

CHAPTER 13.06 - INDUSTRIAL WASTEWATER PRETREATMENT (updated 8/20/2019)

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13.06.010 - Purpose and policy.

- A. This chapter sets forth uniform requirements for dischargers into the public owned treatment works (POTW) and enables the City to protect public health in conformity with all applicable local, State and Federal laws relating thereto.

The objectives of this chapter are:

1. To prevent the introduction into the City wastewater system of pollutants that could interfere with the normal operation of the system or contaminate the resulting municipal sludge;

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2. To prevent the introduction into the City wastewater system of pollutants that do not receive adequate treatment in the POTW, and that will pass through the system into receiving waters or the atmosphere or otherwise be incompatible with the system;
 3. To improve the opportunity to recycle and reclaim wastewater and sludge from the system;
 4. To enable the City to comply with its National Pollutant Discharge Elimination System permit conditions, sludge use and disposal requirements, and any other Federal or State laws to which the POTW is subject.
- B. This chapter provides for the regulation of discharges into the city wastewater system.
- C. This chapter shall apply to all users of POTW. The chapter authorizes the issuance of wastewater discharge permits; provides for monitoring, compliance, and enforcement activities; establishes administrative review procedures; requires user reporting.

(Ord. 3397, 4/30/2010)

13.06.011 - Definitions.

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

- A. *"Act"* - The Clean Water Act (33 U.S.C. 1251 et seq.), as amended.
- B. *"Additive"* - Any material put into a grease interceptor (GI) or any drain lines or appurtenances discharging to a GI intended in any way to modify the operation of the GI.
- C. *"AKART"* - All known available and reasonable treatment technology.
- D. *"Applicable Pretreatment Standards"* - For any specified pollutant, the City's prohibitive discharge standard, the City's specific limitations on discharge, the State of Washington pretreatment standards, or the National Categorical Pretreatment Standards (when effective), whichever standard is most stringent.
- E. *"Authorized or duly authorized representative of the user"*
 1. If the user is a corporation:
 - a. The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or
 - b. The manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for control mechanism requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
 2. If the user is a partnership or sole proprietorship: a general partner or proprietor, respectively.
 3. If the user is a Federal, State, or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the regulated facility, or their designee.
 4. The individuals described in paragraphs 1. through 3., above, may designate another authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the

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discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the City.

- F. *"Automatic grease interceptor (AGI)"* - A GI that has provision to automatically remove separated FOG and/or settled solids from the tank and collect them for disposal.
- G. *"Biochemical oxygen demand or BOD"* - The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five days at 20 degrees centigrade, usually expressed as a concentration (e.g., mg/l).
- H. *"Best Management Practices or BMPs"* - means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in section 13.06.030.A. and B. [40 CFR 403.5(a)(1) and (b)]. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.
- I. *"Categorical Pretreatment Standard or Categorical Standard"* - Any regulation containing pollutant discharge limits promulgated by EPA in accordance with Sections 307(b) and (c) of the Act (33 U.S.C. Section 1317) which apply to a specific category of users and which appear in 40 CFR Chapter I, Subchapter N, Parts 405-471.
- J. *"Categorical industrial user"* - An industrial user subject to a categorical pretreatment standard or categorical standard.
- K. *"City"* - City of Port Angeles, Washington.
- L. *"Composite sample"* - A composite of several samples taken throughout the period of a day when a regulated discharge is occurring. Several brands of electric samplers, some with a refrigerated sample collection area, may be used. Approvable composite samplers may either use a flow paced or time paced algorithm.
- M. *"Daily limit or daily maximum limit"* - The maximum allowable discharge of a pollutant over a calendar day or equivalent representative 24-hour period.
- N. *"Director"* - The City of Port Angeles' Public Works and Utilities Director. The term also means a duly authorized representative of the Director. Whenever in this chapter the Director is given authority to establish limits, extend or shorten time, make a determination or finding, or make other decisions, he shall do so within the bounds of applicable local, state, and federal law and in accordance with BMPs.
- O. *"Discharger"* - Any non-residential user who, by any means, discharges an effluent into a POTW.
- P. *"Environmental Protection Agency"* - The U.S. Environmental Protection Agency or, where appropriate, the Regional Water Management Division Director, the Regional Administrator, or other duly authorized official.
- Q. *"Existing source"* - Any source of discharge subject to categorical standards that does not meet the definition of a "new source."
- R. *"Fats, oils, and grease (FOG)"* - The term fats, oils, and grease shall mean those components of wastewater amenable to measurement by the methods described in "Standard Methods for the Examination of Water and Wastewater," latest approved edition, or other methods approved by 40 CFR 136. For the purposes of this chapter, the term fats, oils and grease shall include polar (animal-based and plant-based) and other components extracted from wastewater by these methods, excluding the non-polar (petroleum-based) fraction.
- S. *"Food service establishment (FSE)"* - Any establishment, commercial or noncommercial, primarily engaged in the preparing, serving, or otherwise making available for consumption foodstuffs in or on a receptacle that requires washing more than two days per week and that discharges to the POTW.
- T. *"Grab sample"* - A sample which is taken from a waste stream without regard to the flow in the waste stream and over a period of time not to exceed 15 minutes.

