

ORDINANCE NO. 3481

AN ORDINANCE OF THE CITY OF MOUNT VERNON REPEALING IN ITS ENTIRETY AND REENACTING CERTAIN CHAPTERS OF TITLE 13 OF THE MOUNT VERNON MUNICIPAL CODE PERTAINING TO WASTEWATER PRETREATMENT STANDARDS

Whereas, RCW 35.67.020, gives the City of Mount Vernon the authority to maintain, conduct, and operate systems of sewerage and gives the City full jurisdiction and authority to manage, regulate, and control those systems; and

Whereas, Mount Vernon's NPDES (National Pollutant Discharge Elimination System) Permit with the Department of Ecology requires the City to assist Ecology with pretreatment development and enforcement; and

Whereas, the City has contracted HDR Engineering, Inc. to assist the City in developing a wastewater pretreatment policy; and

Whereas, the City is now using UV (Ultra Violet) light to disinfect its Wastewater Treatment Plant effluent and needs the authority to regulate substances which may interfere with UV transmittance; and

Whereas, the City has not amended its pretreatment standards since 1990; and

Whereas, updated pretreatment standards are needed to protect the WWTP and the environment;

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

SECTION 1. That Chapter 13.04 of the Mount Vernon Municipal Code is hereby repealed in its entirety and reenacted, which reenacted section shall read as follows:

**Chapter 13.04
TITLE AND DEFINITIONS**

Sections:

13.04.010 Title.

13.04.020 Definitions.

13.04.030 BOD.

13.04.040 Building drain.

13.04.050 Building sewer.

13.04.060 City.
13.04.070 City finance director.
13.04.080 Combined sewer.
13.04.090 Commercial unit.
13.04.100 Connection charges.
13.04.110 Garbage.
13.04.115 Holding tank sewage system.
13.04.120 Industrial unit.
13.04.130 Industrial wastes.
13.04.133 Local health officer.
13.04.135 Low income elderly.
13.04.140 Natural outlet.
13.04.141 Non-system wastewater.
13.04.143 On-site sewage system.
13.04.145 On-site sewage system failure.
13.04.150 Person.
13.04.160 pH.
13.04.170 Properly shredded garbage.
13.04.180 Public sewer.
13.04.183 Public Works Director
13.04.185 Residential equivalent unit.
13.04.190 Residential unit.
13.04.195 Residential unit, multiple.
13.04.200 Sanitary sewer.
13.04.210 Sewage.
13.04.215 Sewer service available.
13.04.220 Sewage treatment plant.
13.04.230 Sewage works.
13.04.240 Sewer.
13.04.250 Sewer connection permit.
13.04.260 Sewer service rates.
13.04.270 Shall – May.
13.04.280 Slug.
13.04.290 Storm drain.
13.04.310 Suspended solids.
13.04.320 Waste discharge permit.
13.04.330 Watercourse.

13.04.010 Title.

The ordinance codified in this title shall be known and may be cited as “the sewer ordinance of the city.”

13.04.020 Definitions.

Unless the context specifically indicates otherwise, the meaning of terms used in this title shall be as set forth in this chapter.

13.04.030 BOD.

“BOD” means biological oxygen demand, that is, the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20 degrees centigrade, expressed in parts per million by weight.

13.04.040 Building drain.

“Building drain” means that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of the building and conveys it to the building sewer.

13.04.050 Building sewer.

“Building sewer” or “side sewer” means the extension from the building drain to the public sewer.

13.04.060 City.

“City” means the city of Mount Vernon.

13.04.070 City finance director.

“City finance director” means the finance director of the city and any employee acting on behalf of the finance director.

13.04.080 Combined sewer.

“Combined sewer” means a sewer receiving both surface runoff and sewage.

13.04.090 Commercial unit.

“Commercial unit” means any establishment or place of business not a single-family or duplex residential unit or an industrial unit. Any structure containing three or more residential units shall be considered a commercial unit.

13.04.100 Connection charges.

“Connection charges” means the charges imposed by the city for connecting any building sewer to the public sewer and any inspection charges.

