laws relating thereto.

12 The objectives of these regulations are:

- 13 1. To prevent the introduction of pollutants into the County's
14 wastewater system, which will interfere with the normal
15 operation of the system or contaminate the resulting
16 municipal sludge;
- 17 2. To prevent the introduction of pollutants into the County's
18 wastewater system, which do not receive adequate treatment
19 in the Publicly Owned Treatment Works (POTW), and which will
20 pass through the system into receiving waters or the
21 atmosphere or otherwise be incompatible with the system; and
- 22 3. To improve the opportunity to recycle and reclaim wastewater
23 and sludge from the system.

24 These regulations provide for the regulation of discharge into
25 the County's wastewater system.

26 These regulations do not provide for the recovery of operations,
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1 maintenance, or replacement costs of the POTW or the costs associated
2 with the construction of collection and treatment systems used by
3 Industrial Dischargers, in proportion to their use of the POTW, which
4 are the subject of separate enactments.

5 A. Definitions

6 The following definitions apply and supplement the definitions
7 contained in Article 1 of the Pierce County Sewer Utility
8 Administrative Code.

9 1. Act/Clean Water Act. The Clean Water Act, 33 U.S.C. 1251,
10 et seq, as amended.

11 2. Applicable Pretreatment Standards. For any specified
12 pollutant, general discharge prohibitions, the County's specific
13 limitation on discharge, State standards, or the National Categorical
14 Pretreatment Standards, whichever standard is most stringent.

15 3. Categorical Pretreatment Standards. National Pretreatment
16 Standards specifying quantities or concentrations of pollutant or
17 pollutant properties which may be discharged or introduced into a
18 POTW by specific Industrial Dischargers.

19 4. Dangerous Waste. Any solid, liquid, or mixed waste defined
20 according to WAC 173-303-080 through -110.

21 5. County. Pierce County, Washington.

22 6. Director. The Director of the Pierce County Utilities
23 Department or his duly authorized representative.

24 7. Discharger/Industrial Discharger. Any non-residential user
25 who discharges an effluent into a POTW by means of pipes, conduits,
26 pumping stations, force mains, and all constructed devices and
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1 appliances appurtenant thereto.

2 8. Indirect Discharge. The discharge or the introduction of
3 non-domestic pollutants from a source regulated under Section 307(b)
4 of the Act, into a POTW.

5 9. Industrial Waste. Solid, liquid or gaseous waste resulting
6 from any industrial, manufacturing, trade, or business process or from
7 the development, recovery or processing of natural resources.

8 10. Interference. Discharge by an industrial user which, alone
9 or in conjunction with discharges by other sources, inhibits or
10 disrupts the POTW, its treatment processes or operations, or its
11 sludge processes, use or disposal, and which is a cause of a violation
12 of any requirement of the POTW's National Pollution Discharge
13 Elimination System (NPDES) permit or of the prevention of sewage
14 sludge use or disposal by the POTW in compliance with the following
15 statutory provisions and regulations or permits issued thereunder (or
16 more stringent state or local regulations): Section 405 of the Clean
17 Water Act, the Solid Waste Disposal Act (SWDA) (including Title II,
18 more commonly referred to as the Resource Conservation and Recovery
19 Act (RCRA), and including state regulations contained in any state
20 sludge management plan prepared pursuant to subtitle D of the SWDA),
21 the Clean Air Act, the Toxic Substances Control Act, and the Marine
22 Protection, Research and Sanctuaries Act.

23 11. Lower Explosive Limit (LEL). The concentration of a
24 particular gas which will cause an explosion when the gas is mixed
25 with air and then ignited.

26 12. Minor Industrial Discharger. An industrial user of the POTW
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1 identified by the County as having the potential to discharge a waste
2 stream that, when taken into account with the waste streams of other
3 industrial users, may have significant impact on the POTW.

4 13. NPDES. National Pollutant Discharge Elimination System
5 permit program as administered by the EPA or State.

6 14. New Source. Any building, structure, facility, or
7 installation from which there is or may be a discharge of pollutants,
8 the construction of which commenced after the publication of proposed
9 Pretreatment Standards under Section 307(c) of the Act which will be
10 applicable to such source if such standards are thereafter promulgated
11 in accordance with that section.

12 15. O and M. Operations and maintenance.

13 16. Other Wastes. Decayed wood, sawdust, shavings, bark, lime,
14 refuse, ashes, garbage, offal, oil, tar, chemicals, and all other
15 substances except sewage and industrial wastes.

16 17. Pass Through. The discharge of pollutants through the POTW
17 into navigable waters in quantities or concentrations which are a
18 cause in whole or in part of a violation of any requirement of the
19 POTW's NPDES permit (including an increase in the magnitude or
20 duration of a violation).

21 18. Pollutant. Any substance discharged into a POTW or its
22 collection system which, if discharged directly, would alter the
23 chemical, biological, physical, or radiological integrity of the
24 waters of the State.

25 19. Pretreatment. The reduction of the amount of pollutants,
26 the elimination of pollutants, or the alteration of the nature of
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1 pollutant properties in wastewater to a less harmful state prior to or
2 in lieu of discharging or otherwise introducing such pollutants into
3 a POTW.

4 20. Process Wastewater. Wastewater excluding sanitary, non-
5 contact cooling, and boiler blow down wastewaters.

6 21. POTW. Publicly Owned Treatment Works. Any sewage treatment
7 works and the sewers and conveyance appurtenances discharging thereto,
8 owned, and operated by the County.

9 22. Sewage. Water-carried human wastes or a combination of
10 water-carried wastes from residences, business buildings,
11 institutions and industrial establishments, together with such
12 ground, surface, storm, or other waters that may inadvertently enter
13 the system.

14 23. Sewer. Any pipe, conduit, ditch, or other device used to
15 collect and transport sewage from the generating source.

16 24. Shall. A mandatory requirement.