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- U. *"Gravity grease interceptor"* - Any relatively large in-ground or above ground tank, generally, but not always, of precast concrete, with internal plumbing and baffling intended to act as a GI or AGI to serve one or more fixtures and that is remotely located.
- V. *"Grease interceptor (GI)"* - Any device designed for, and intended for, separating, collecting, and removing waterborne FOG and settleable solids prior to discharging to the POTW. This includes any AGI.
- W. *"Hydro-mechanical grease interceptor"* - Any relatively small appurtenance, generally, but not always, of cast iron or fabricated steel, with internal configuration and internal or external flow control, intended to function as a GI or AGI. All hydro-mechanical grease interceptors must be PDI or IAPMO approved.
- X. *"Indirect discharge"* - The discharge or the introduction of pollutants into the POTW from any non-domestic source regulated under Sections 307(b), (c) or (d) of the Act.
- Y. *"Industrial user" or "user"* - A source of indirect discharge. Any non-domestic source regulated under Sections 307(b), (c) or (d) of the Act. Any non-domestic source which has the potential to discharge wastewater to the POTW which could: pose a hazard to City staff or the POTW; pass through the POTW untreated or inadequately treated; interfere with operation of the POTW or the use and re-use of reclaimed water or sludge; or cause the City to violate any terms or limits of its NPDES permit.
- Z. *"Industrial waste"* - Solid, liquid or gaseous waste resulting from any industrial, manufacturing, trade or business process or from the development, recovery or processing of natural resources.
- AA. *"Instantaneous maximum discharge limit" or "instantaneous limit"* - The maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of a discrete sample. Where a user is required to take a grab sample for purposes of determining compliance with local limits, this standard is the same as the daily maximum standard. For pollutants for which users are required to take composite samples, (or for metals if no permit has been issued) the instantaneous limit shall be twice the daily limit.
- BB. *"Interference"* - A discharge which causes (either by itself or in combination with other discharges) a violation of the City's NPDES permit or prevents the intended sewage sludge use or disposal by inhibiting or disrupting the POTW, including its collection systems, pump stations, and wastewater and sludge treatment processes. An example is a discharge from a user which causes a blockage resulting in a discharge at a point not authorized under the City's NPDES permit.
- CC. *"Local limits"* - Effluent limitation developed for users by the director to specifically protect the POTW from the potential of pass through, interference, vapor toxicity, explosions, sewer corrosion, and contaminations of biosolids. Such limits shall be based on the POTW's site-specific flow and loading capacities, receiving water considerations, and reasonable treatment expectations for non-domestic wastewater.
- DD. *"May"* - Is permissive (see "shall").
- EE. *"Medical waste"* - Isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.
- FF. *"Minor industrial user (MIU)"* - A non-categorical industrial or commercial user of the POTW that does not qualify as a significant industrial user, but that operates facilities that:
 - 1. Have some discharges of wastewater that could cause detectably elevated concentrations of metals or toxics in the pretreatment quarterly analysis; or
 - 2. Have a discharge of small quantities of dangerous waste to the POTW which have been excluded from regulation under Chapter 173-303 WAC, or its successors, through the domestic sewage exclusion; or
 - 3. Have a potential to discharge or spill chemicals to the POTW.