13.04.110 Garbage.

“Garbage” means solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage and sale of produce.

13.04.115 Holding tank sewage system.

“Holding tank sewage system” means an on-site sewage system that incorporates a holding tank, the services of a sewage pumper/hauler, and the off-site treatment and disposal of the sewage generated at the site served by the holding tank sewage system.

13.04.120 Industrial unit.

“Industrial unit” means any establishment which discharges on any day into the public sewers more than 120,000 gallons of flow, 300 pounds of BOD or 300 pounds of suspended

solids.

An industrial unit in existence on June 1, 1986, shall be considered a commercial user and billed accordingly, if none of the following loads are exceeded in the time frame indicated:

July 1, 1986 – June 30, 1987:

Peak daily flow 120,000 gallons

Peak daily BOD 600 pounds

Peak daily suspended solids.. 600 pounds

July 1, 1987 – June 30, 1988:

Peak daily flows..... 120,000 gallons

Peak daily BOD 450 pounds

Peak daily suspended solids.. 450 pounds

After June 30, 1988:

Peak daily flows..... 120,000 gallons

Peak daily BOD 300 pounds

Peak daily suspended solids.. 300 pounds

If the above loads are exceeded, the existing industrial unit may be considered an industrial unit from that point forward and billed accordingly.

13.04.130 Industrial wastes.

“Industrial wastes” means the water or liquid carried waste from industrial or commercial processes, as distinct from domestic wastewater. These wastes may result from any process or activity of industry, manufacturing, trade or business, from the development of any natural resource, or from animal operations such as feed lots, poultry houses or dairies.

13.04.133 Local health officer.

“Local health officer” means the health officer of Skagit County within the state of Washington, or a representative authorized by and under the direct supervision of the health officer, as defined in Chapter 70.05 RCW.

13.04.135 Low income elderly.

“Low income elderly” means a person who has applied for classification as a low income elderly person and has certified he/she qualified for exemption from all excess property taxes pursuant to the terms of RCW 84.36.381. Proof of entitlement may consist of documents or copies of documents from the county assessor’s office showing that the applicant meets the necessary qualification as set forth in RCW 84.36.381.

13.04.140 Natural outlet.

“Natural outlet” means any outlet into a watercourse, pond, ditch, lake or other body of surface or ground water.

13.04.141 Non-system wastewater.

“Non-system wastewater” means any wastewater discharged from temporary commercial operations or hauled into the City for discharge and treatment.

13.04.143 On-site sewage system.

“On-site sewage system” shall mean an integrated arrangement of components for a

residence, building, industrial establishment, or other places not connected to a public sewer system which are regulated by Chapter 246-272 WAC, and which:

A. Convey, store, treat, and/or provide subsurface soil treatment and disposal on the property where the sewage originates, or upon adjacent or nearby property; and

B. Includes piping, treatment devices, other accessories, and soil underlying the disposal component of the initial and reserve areas.

13.04.145 On-site sewage system failure.

“On-site sewage system failure” shall be determined by the local health officer.

13.04.150 Person.

“Person” means any individual, group, firm, company association, society, or corporation.

13.04.160 pH.

“pH” means the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

13.04.170 Properly shredded garbage.

“Properly shredded garbage” means the wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch (1.27 centimeters) in any dimension.

13.04.180 Public sewer.

“Public sewer” means any portion of the sewers of the city which is owned by the city.

13.04.183 Public Works Director.

Public Works Director” means the Public Works Director of the city, or his authorized deputy, agent or representative.

13.04.185 Residential equivalent unit.

“Residential equivalent unit” means the equivalent of one residential unit for purposes of computing connection charges. A “residential unit” (MVMC 13.04.190) is a single-family residential structure and shall be one residential equivalent unit. Each residential unit in a duplex residential structure shall be 0.75 of a residential equivalent unit. Each “multiple residential unit” (MVMC 13.04.195) shall be 0.5 of a residential equivalent unit.