17 25. Significant Industrial Discharger. Any industrial user of
18 the County's wastewater disposal system who: (1) is subject to, or
19 potentially subject to, national pretreatment standards promulgated
20 under Section 307(b) or (c) of the Clean Water Act (CWA); or (2) has
21 in its wastes any priority toxic pollutants listed in 40 CFR Part 403
22 in toxic amounts; or (3) has in its wastes toxic pollutants as defined
23 pursuant to Section 307 of the CWA in toxic amounts; or (4) has a
24 discharge flow of 25,000 gallons or more per average workday of
25 process wastewater; or (5) has a flow greater than 5 percent of the
26 average dry weather flow in the County's wastewater treatment system;
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1 or (6) is determined by the County to have a significant impact or
2 potential for significant impact, either singly or in combination with
3 other contributing industries, on the wastewater treatment system, the
4 quality of sludge, the system's effluent quality, or air emissions
5 generated by the system.

6 26. Slug load. Substances released in a discharge at a rate
7 and/or concentration which may cause interference to a POTW.

8 27. State. State of Washington.

9 28. Toxic Pollutants. Those pollutants, or combinations of
10 pollutants, including disease-causing agents, which after discharge
11 and upon exposure, ingestion, inhalation or assimilation into any
12 organism either directly from the environment or indirectly by
13 ingestion through food chains, will, on the basis of information
14 available to the Director, cause death, disease, behavioral abnor-
15 malities, cancer, genetic mutations, physiological malfunctions
16 (including reproductive malfunctions) or physical deformations in such
17 organisms or their offspring.

18 29. Upset. An exceptional incident in which a Discharger
19 unintentionally and temporarily is in a state of noncompliance with
20 the standards set forth in Section II(B) hereto due to factors beyond
21 the reasonable control of the Discharger and excluding non-compliance
22 to the extent caused by operational error, improperly designed
23 treatment facilities, lack of preventive maintenance, or careless or
24 improper operation thereof.

25 30. Wastewater. Industrial waste or sewage that may be
26 discharged to the POTW.

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II. REGULATIONS

A. General Discharge Prohibitions

No Discharger shall contribute or cause to be discharged, directly or indirectly, any of the following described substances into the wastewater disposal system or otherwise to the facilities of the County:

1. Any liquids, solids or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction to cause fire or explosion or be injurious in any other way to the operation of the POTW. At no time shall any discharge cause materials to be present in excess of five percent (5%) of their Lower Explosive Limit (LEL) for two successive measurements, nor in excess of ten percent (10%) of their lower explosive limit (LEL) for any single measurement, at any point of discharge (or any point in the system). Such materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromines, carbides, hydrides, sulfides, biphenyls, stoddard solvents, and any other substances which the County, the State, or the EPA has determined are a fire hazard or hazard to the system.
2. Solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the POTW such as, but not limited to: garbage with

1 particles greater than one-quarter inch (1/4") in any
2 dimension, animal guts or tissues, paunch manure, bones,
3 hair, hides or fleshings, entrails, whole blood, feathers,
4 ashes, cinders, sand, earth, gravel, coal, rubbish, spent
5 lime, stone or marble dust, metal, glass, straw, shavings,
6 grass clippings, rags, spent grains, spent hops, waste
7 paper, wood, plastics, gas, tar, asphalt residues, residues
8 from refining, or processing of fuel or lubricating oil,
9 mud, or glass grinding or polishing wastes.

10 3. Any wastewater having a pH less than 5.5 or higher than 9.0
11 or having any other corrosive property capable of causing
12 damage or hazard to structures, equipment, or personnel of
13 the system.

14 4. Any wastewater containing toxic pollutants in sufficient
15 quantity, either singly or by interaction, to injure or
16 interfere with any wastewater treatment process, constitute
17 a hazard to humans or animals, or to exceed the limitations
18 set forth in the National Categorical Pretreatment
19 Standards, general discharge prohibitions, specific County
20 limitations, or State standards.

21 5. Any noxious or malodorous liquids, gases, or solids which
22 either singly or by interaction are capable of creating a
23 public nuisance or hazard to life or are sufficient to
24 prevent entry into the sewers for their maintenance and
25 repair.

26 6. Any substance which may cause the POTW's effluent or
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1 treatment residues, sludges, or scums to be unsuitable for
2 reclamation and reuse or to interfere with the reclamation
3 process. Under no circumstances will a substance discharged
4 to the POTW cause the sludge to be rendered unusable for
5 agricultural uses.

- 6 7. Any substance which will cause the POTW to violate its NPDES
7 and/or other Disposal System Permits.
- 8 8. Any substance with color not removed in the treatment
9 process, such as, but not limited to, dye wastes and
10 vegetable tanning solutions.
- 11 9. Any wastewater having a temperature which will inhibit
12 biological activity in the POTW treatment plant resulting in
13 interference; but in no case, wastewater with a temperature
14 at the introduction into the County's sewage collection
15 system which exceeds 65°C (149°F) nor wastewater which would
16 cause the temperature at the headworks of the POTW to exceed
17 40° C (104° F).
- 18 10. Any slug load, which shall mean any pollutant, including
19 flow, suspended solids, and oxygen demanding pollutants
20 (BOD, etc.), and any other matter released in a single
21 extraordinary discharge episode of such volume or strength
22 as to cause interference to the POTW.
- 23 11. Any amount of unpolluted water, including, but not limited
24 to, non-contact cooling water (see Section 4.03 of the
25 Pierce County Sanitary Sewer Utility Administrative Code)
26 (Ord. No. 86-104).
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1 12. Any wastewater containing any radioactive wastes or isotopes
2 of such half life or concentration exceeding compliance with
3 applicable state or federal regulations.

4 13. Any wastewater which causes a hazard to human life or
5 creates a public nuisance.