- GG. *"Monthly average"* - The arithmetic mean of the effluent samples collected during a calendar month or specified 30-day period. Where the control authority has taken a sample during the period, it must be included in the monthly average if provided in time. However, where composite samples are required, grab samples taken for process control or by the control authority are not to be included in a monthly average.
- HH. *"Monthly average limit"* - The limit to be applied to the monthly average to determine compliance with the requirements of this chapter (see section 13.06.045 for listing).
- II. *"Natural outlet"* - Any outlet, including storm sewer overflows, into a watercourse, pond, ditch, lake or other body of surface or ground water.
- JJ. *"New source"* -
1. Any building, structure, facility, or installation from which there is (or may be) a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under Section 307(c), or its successors, of the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:
 - a. The building, structure, facility, or installation is constructed at a site at which no other source is located; or
 - b. The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
 - c. The production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source, should be considered.
 2. Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility, or installation meeting the criteria of subsections (1)(b) or (c) above, but otherwise alters, replaces, or adds to existing process or production equipment.
 3. Construction of a new source has commenced if the owner or operator has:
 - a. Begun, or caused to begin, as part of a continuous on-site construction program:
 - i. Any placement, assembly, or installation of facilities or equipment; or
 - ii. Significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or
 - b. Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts that can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.
- KK. *"Non-FSE FOG discharger (NFD)"* - Any establishment, such as a church, synagogue, worship hall, banquet facility, or meeting space, with a commercial-style kitchen that is used for preparing, serving, or otherwise making available for consumption foodstuffs in or on a receptacle that requires washing two days a week or less and that discharges to the POTW.
- LL. *"Non-significant industrial user (NSIU)"* - A non-categorical industrial or commercial user of the POTW that does not qualify as a significant industrial user or minor industrial user, and that operates facilities that:

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1. Have no discharges of wastewater that could cause detectably elevated concentrations of metals or toxics in the pretreatment quarterly analysis; and
 2. Have no discharge of dangerous waste to the POTW which have been excluded from regulation under Chapter 173-303 WAC, or its successors, through the domestic sewage exclusion; and
 3. Have little or no potential to discharge or spill chemicals to the POTW.
- MM. *"NPDES"* - National Pollutant Discharge Elimination System permit program as administered by the USEPA or State.
- NN. *"O and M"* - Operation and maintenance.
- OO. *"Occasional User"* - A person who does not normally discharge to the POTW, but from time-to-time has a need to discharge hauled waste. Occasional users are required to obtain a discharge permit from the director, in accordance with Sections 13.06.080(F) through 13.06.080(H) of this chapter.
- PP. *"Other User"* - a non-domestic user not fitting the descriptions of a significant industrial user, minor industrial user, non-significant industrial user, occasional user, septic waste hauler, yet requiring some kind of best management practices to carry out the purposes of this chapter.
- QQ. *"Other wastes"* - Decayed wood, sawdust, shavings, bark, lime, refuse, ashes, garbage, offal, oil, tar, chemicals and all other substances except sewage and industrial wastes.
- RR. *"Pass through"* - A discharge that exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the City's NPDES permit, including an increase in the magnitude or duration of a violation.
- SS. *"Person"* - Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity; or their legal representatives, agents, or assigns. This definition includes all Federal, State, and local governmental entities.
- TT. *"pH"* - A measure of the acidity or alkalinity of a solution, expressed in standard units.
- UU. *"POTW (public owned treatment works)"* - A treatment works, as defined by Section 212 of the Act (33 U.S.C. Section 1292), that is owned by the City. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any conveyances, that convey wastewater to a treatment plant.
- VV. *"Pollutant"* - Dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural and industrial wastes, and certain characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, carbonaceous oxygen demand, toxicity, or odor).
- WW. *"Pretreatment"* - The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to, or in lieu of, introducing such pollutants into the POTW. This reduction or alteration can be obtained by physical, chemical, or biological processes; by process changes; or by other means, except by diluting the concentration of the pollutants unless allowed by an applicable pretreatment standard.
- XX. *"Septage"* - Hauled domestic waste from residential and commercial on-site septic systems, and food service establishment grease interceptors.
- YY. *"Sewage"* - Water-carried human wastes or a combination of water-carried wastes from residence, business buildings, institutions and industrial establishments, together with such ground, surface, storm or other waters as may be present.