13.04.190 Residential unit.

“Residential unit” means any structure which is designed for single-family or duplex occupancy and has one or more sinks and/or showers, and/or bathing facilities, and/or laundry facilities, and/or toilets, and shall not include garages, or sheds not having any of the above appurtenances.

13.04.195 Residential unit, multiple.

“Multiple residential unit” means a building designed to house three or more families living

independently of each other.

13.04.200 Sanitary sewer.

“Sanitary sewer” means a sewer which carries sewage and to which storm, surface water and ground water are not intentionally admitted.

13.04.210 Sewage.

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

13.04.215 Sewer service available.

“Sewer service available” shall refer to those circumstances in which:

A. Plumbing fixtures, drain lines, or other appurtenances have been connected to the city’s sewer facilities, whether or not such plumbing fixtures, drain lines, or other appurtenances are actually used such that they empty wastes into the city’s sewer facilities; or

B. The property boundary is 200 feet or less from the existing public sewer system, as measured along the anticipated sewer route using the shortest distance possible.

13.04.220 Sewage treatment plant.

“Sewage treatment plant” means any arrangement of devices and structures used for treating and disposing of sewage.

13.04.230 Sewage works.

“Sewage works” means all facilities for collecting, pumping, treating and disposing of sewage.

13.04.240 Sewer.

“Sewer” means a pipe or conduit for carrying sewage.

13.04.250 Sewer connection permit.

“Sewer connection permit” means the permit issued by the city to allow the connection of any building sewer to the public sewer.

13.04.260 Sewer service rates.

“Sewer service rates” means the monthly or annual charges imposed by the city for the use of the public sewers of the city or charges imposed whenever those sewers are available for use.

13.04.270 Shall – May.

“Shall” is mandatory; “may” is permissive.

13.04.280 Slug.

“Slug” means any discharge of water, sewage, or industrial waste which in concentration of any given constituent or in quantity of flow exceeds, for any period of duration longer than 15 minutes, more than five times the average 24-hour concentration or flows during normal operations.

13.04.290 Storm drain.

“Storm drain,” sometimes termed “storm sewer,” means a sewer which carries storm water and surface water and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.

13.04.310 Suspended solids.

“Suspended solids” means solids that either float on the surface of, or are in suspension in water, sewage or other liquids, and which are removable by laboratory filtering.

13.04.320 Waste discharge permit.

“Waste discharge permit” means both a permit issued by the city and a separate permit issued by the Department of Ecology for the discharge of waste into a public sewer, or side sewer tributary to the Mount Vernon sewerage system. When provisions herein deal with only one of the permits, it will be designated as “city discharge permit” or “Department of Ecology (DOE) discharge permit.”

13.04.330 Watercourse.

“Watercourse” means a channel in which a flow of water occurs, either continuously or intermittently.

SECTION 2. That Chapter 13.20 of the Mount Vernon Municipal Code is hereby repealed in its entirety and reenacted, which reenacted section shall read as follows:

**Chapter 13.20
USE OF PUBLIC SEWERS**

Sections:

- 13.20.010 Discharges into sanitary sewers restricted.
- 13.20.020 Discharge of storm water and other unpolluted drainage.
- 13.20.030 Discharge of certain waters or wastes prohibited.
- 13.20.040 Discharge of certain substances subject to approval of the Public Works Director.
- 13.20.050 Actions by Public Works Director regarding prohibited discharges.
- 13.20.055 Pretreatment Standards
- 13.20.060 Grease, oil and sand separators.
- 13.20.070 Maintenance of preliminary treatment or flow-equalizing facilities.
- 13.20.080 Installation of control manholes required.
- 13.20.090 Measurement, testing and analysis standards.
- 13.20.100 Special agreements for industrial waste treatment.
- 13.20.110 Confidentiality.

13.20.010 Discharges into sanitary sewers restricted.

No person shall discharge or cause to be discharged any storm water, surface water, ground water, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters into any sanitary sewer.