6 14. Persistent toxic substances such as (but not limited to):

7	aldrin	a-BHC-Apha
8	dieldrin	b-BHC-Beta
	chlordane	c-BHC-(Lindane) I-Gamma
9	4,4'-DDT	g-BHC-Delta
	4,4'-DDC (p,p'-DDX)	Toxaphene
10	4,4'-DDD (p,p'-TDE)	2,4,5-TP (Silvex)
	a-endosulfan-Alpha	2,4-D
11	b-endosulfan-Beta	Methoxychlor
	endosulfan sulfate	Polychlorinated biphenyls
12	endrin	(PCBs)
	endrin aldehyde	heptachlor
13		heptachlor epoxide

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15 B. Limitations on Wastewater Strength

16 1. County and/or National Categorical Pretreatment Standards

17 County and/or national categorical pretreatment standards, as
18 promulgated by the County and/or the U.S. Environmental Protection
19 Agency (EPA) pursuant to the Act, shall be met by all Dischargers of
20 the regulated industrial categories.

21 2. State Requirements

22 State requirements and limitations on discharges to the POTW
23 shall be met by all Dischargers which are subject to such standards in
24 any instance in which they are more stringent than federal
25 requirements and limitations or those in this or any other applicable
26 ordinance. State regulations require the use of all known,
27 available, and reasonable methods of prevention, control, and

1 treatment; and prohibit the discharge of dangerous wastes to the POTW.

2 3. Right of Revision

3 The Director reserves the right to amend these regulations to
4 provide for more stringent limitations or requirements on discharges
5 to the POTW where deemed necessary to comply with the objectives set
6 forth in Section I(A) of these regulations.

7 4. Dilution

8 No Discharger shall increase the use of potable or process water
9 in any way, nor mix separate waste streams for the purpose of diluting
10 a discharge as a partial or complete substitute for adequate treatment
11 to achieve compliance with the standards set forth in these
12 regulations.

13 5. High Strength Wastes

14 Dischargers of any waters or wastes containing higher than
15 ordinary concentrations of compatible pollutants, including but not
16 limited to biochemical oxygen demanding pollutants and suspended
17 solids (ordinary concentrations are defined as 225 mg/1 5-day
18 biochemical oxygen demand and suspended solids), may be required to
19 discharge at a specific release rate or at a specified strength if, in
20 the opinion of the Director, the release of such waste in an
21 uncontrolled manner could adversely affect proper handling and
22 treatment in the POTW.

23 6. Fats, Oils, and Greases

24 No discharger shall discharge water or wastes containing in
25 excess of 50 milligrams per liter of fats, oils and greases of animal
26 or vegetable origin, petroleum products, cutting oil, or mineral
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1 products of mineral oil origin, whether or not emulsified.

2 7. Septage Haulers

3 Any material from a cesspool, privy, septic tank, or other on-
4 site disposal system shall not be discharged into the sewerage system
5 except at points and in a manner prescribed by the Director.

6 Handlers of such wastes shall obtain a permit 60 days prior to
7 discharge to the POTW, and meet requirements and conditions set forth
8 by the Director. In no case shall wastes other than of domestic
9 household origin be accepted.

10 8. Supplementary Limitations

11 No Discharger shall discharge wastewater containing materials in
12 concentrations (and/or mass limitations) which exceed the following
13 values on a 24-hour average:

14	Material	24-hour average concentration, mg/l
15	Arsenic	0.10
16	Cadmium	0.11
17	Chromium (total)	1.00
18	Chromium (hexavalent)	0.25
19	Copper	1.00
20	Cyanide (free)	0.20
21	Cyanide (total)	0.64
22	Lead	0.40
23	Mercury	0.05
24	Nickel	1.00
25	Selenium	0.05
26	Silver	0.20
27	Zinc	1.00

28 The instantaneous maximum concentration shall not exceed twice
the above values.

The Director may impose mass limitations on dischargers whose
wastes, by their dilute nature, meet the pretreatment standards or
requirements of these regulations, or in cases where the imposition of

1 mass limitations is deemed appropriate by the Director. Average daily
2 mass limitations shall be calculated as the product of the above
3 concentrations and the permitted daily flow volume. Instantaneous
4 mass discharge rates shall not exceed twice the daily average rate.

5 C. Accidental Discharges

6 1. Protection Procedures.

7 Each Discharger shall provide protection from accidental discharge of
8 prohibited or regulated materials or substances established by these
9 regulations to the County's sewerage system or to waters of the State.
10 Where necessary, facilities to prevent accidental discharge of
11 prohibited or regulated materials shall be provided and maintained at
12 the discharger's cost and expense. Detailed plans showing facilities
13 and operating procedures to provide this protection shall be submitted
14 to the Director for review, and shall be approved by the Director
15 before construction of the facility. Each Discharger, where requested
16 by the Director, shall complete its plan and submit same to the
17 Director within 90 days of being notified by the Director. No
18 Discharger who discharges to the POTW after the aforesaid date shall
19 be permitted to introduce pollutants into the system until Accidental
20 Discharge Protection Procedures have been approved by the Director.
21 Review and approval of such plans and operating procedures by the
22 Director shall not relieve the Discharger from the responsibility to
23 modify its facility as necessary to meet the requirements of these
24 regulations. The discharger must immediately take action to cease and
25 remediate any slugload or accidental discharge.
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1 2. Notification.

2 Dischargers shall notify the Director immediately upon the
3 occurrence of a slug load or accidental discharge of substances
4 prohibited or regulated by these regulations. Notification by
5 telephone call shall be followed by a written report containing the
6 following information within five (5) days. The notification shall
7 include location of discharge, date and time thereof, type of waste,
8 concentration and volume, and corrective actions. Any Discharger who
9 discharges a slug load of prohibited or regulated materials shall be
10 liable for any expense, loss or damage to the POTW, in addition to the
11 amount of any fines imposed by the Director on account thereof under
12 State or Federal law.

13 Signs shall be permanently posted in conspicuous places on
14 Discharger's premises, advising employees whom to call in the event of
15 a slug or accidental discharge. Employers shall instruct all
16 employees who may cause or discover such a discharge with respect to
17 emergency notification procedure.