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- ZZ. "Sewer" - Any pipe, conduit, ditch or other device used to collect and transport sewage or stormwater from the generating source.
- AAA. "Shall" - Is mandatory.
- BBB. "Significant industrial user (SIU)" - Except as provided in paragraph 3. below, a significant industrial user is:
1. A user subject to categorical pretreatment standards; or
 2. A user that:
 - a. Discharges an average of 25,000 gpd or more of process wastewater to the POTW (excluding sanitary, noncontact cooling, and boiler blowdown wastewater);
 - b. Contributes a process waste stream which makes up five percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or
 - c. Is designated as such by the City on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.
 3. Upon a finding that a user meeting the criteria in paragraph 2. above has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the City may at any time, on its own initiative or in response to a petition received from a user, and in accordance with procedures in 40 CFR 403.8(f)(6), or its successors, determine that such user should not be considered a significant industrial user.
- CCC. "Slugload" or "slug discharge" - Any discharge of a non-routine, episodic nature, including but not limited to, an accidental spill or a non-customary batch discharge, which has a reasonable potential to cause interference or pass through, or in any other way violate the POTW's regulations, local limits or permit conditions. This includes discharges at a flow rate or concentration that could cause a violation of the prohibited discharge standards of section 13.06.030 of this chapter.
- DDD. "Stormwater" - Any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.
- EEE. "Suspended solids" - The total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquid, and that is removable by laboratory filtering.
- FFF. "Toxic pollutants" - Those substances, and any other pollutant or combination of pollutants listed as toxic in regulations promulgated by the Administrator of the Environmental Protection Agency under Section 307, or its successors, of the Clean Water Act.
- GGG. "Upset" - An exceptional incident in which a discharger unintentionally and temporarily is in a state of noncompliance with the standards set forth in this chapter due to factors beyond the reasonable control of the discharger, and excluding noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation thereof.
- HHH. "User" or "industrial user" - A source of indirect discharge. Any non-domestic source regulated under Sections 307(b), (c) or (d) of the Act. Any non-domestic source which has the potential to discharge wastewater to the POTW which could: pose a hazard to City staff or the POTW; pass through the POTW untreated or inadequately treated; interfere with operation of the POTW or the use and re-use of reclaimed water or sludge; or cause the City to violate any terms or limits of its NPDES permit.
- III. "Wastewater" - Industrial waste, or sewage or any other waste including that which may be combined with any groundwater, surface water or stormwater, that may be discharged to the POTW.

(Ord. [3561](#) § 1, 11/1/2016; Ord. 3397, 4/30/2010)

13.06.012 - Abbreviations.

- A. AGI - Automatic grease interceptor.
- B. BOD - Biochemical oxygen demand.
- C. BMP - Best Management Practice.
- D. CFR - Code of Federal Regulations.
- E. CIU - Categorical Industrial User.
- F. DOE - Department of Ecology.
- G. EPA - U.S. Environmental Protection Agency.
- H. FSE - Food Service Establishment.
- I. FOG - Fats, oils and greases.
- J. gpd - gallons per day.
- K. GI - Grease interceptor.
- L. mg/l - milligrams per liter.
- M. MIU - Minor industrial user.
- N. NFD - Non-FSE FOG discharger.
- O. NPDES - National Pollutant Discharge Elimination System.
- P. POTW - Publicly owned treatment works.
- Q. RCRA - Resource Conservation and Recovery Act.
- R. SIU - Significant industrial user.
- S. TSS - Total suspended solids.
- T. USC - United States Code.

(Ord. [3561](#) § 1, 11/1/2016; Ord. 3397, 4/30/2010)

13.06.020 - Administration.

Except as otherwise provided herein, the Director shall administer, implement, and enforce the provisions of this chapter. Any powers granted to or duties imposed upon the Director may be delegated by the Director to other City personnel. The City of Port Angeles (City) will evaluate all industrial users (IUs) who wish to discharge into the City of Port Angeles' POTW. The City will issue all industrial wastewater discharge permits and perform enforcement actions against those IUs that are in violation of their discharge permit or this chapter.

(Ord. [3561](#) § 1, 11/1/2016; Ord. 3397, 4/30/2010)

13.06.030 - Discharge prohibitions.

The following discharges are prohibited:

- A. No user shall introduce or cause to be introduced into the POTW any pollutant or wastewater that causes pass through or interference. These general prohibitions apply to all users of the POTW whether or not they are subject to categorical pretreatment standards or any other National, State, or local pretreatment standards or requirements.