13.20.020 Discharge of storm water and other unpolluted drainage.

Storm water and all other unpolluted drainage shall be discharged to such sewers or to a natural outlet approved by the Public Works Director. Industrial cooling water or unpolluted process waters may be discharged on approval of the Public Works Director to a storm sewer, combined sewer or natural outlet, provided that the Public Works Director may require sampling and testing or other satisfactory proof of water quality.

13.20.030 Discharge of certain waters or wastes prohibited.

No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

A. Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas;

B. Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singularly or by interaction with other wastes to injure or interfere with any sewage treatment process, or which constitute a hazard to humans or animals, or create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant;

C. Any waters or wastes having corrosive properties capable of causing damage or hazard to structures, equipment, and personnel of the sewage works;

D. Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders;

E. No person may deposit any garbage, rubbish, dead animal, or any substance having a tendency to obstruct the flow of the sewer in any sewer, access portal, manhole, lamp-hole, flush tank, or sewer opening.

13.20.040 Discharge of certain substances subject to approval of Public Works Director.

No person shall discharge or cause to be discharged the following described substances, materials, waters, or wastes, if it appears likely in the opinion of the Public Works 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, or constitute a nuisance. In forming his opinion as to the acceptability of these wastes, the Public Works Director will give consideration to such factors as the 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 sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and other pertinent factors. The substances prohibited are:

A. Any liquid or vapor having a temperature higher than 150 degrees Fahrenheit (65 degrees Centigrade);

B. Any water or waste containing substances which may solidify or become viscous at temperatures between 32 and 150 degrees Fahrenheit (zero and 65 degrees Centigrade);

C. Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the Public Works Director;

D. Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solution whether neutralized or not;

E. 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 Public Works Director for such materials;

F. Any waters or wastes containing phenols or other taste or odor-producing substances, in such concentration exceeding limits which may be established by the Public Works Director as necessary, after treatment of the composite sewage, to meet the requirements of the state, federal or other public agencies of jurisdiction of such discharge to the receiving waters;

G. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Public Works Director in compliance with applicable state or federal regulations;

H. Any non-system wastewater. Typical examples of non-system, wastewater include wastewater from mobile vehicle washing operations, commercial motor vehicle wastewater, concrete cutting wastewater and landfill leachate;

I. 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 sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

13.20.050 Actions by Public Works Director regarding prohibited discharges.

If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in MVMC 13.20.040 and which, in the judgment of the Public Works Director, may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Public Works Director may:

A. Reject the wastes;

B. Require pretreatment to an acceptable condition for discharge to the public sewers;

C. Require control over the quantities and rates of discharge; and/or

D. Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of MVMC 13.20.100.

If the Public Works Director permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Public Works Director and subject to the requirements of all applicable codes, ordinances and laws.

13.20.055 Pretreatment standards

The national categorical pretreatment standards found at 40 CFR Chapter 1, Subchapter N, Parts 405 through 471, adopted, and hereafter amended by the EPA pursuant to the Act, and Washington State pretreatment standards found at WAC 173-216-060 and WAC 173-303, adopted, and hereafter amended by the Washington State Department of Ecology are incorporated herein by reference as if set forth in full. These standards shall be met by all industrial users of the regulated industrial categories.

The Public Works Director may also issue additional pretreatment standards pursuant to section 13.20.050.

The pretreatment standards shall be kept on file in the office of the Public Works Director,

the office of the Finance Director, and the office of the Wastewater Manager, and shall be made available to the public. The pretreatment standards shall be updated periodically, as warranted, and kept current with federal and state regulations and industry standards.

13.20.060 Grease, oil and sand separators.

A. Grease, oil and sand interceptors shall be provided when, in the opinion of the public works director, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts or any flammable wastes, sand, or other harmful ingredients, except that such interceptors shall not be required for private dwelling units. All interceptors shall be of a type and capacity approved by the public works director and shall be located as to be readily and easily accessible for cleaning and inspection.

B. Construction. Grease, oil and sand interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperatures, and shall be of substantial construction, watertight, and equipped with easily removable covers which, when bolted in place, are gastight and watertight.