18 D. Pretreatment Facilities

19 Dischargers shall provide necessary wastewater pretreatment as
20 required to comply with these regulations and shall achieve compliance
21 with all applicable pretreatment standards within the time limitations
22 as specified by appropriate statutes, regulations, and ordinances.
23 Any facilities required to pretreat wastewater to a level acceptable
24 to the Director shall be provided, properly operated, and maintained
25 at the user's expense. Detailed plans showing the pretreatment
26 facilities shall be submitted to the Director and the Washington
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1 Department of Ecology for review, and must be acceptable to the
2 Director and the WDOE before construction of the facility. The
3 Discharger shall obtain all necessary construction/operating permits
4 from the Director. Such pretreatment facilities shall be under the
5 control and direction of a qualified wastewater treatment operator.
6 Necessary qualifications shall be determined by the Director in each
7 individual case. The review of such plans shall in no way relieve the
8 user from the responsibility of modifying its facility as necessary to
9 produce an effluent acceptable to the Director under the provisions of
10 these regulations. Within a reasonable time after the completion of
11 the wastewater treatment facility, the Discharger shall furnish its
12 operations and maintenance procedures for the Director and WDOE to
13 review. Any subsequent significant changes in the pretreatment
14 facilities or method of operation shall be reported to and be accepted
15 by the Director and WDOE prior to the Discharger's initiation of the
16 changes. The permittee shall control production and/or discharges
17 upon reduction, loss, failure, or by-pass of the treatment facility
18 until the facility is restored or an alternative method of treatment
19 is provided. This requirement applies in the situation where, among
20 other things, the primary source of power of the treatment facility is
21 reduced, lost, or fails.

22 23 III. FEES AND CHARGES

24 A. Purpose

25 It is the purpose of this section to provide for the payment of
26 fees from Dischargers to the County's wastewater disposal system, to
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1 compensate the County for the cost of administration of the
2 pretreatment program established herein.

3 B. Charges and Fees

4 The County may adopt by ordinance charges and fees which may
5 include:

- 6 a. Fees for monitoring, inspections, and surveillance
7 procedures, which will be on a time and materials basis.
8 b. Fees for permit applications (permits only).
9 c. Fees for filing appeals.
10 d. Fees for reviewing accidental discharge procedures and
11 review construction inspection.
12 e. Other fees as the Director may deem necessary to carry out
13 the requirements contained herein.

14 These fees relate solely to the matters covered by these regulations
15 and are separate from all other fees chargeable by the County.
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17 IV. ADMINISTRATION

18 A. Wastewater Discharges

19 It shall be unlawful to discharge sewage, industrial wastes, or
20 other wastes except as authorized by the Director in accordance with
21 the provisions of these regulations, to any sewer within the
22 jurisdiction of the County, and/or to the POTW.

23 B. Wastewater Discharge Permit Requirements

24 All significant Industrial Dischargers proposing to connect or
25 to discharge sewage, industrial wastes, and other wastes to the POTW
26 shall obtain a Wastewater Discharge Permit before connecting to or
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1 discharging to the POTW. All new connections shall be treated as New
2 Sources. All existing Significant Industrial Dischargers connected to
3 or discharging to the POTW shall obtain a Wastewater Discharge Permit
4 within 120 days of being notified by the County.

5 1. Permit Application. Significant Industrial Dischargers
6 shall complete and file with the Director a permit application in the
7 form prescribed by the Director. The permit application filed with
8 the Director shall be accompanied by the appropriate fee. Existing
9 Significant Industrial Dischargers shall apply for a Wastewater
10 Discharge Permit within 60 days of being notified by the County, and
11 proposed new Dischargers shall apply at least 90 days prior to
12 connecting to the POTW. No discharge permit shall be issued unless
13 and until the following information has been provided:

- 14 a. Disclosure of name, address, and location of the
15 Discharger.
- 16 b. Disclosure of Standard Industrial Classification (SIC)
17 number according to the Standard Industrial
18 Classification Manual, Bureau of the Budget, 1972, as
19 amended.
- 20 c. Disclosure of wastewater constituents and
21 characteristics as requested by the Director and
22 determined by bona fide chemical and biological
23 analysis. Sampling and Analysis shall be performed in
24 accordance with procedures established by the EPA and
25 contained in 40 CFR, Part 136, as amended.
- 26 d. Disclosure of time and duration of discharges.
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- 1 e. Disclosure of average daily and instantaneous peak
2 wastewater flow rates, in gallons per day, including
3 daily, monthly, and seasonal variations, if any. All
4 flows shall be measured unless other verifiable
5 techniques are approved by the Director due to cost or
6 non-feasibility.
- 7 f. Disclosure of site plans, floor plans, mechanical and
8 plumbing plans and details to show all sewers, sewer
9 connections, inspection manholes, sampling chambers and
10 appurtenances by size, location, and elevation.
- 11 g. Description of activities, facilities, and plant
12 processes on the premises including all materials which
13 are or may be discharged to the sewers or works of the
14 County.
- 15 h. Disclosure of the nature and concentration of any
16 pollutants or materials prohibited or regulated by
17 these regulations in the discharge, together with a
18 statement regarding whether or not compliance is being
19 achieved with these regulations on a consistent basis
20 and if not, whether additional operation and
21 maintenance activities and/or additional pretreatment
22 is required for the Discharger to comply with these
23 regulations.
- 24 i. Where additional pretreatment and/or operation and
25 maintenance activities will be required to comply with
26 these regulations, the Discharger shall provide a
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1 declaration of the shortest schedule by which the
2 Discharger will provide such additional pretreatment
3 and/or implementation of additional operational and
4 maintenance activities.

5 (1) The schedule shall contain milestone dates for the
6 commencement and completion of major events
7 leading to the construction and operation of
8 additional pretreatment required for the
9 Discharger to comply with the requirements of
10 these regulations including, but not limited to,
11 dates relating to hiring an engineer, hiring other
12 appropriate personnel, completing preliminary
13 plans, completing final plans, executing
14 contracts for major components, commencing
15 construction, completing construction, and all
16 other acts necessary to achieve compliance with
17 these regulations.

18 (2) Under no circumstances shall the Director permit a
19 time increment for a single step directed toward
20 compliance which exceeds nine (9) months.

21 (3) Not later than 14 days following each milestone
22 date in the schedule, and the final date for
23 compliance, the Discharger shall submit a progress
24 report to the Director, including no less than a
25 statement as to whether or not it complied with
26 the increment of progress represented by that
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1 milestone date, and, if not, the date on which it
2 expects to comply with this increment of progress,
3 the reason for delay, and the steps being taken by
4 the Discharger to return the construction to the
5 approved schedule. In no event shall more than 9
6 months elapse between such progress reports to the
7 Director.

- 8 j. Disclosure of each product produced by type, amount,
9 process or processes, and rate of production.
- 10 k. Disclosure of the type and amount of raw materials
11 (including chemicals) utilized (average and maximum per
12 day). A materials Safety Data Sheet shall also be
13 required.
- 14 l. The signature of a principal executive officer of the
15 discharger.

16 The Director will evaluate the complete application and data
17 furnished by the Discharger and may require additional information.
18 Within 120 days after full evaluation and acceptance of the data
19 furnished, the Director shall issue a signed Wastewater Discharge
20 Permit subject to terms and conditions provided herein.

21 All sewers carrying industrial waste shall have an inspection and
22 sampling manhole or structure with an opening of no less than 24
23 inches diameter and an internal diameter of no less than 36 inches.
24 The Director may require inspection and sampling of manholes and/or
25 flow measuring, recording, and sampling equipment to assure compliance
26 with these regulations.

1 2. Permit Modifications. The Director reserves the right to
2 amend any Wastewater Discharge Permit issued hereunder in order to
3 assure compliance by the County with applicable laws and regulations.
4 Within 9 months of the promulgation of a National Categorical
5 Pretreatment Standard, the Wastewater Discharge Permit of each
6 Discharger subject to such standards shall be revised to require
7 compliance with such standards if more stringent within the time
8 frame prescribed by such standards. All National Categorical
9 Pretreatment Standards adopted after the promulgation of these
10 regulations shall be enforced by the County as part of these
11 regulations. Where a Discharger subject to a National Categorical
12 Pretreatment Standard has not previously submitted an application for
13 a Wastewater Discharge Permit as required by Section IV(B)(1), the
14 Discharger shall apply for a Wastewater Discharge Permit from the
15 Director and the WDOE within 180 days after the promulgation of the
16 applicable National Categorical Pretreatment Standard by the EPA. In
17 addition, the Discharger with an existing Wastewater Discharge Permit
18 shall submit to the Director within 180 days after the promulgation of
19 an applicable National Categorical Pretreatment Standard the
20 information required by paragraphs (h) and (i) of Section IV(B)(1).
21 The Discharger shall be informed of any proposed changes in his permit
22 at least 30 days prior to the effective date of change. Any changes
23 or new conditions upon the Discharger may require modification of the
24 Wastewater Discharge Permit, as well as include a reasonable time
25 schedule for compliance.

26 3. Permit Conditions. Wastewater Discharge Permits shall
27

1 specify no less than the following:

- 2 a. Fees and charges to be paid upon initial permit
3 issuance.
- 4 b. Limits on the average and maximum wastewater
5 constituents and characteristics regulated herein.
- 6 c. Limits on average and maximum rate and time of
7 discharge and/or requirements for flow regulations and
8 equalization.
- 9 d. Requirements for installation and maintenance of
10 inspection and sampling facilities.
- 11 e. Special conditions as the Director may reasonably
12 require under particular circumstances of a given
13 discharge, including sampling locations, frequency of
14 sampling, number, types, and standards for tests, and
15 reporting schedule.
- 16 f. Compliance schedules.
- 17 g. Requirements for submission of special technical
18 reports or discharge reports where same differ from
19 those prescribed by these regulations.
- 20 h. Requirements for immediate reporting of violations of
21 any effluent limitation established by the County.
- 22 i. Any special agreements the Director chooses to continue
23 or develop between the County and the Discharger.
- 24 j. Requirements for notification of any changes in the
25 nature of wastewater prior to discharge.
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1 k. Requirement for immediate notifications of slug
2 discharges.

3 4. Permit Duration. The duration of Wastewater Discharge
4 Permits shall not exceed five years. A permit may be issued for a
5 stated period or may be stated to expire on a specific date. All
6 Wastewater Discharge Permits shall remain in force until modification,
7 revocation, or renewal is required, as provided by the ordinance.
8 Reasons for modification or revocation include, but are not limited
9 to, termination or change in business, non-payment of assessments,
10 rates, fees, and penalties, changes in requirements (Section IV(B)(2))
11 and enforcement actions (Section V).

12 5. Duty to Apply for Permit Re-issuance. Dischargers that have
13 been issued a Wastewater Discharge Permit will be notified by the
14 County 180 days prior to the permit expiration date and shall apply
15 for re-issuance of that permit at least ninety (90) days prior to the
16 permit expiration date.

17 6. Limitations on Permit Transfer. Wastewater Discharge
18 Permits are issued to a specific Discharger for a specific operation
19 and are not assignable to another Discharger without the prior written
20 approval of the Director, or transferrable to any other location.

21 7. Public Notice. Public notice shall be given in accordance
22 with section 173-216-090 WAC.

23 C. Reporting Requirements for Discharger

24 1. Compliance Data Report. Within thirty (30) days following
25 the date for final compliance by the Discharger with applicable
26 Pretreatment Standards set forth in these regulations, or following
27

1 commencement of the introduction of wastewater into the POTW by a new
2 Discharger, any Discharger subject to these regulations shall submit
3 to the Director a report indicating the nature and concentration of
4 all prohibited or regulated substances contained in its discharge, and
5 the average and maximum daily flow in gallons. The report shall state
6 whether the applicable Pretreatment Standards or Requirements are
7 being met on a consistent basis and if not, what additional O&M and/or
8 pretreatment is necessary to bring the Discharger into compliance with
9 the applicable Pretreatment Standards or Requirements. This statement
10 shall be signed by an authorized representative of the Discharger. If
11 permit conditions are not being met, the statement must be signed by a
12 qualified professional engineer, licensed to practice in the State of
13 Washington.