C. Maintenance. Where installed, all grease, oil and sand interceptors must be maintained by the owner, at the owner's expense and liability, in good order and condition, at all times. All interceptors shall be inspected and maintained at least every 6 months unless more frequent inspection and maintenance is required by operating conditions.

13.20.070 Maintenance of preliminary treatment or flow-equalizing facilities.

Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

13.20.080 Installation of control manholes required.

When required by the Public Works Director, the owner of any property serviced by a building sewer carrying sewage shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of wastes. Such manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the Public Works Director. The manhole shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times.

13.20.090 Measurement, testing and analysis standards.

All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this title shall be conducted in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater," published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb and property. The particular analyses involved will determine whether a 24-hour composite of all outflows of a premises is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and sus-

pendent solids analyses are obtained from 24-hour composites of all outfalls whereas pHs are determined from periodic grab samples.

13.20.100 Special agreements for industrial waste treatment.

No statement contained in this chapter shall be construed as preventing any special agreement or agreements between the city and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the city for treatment, subject to payment therefor, by the industrial concern.

13.20.110 Confidentiality.

A. A person submitting or allowing the examination of data required by the director of public works in the performance of the regulatory purposes of the city's wastewater pretreatment program may, by written request contemporaneous with the disclosure, stating in specific detail the data sought to be protected and the basis of the claim of confidentiality, request the director to keep in confidence information given under the program.

B. The person must segregate from other information the data sought to be protected at the time of submittal.

C. Requests for confidentiality may relate to trade secrets or similar commercially valuable information. Approval of confidentiality is subject to any applicable laws requiring the disclosure of public records information and, further, does not apply to requests by other governmental agencies for purposes relating to the NPDES or pretreatment programs or in any enforcement proceedings relating to this chapter. Wastewater constituents, characteristics, or other "effluent data" as defined in 40 CFR 2.302 may not be granted confidentiality protection.

D. In ruling on confidentiality requests, the director, with the advice of the city attorney, may consider the practices of federal and state agencies and the purposes of the program. A determination of confidentiality may be revoked upon reasonable notice to the person who submitted the confidential data.

SECTION 3. That Chapter 13.28 of the Mount Vernon Municipal Code is hereby repealed in its entirety and reenacted, which reenacted section shall read as follows

Chapter 13.28 POWERS OF AUTHORITY OF INSPECTORS

Sections:

13.28.010 Right of entry for inspection and testing.

13.28.020 Observance of safety rules.

13.28.030 Right of entry to easements.

13.28.010 Right of entry for inspection and testing.

The Public Works Director and other duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this title. The Public Works Director or his representatives shall have no authority to enquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or

waterways or facilities for waste treatment.

13.28.020 Observance of safety rules.

While performing the necessary work on private properties referred to in MVMC 13.28.010, the Public Works Director or duly authorized employees of the city shall observe all safety rules applicable to the premises established by the company.

13.28.030 Right of entry to easements.

The Public Works Director and other duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter all private properties through which the city holds a duly negotiated easement for the purpose of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage works lying within the easement. All entry and subsequent work, if any, on the easement shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

SECTION 4. SEVERABILITY.

In the event any term or condition of this Ordinance or application thereof to any person or circumstances is held invalid, such invalidity shall not affect other terms, conditions, or applications of this Ordinance which can be given effect without the invalid term, condition, or application. To this end, the terms and conditions of this Ordinance are declared severable.


PASSED AND ADOPTED this 10 day of February, 2010.


Alicia D. Huschka, Finance Director

SIGNED AND APPROVED this 9th day of August, 2010


BUD NORRIS, Mayor

Approved as to form:


Kevin Rogerson, City Attorney

Published: August 14, 2010

The Mount Vernon City Council adopted Ordinance 3481 on February 10, 2010. An Ordinance of the City of Mount Vernon, Washington, repealing in its entirety and reenacting certain chapters of Title 13 of the Mount Vernon Municipal Code pertaining to Wastewater Pretreatment Standards. Anyone wishing to view or receive the ordinance in its entirety should contact the Mount Vernon Finance Office, 910 Cleveland, Mount Vernon WA 98273.

Published: August 14, 2010