14 2. Periodic Compliance Reports. Any Discharger subject to a
15 Pretreatment Standard set forth in these regulations, after the
16 compliance date of such Pretreatment Standard, or, in the case of a
17 new Discharger, after commencement of the discharge to the County,
18 shall submit to the Director, monthly (or other frequency as specified
19 by the Director), a report indicating the nature and concentration of
20 prohibited or regulated substances in the effluent which are limited
21 by the Pretreatment Standards hereof. In addition, this report shall
22 include a record of all measured average and maximum daily flows
23 during the reporting period. Flows shall be reported on the basis of
24 actual measurement.

25 Reports of permittees shall contain all results of sampling and
26 analysis of the discharge, including the flow and the nature and
27

1 concentration, or production and mass where required by the Director.
2 The frequency of monitoring by the Discharger shall be as prescribed
3 in the Wastewater Discharge Permit. All analysis shall be performed
4 in accordance with 40 CFR, Part 136 and amendments thereto.

5 Where 40 CFR, Part 136, does not include a sampling or analytical
6 technique for the pollutant in question, sampling and analysis shall
7 be performed in accordance with the procedures set forth in the EPA
8 publication, Sampling and Analysis Procedures for Screening of
9 Industrial Effluents for Priority Pollutants, April, 1977, and
10 amendments thereto, or with any other sampling and analytical
11 procedures approved by the Washington Department of Ecology.

12 D. Monitoring Facilities

13 Each Discharger shall provide and operate, at the Discharger's
14 own expense, a monitoring facility to allow inspection, sampling, and
15 flow measurement of each sewer discharge to the POTW, as required by
16 the Director to assure compliance with these regulations. Each
17 monitoring facility shall be situated on the Discharger's premises,
18 except where such a location would be impractical or cause undue
19 hardship on the Discharger, the Director may concur with the facility
20 being constructed in the public street or sidewalk area providing that
21 the facility is located so that it will not be obstructed by
22 landscaping or parked vehicles.

23 There shall be ample room in or near such sampling facility to
24 allow accurate sampling and preparation of samples for analysis by the
25 Discharger and the Director. The facility, sampling, and measuring
26 equipment shall be maintained at all times in a safe and proper
27

1 operating condition at the expense of the Discharger.

2 All monitoring facilities shall be constructed and maintained in
3 accordance with the most stringent of all applicable state and local
4 construction standards and specifications.

5 E. Inspection and Sampling

6 The Director may inspect the monitoring facilities of any
7 Discharger to determine compliance with the requirements of these
8 regulations. The Discharger shall allow the Director to enter upon
9 the premises of the Discharger at all reasonable hours for the
10 purposes of inspection, sampling, or records examination. The
11 Director shall have the right to inspect and copy any of the
12 dischargers' records that are required by, or that relate to
13 compliance with, the terms and conditions of these regulations. The
14 Director shall have the right to set up on the Discharger's property
15 such devices as are necessary to conduct sampling, inspection,
16 compliance monitoring, and/or metering operations.

17 F. Confidential Information

18 Information and data furnished to the Director with respect to
19 the nature and frequency of discharge shall be available to the public
20 or other governmental agency without restriction unless the Discharger
21 specifically requests and is able to demonstrate to the satisfaction
22 of the Director that the release of such information would divulge
23 information, processes, or methods of production entitled to
24 protection as trade secrets or proprietary information of the
25 Discharger. When requested by a Discharger furnishing a report, the
26 portions of a report or other information which may disclose trade
27

1 secrets or secret processes shall not be made available for inspection
2 by the public but shall be made available upon written request to
3 governmental agencies for uses related to these regulations, NPDES
4 Permit, State Disposal System permit, and/or the Pretreatment Programs
5 provided, however, that such portions of a report or other information
6 shall be available for use by the State or any State agency in
7 judicial review or enforcement proceedings involving the Discharger
8 furnishing the report. Wastewater constituents and characteristics
9 will not be recognized as confidential information. Information
10 accepted by the Director as confidential shall not be transmitted to
11 any governmental agency or to the general public by the Director until
12 and unless a ten-day notification is given to the Discharger.

13 14 V. ENFORCEMENT

15 A. Emergency Suspension of Service and Discharge Permits

16 The Director may, without advance notice, order suspension of the
17 wastewater treatment service and the Wastewater Discharge Permit of a
18 Discharger when it appears to the Director that an actual or
19 threatened discharge: (a) presents or threatens of an imminent or
20 substantial danger to the health or welfare of persons or substantial
21 danger to the environment; or (b) threatens to interfere with the
22 operation of the POTW, or to violate any pretreatment limits imposed
23 by these regulations. Any Discharger notified of the Director's
24 suspension order shall immediately cease all dischargers. In the
25 event of failure of the Discharger to comply with the suspension
26 order, the Director may commence judicial proceedings immediately
27

1 thereafter to compel the Discharger's specific compliance with such
2 order and/or to recover civil penalties. The Director shall reinstate
3 the Wastewater Discharge Permit and/or the wastewater treatment
4 service upon proof by the Discharger of the elimination of the
5 noncomplying discharge or conditions creating the threat as set forth
6 above.

7 B. Termination of Treatment Services

8 A Discharger shall not (a) fail to factually report accurately
9 the wastewater constituents and characteristics of its discharge; (b)
10 fail to report significant changes in wastewater constituents or
11 characteristics; (c) refuse reasonable access to the Discharger's
12 premises by representatives of the Director for the purpose of
13 inspection or monitoring; or (d) violate the conditions of its permit
14 or the provisions of these regulations, or any order of the Director
15 with respect thereto. The Director may terminate wastewater treatment
16 services or revoke the permit to any Discharger who violates any of
17 the foregoing prohibitions.

18 C. Notification of Violation -- Administrative Adjustment

19 Whenever the Director finds that any Discharger has violated any
20 of the provisions of these regulations, the Director shall cause to be
21 served upon such Discharger a written notice (either personally or by
22 certified or registered mail, return receipt requested) stating the
23 nature of the alleged violation. Within 7 days of the date of receipt
24 of the notice, the Discharger shall respond personally or in writing
25 or by certified or registered mail, return receipt requested, to the
26 Director, advising of its position with respect to the allegations.
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1 Thereafter, the Discharger shall be given the opportunity to meet to
2 ascertain the veracity of the allegations and establish a plan for the
3 satisfactory correction of the violations and prevention of a
4 recurrence thereof.

5 D. Show Cause Hearing

6 Where the violation of any of the provisions of these regulations
7 are not corrected by timely compliance by means of Administration
8 Adjustment, the Director may order any Discharger which suffers or
9 permits a violation of any of the provisions of these regulations to
10 show cause before the Director why the proposed service termination
11 action should not be taken. A written notice shall be served on the
12 Discharger by personal service, certified or registered mail, return
13 receipt requested, specifying the time and place of a hearing to be
14 held by the Director regarding the violation, the reasons why the
15 enforcement action, and directing the Discharger to show cause before
16 the Director why the enforcement action should not be taken. The
17 notice of the hearing shall be served no less than ten (10) days
18 before the hearing. Service may be made on any agent, officer, or
19 authorized representative of a Discharger. The proceedings at the
20 hearing shall be considered by the Director, which shall then enter
21 appropriate orders with respect to the alleged violations of the
22 Discharger. Appeal of such orders may be taken by the Discharger in
23 accordance with applicable local or state law.

24 E. Judicial Proceedings

25 Following the entry of any order by the Director with respect to
26 the violation by a Discharger of any of the provisions of these
27

1 regulations, the Director may commence an action for appropriate legal
2 and/or equitable relief in the appropriate local court.

3 F. Enforcement Actions -- Annual Publication

4 A list of all significant Dischargers which were in significant
5 violation of these regulations during the twelve (12) previous months
6 shall be annually published by the Director in the largest daily
7 newspaper summarizing the violation and the enforcement actions taken,
8 if any, against the Dischargers during the same twelve (12) months
9 whose violations remained uncorrected 45 or more days after
10 notification of non-compliance or which have exhibited a pattern of
11 non-compliance over that twelve-month period, or which involve failure
12 to accurately report non-compliance or which results in the Director
13 exercising its emergency authority under Section V(A) of these
14 regulations.

15 G. Right of Appeal

16 Any Discharger or any interested party shall have the right to
17 request in writing an interpretation or ruling by the Director on any
18 matter covered by these regulations and shall be entitled to a prompt,
19 written reply. In the event that such inquiry is by a Discharger and
20 deals with matters of performance or compliance with these regulations
21 or deals with a Wastewater Discharge Permit issued pursuant hereto for
22 which enforcement activity relating to an alleged violation is the
23 subject, receipt of a Discharger's request shall not stay enforcement
24 proceeding pending. Appeal of any final judicial order entered
25 pursuant to these regulations may be taken in accordance with local
26 and state law.

1 H. Operating Upsets

2 Any Discharger which experiences an upset in operations which
3 places the Discharger in a temporary state of non-compliance with
4 these regulations or a Wastewater Discharge Permit issued pursuant
5 hereto shall inform the Director thereof immediately upon first
6 awareness of the commencement of the upset. In addition to immediate
7 notification of upset, a written follow-up report thereof shall be
8 filed by the Discharger with the Director within five days. The
9 report shall specify:

- 10 1. Description of the upset, the cause thereof, and the upset's
11 impact on the Discharger's compliance status.
- 12 2. Duration of non-compliance, including exact dates and times
13 of non-compliance, and if the non-compliance continues, the
14 time by which compliance is reasonably expected to occur.
- 15 3. All steps taken or to be taken to reduce, eliminate and
16 prevent recurrence of such an upset or other conditions of
17 non-compliance.

18 A documented and verified bona fide operating upset shall be an
19 affirmative defense to any enforcement action brought by the Director
20 against the Discharger for any non-compliance with the Ordinance or
21 any Wastewater Discharge Permit issued pursuant hereto, which arises
22 out of violations alleged to have occurred during the period of the
23 upset.

24 VI. PENALTIES

25 A. Civil Penalties

26 Any Discharger who violates an order of the Director, or who
27

1 fails to comply with (a) any provision of these regulations, or (b)
2 any regulations, rule, or permit of the County, issued pursuant to
3 these regulations, shall be liable to the County for civil penalty.
4 The amount of such civil penalty shall not be less than \$250 per
5 violation nor more than \$5,000 per violation. Each day upon which a
6 violation occurs or continues shall constitute a separate violation.
7 Such penalties may be recovered by judicial actions and/or, to the
8 extent permissible by state law, by administration procedures.

9 In addition to the penalties provided herein, the County may
10 recover reasonable administrative costs, fees for wastewater testing,
11 attorneys' fees, court costs, court reporters' fees, and other
12 expenses of litigation by appropriate suit at law against the person
13 found to have violated these regulations or the orders, rules, and
14 requirements issued hereunder.

15 B. Recovery of Costs Incurred by the County

16 Any Discharger violating any of the provisions of these
17 regulations who discharges or causes a discharge producing a deposit
18 or obstruction or causes damage to or impairs the County's wastewater
19 disposal system shall be liable to the County for any expense, loss,
20 or damage caused by such violation or discharge. The Director shall
21 bill the Discharger for the cost incurred by the County for any
22 cleaning, repair, or replacement work caused by the violation or
23 discharge, including the costs for bringing the POTW back into
24 compliance with its NPDES permit associated with violation of these
25 regulations. Refusal to pay the assessed costs shall constitute a
26 violation of these regulations, enforceable under the provisions of
27

1 Section V of these regulations.

2 C. Falsifying Information

3 Any person who knowingly makes any false statement,
4 representation or certification in any application, record, plan or
5 other document filed or required to be maintained pursuant to these
6 regulations, or who falsifies, tampers with, or knowingly renders
7 inaccurate any monitoring device or method required under these
8 regulations, shall (in addition to civil and/or criminal penalties
9 provided by State law) be guilty of a misdemeanor.
10

11 VII. RECORDS RETENTION

12 All Dischargers subject to these regulations shall retain and
13 preserve for no less than three (3) years, any records, books,
14 documents, memoranda, reports, correspondence, and any and all
15 summaries thereof, relating to monitoring, sampling and chemical
16 analysis made by or in behalf of a Discharger in connection with its
17 discharge. All records which pertain to matters which are the
18 subject of Administration Adjustment or any other enforcement or
19 litigation activities brought by the Director pursuant thereto shall
20 be retained and preserved by the Discharger until all enforcement
21 activities have concluded and all periods of limitation with respect
22 to any and all appeals have expired.
23

24 VIII. SEVERABILITY

25 If any provision, paragraph, word, section or chapter of these
26 regulations are invalidated by any court of competent jurisdiction,
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1 the remaining provisions, paragraphs, words, sections, and chapters
2 shall not be affected and shall continue in full force and effect.
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Exhibit "B"

AGREEMENT BETWEEN

PIERCE COUNTY, CONTROL AUTHORITY

AND

CITY OF LAKEWOOD, CONTRIBUTING JURISDICTION

THIS AGREEMENT is entered into this _____ day of _____, 199____, by and between Pierce County, a political subdivision of the State of Washington, hereinafter referred to as the "Control Authority" and the City of Lakewood, a municipal corporation of the State of Washington, hereinafter referred to as the "Contributing Jurisdiction" (hereinafter jointly referred to as the "Parties").

RECITALS

1. Control Authority owns and operates a wastewater treatment system.
2. Contributing Jurisdiction currently utilizes this wastewater treatment system.
3. Facilities located in Contributing Jurisdiction do or may contribute wastewater, which includes industrial waste. These facilities are hereinafter referred to as industrial users.
4. Controlling Authority must implement and enforce a pretreatment program to control discharges from all industrial users of its wastewater treatment system pursuant to requirements set out in 40 CFR Part 403 [and State Code citation if appropriate]. In this Agreement Contributing Jurisdiction agrees to adopt a sewer use ordinance that subjects the industrial users within its boundaries to the necessary pretreatment controls, and Control Authority is authorized to implement and enforce that sewer use ordinance.

AGREEMENT

A. Contributing Jurisdiction will adopt the Control Authority's Sewer Use Ordinance by reference, or will adopt regulations no less stringent.

B. Whenever Control Authority revises its sewer use ordinance, it will forward a copy of the revisions to Contributing Jurisdiction for review and adoption of the same by reference or for adoption of regulations no less stringent.

C. Contributing Jurisdiction will adopt the Control Authority's pollution specific local limits by reference, or will adopt regulations no less stringent. If Control Authority makes any revisions or additions to its local limits, Control Authority will forward to Contributing Jurisdiction a copy of such revisions for review and adoption of the same by reference or for adoption of regulations no less stringent.

D. With the adoption of ordinances and/or regulations of the Control Authority or ordinances and/or regulations no less stringent, the Contributing Jurisdiction recognizes and acknowledges the authority of the Control Authority to enforce such ordinances and regulations within the corporate boundaries of the Contributing Jurisdiction, as a part of the sewer system of the Control Authority, and the Contributing Jurisdiction further recognizes and acknowledges the authority of the Control Authority to perform technical and administrative duties necessary to implement and enforce its sewer use ordinances and regulations. Control Authority will (1) update the industrial waste survey; (2) issue permits to all industrial users required to obtain a permit; (3) conduct inspections, sampling, and analysis; (4) take all appropriate enforcement action as provided for in its sewer use ordinances and regulations; and (5) perform any other technical or administrative duties the Parties deem appropriate. In addition, Control Authority may take emergency action to stop or prevent any discharge which presents or may present an

imminent danger to the health or welfare of humans, which reasonably appears to threaten the environment, or which threatens to cause interference, pass through, or sludge contamination.

E. Before an industrial user located outside the jurisdictional boundaries of Contributing Jurisdiction discharges into Contributing Jurisdiction's sewer system, Contributing Jurisdiction and Control Authority will enter into an agreement with the jurisdiction in which such industrial user is located. Such agreement will be substantially equivalent to this Agreement and must be entered into prior to a discharge from any such industrial user.

F. Control Authority will be responsible for all costs incurred by it in implementing and enforcing Contributing Jurisdiction's sewer use ordinance.

G. If any term of this Agreement is held to be invalid in any judicial action, the remaining terms will be unaffected.

H. The Parties will review and revise this Agreement to ensure compliance with the Federal Clean Water Act (42 U.S.C. §1251 et seq.) and rules and regulations (see 40 CFR Part 403) issued thereunder, as necessary, but at least once every five (5) years on a date to be determined by the Parties.

I. Either party may terminate this Agreement by providing sixty (60) days written notice to the other party. All benefits and obligations under this Agreement will cease following sixty (60) days from receipt of such notice.

J. If the authority of Control Authority to act as provided herein, within the corporate boundaries of the Contributing Jurisdiction, is questioned by an industrial user, court of law, or otherwise, the parties shall negotiate an amendment or a new agreement to ensure the implementation and enforcement of the applicable sewer use ordinances and/or regulations against its industrial users, including, but not limited to, implementing and enforcing sewer use

ordinance on its own behalf and/or amending this Agreement to clarify the Control Authority's authority.

Control Authority
PIERCE COUNTY

Contributing Jurisdiction
CITY OF LAKEWOOD

By: _____
Title: _____

D. Scott Rohlfs
City Manager

ATTEST:

By: _____
Title: _____

Alice M. Bush, CMC
City Clerk

Approved as to Form:

Daniel B. Heid
City Attorney