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- B. No user shall introduce or cause to be introduced into the POTW the following pollutants, substances, or wastewater:
1. Pollutants that either alone or by interaction may create a fire or explosive hazard in the POTW, a public nuisance or hazard to life, or prevent entry into the sewers for their maintenance and repair or are in any way injurious to the operation of the system or operating personnel. This includes waste streams with a closed-cup flashpoint of less than 140 degrees F (60 degrees C) using the test methods specified in 40 CFR 261.21, or its successors.
 2. Any soluble waste or wastes having a pH lower than 5.0 or higher than 11.0 or having any other corrosive property that reasonably could be hazardous to structures, equipment, or personnel of the City, such as, but not limited to, battery or plating acids and wastes, copper sulfate, chromium salts and compounds, or salt brine.
 3. Solid or viscous substances in amounts that may cause obstruction to the flow in the sewer or other interference with the operation of the system. In no case shall solids greater than one-quarter inch (0.64 cm) in any dimension be discharged.
 4. Pollutants, including oxygen-demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration that, either singly or by interaction with other pollutants, will cause interference with the POTW.
 5. Wastewater having a temperature that will interfere with the biological activity in the system, has detrimental effects on the collection system, or prevents entry into the sewer. In no case shall wastewater be discharged that causes the wastewater temperature at the treatment plant to exceed 104 degrees F (40 degrees C).
 6. Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin, in amounts that will cause pass through or interference.
 7. Pollutants that result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems.
 8. Trucked or hauled pollutants, except at discharge points designated by the Director in accordance with section 13.06.051 of this chapter.
 9. Noxious or malodorous liquids, gases, solids, or other wastewater that either singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life, or to prevent entry into the sewers for maintenance or repair.
 10. Wastewater that imparts color that cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, that consequently imparts color to the treatment plant's effluent, thereby violating the City's NPDES permit.
 11. Wastewater containing any radioactive wastes or isotopes except in compliance with applicable State or Federal regulations.
 12. Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail toxicity test.
 13. Detergents, surface-active agents, or other substances that may cause excessive foaming in the POTW.
 14. Wastewater causing two readings on an explosion hazard meter at the point of discharge into the POTW, or at any point in the POTW, of more than ten percent or any single reading over 20 percent of the lower explosive limit based on an explosivity meter reading.
- C. The following classes of discharge are prohibited unless approved by the Director because of extraordinary circumstances, such as lack of direct discharge alternatives due to combined sewer service or need to augment sewage flows due to septic conditions:
1. Noncontact cooling water in significant volumes.

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2. Stormwater, or other direct inflow sources.
 3. Wastewaters significantly affecting system hydraulic loading that do not require treatment or would not be afforded a significant degree of treatment by the system.
 4. New discharges of stormwater, surface water, groundwater, artesian well water, roof runoff, subsurface drainage, condensate, deionized water, noncontact cooling water, and unpolluted wastewater, unless specifically authorized by the Director.
 5. Sludges, screenings, or other residues from the pretreatment of industrial wastes, unless specifically authorized by the Director.
 6. Medical wastes, except as specifically authorized by the Director in a wastewater discharge permit.
- D. Pollutants, substances, or wastewater prohibited by this section shall not be processed or stored in such a manner that an unintended discharge to the sanitary sewer or the storm sewer could occur.

(Ord. [3623](#) § 1, 7/2/2019; Ord. [3561](#) § 1, 11/1/2016; Ord. 3397, 4/30/2010)

13.06.031 - Fats, oil and grease (FOG).

- A. No user shall discharge more than 100 mg/l of fats, oils or greases into the sewer system at any instant. The City may sample and inspect grease traps of commercial establishments to ensure they are being maintained to reduce buildup of grease in the sewer system. The City recognizes that preventative measures are necessary to control discharges containing FOG that might cause wastewater treatment plant interference. The City may require commercial establishments to initiate best management practices (BMPs) to control and maintain grease interceptors.
- B. All FSEs and NFDs shall have an adequate grease interceptor installed and exercise proper kitchen best management practices to ensure that excess concentrations of FOG are not discharged to the POTW. The property owner shall maintain all grease interceptors or traps in accordance with manufacturer recommendations.
- C. In the event that the City cleans a sewer main blocked by FOG originating from a commercial establishment, the commercial establishment shall reimburse the City for those costs.

(Ord. [3561](#) § 1, 11/1/2016; Ord. 3397, 4/30/2010)

13.06.032 - New construction.

- A. Prior to construction of a new FSE or NFD, a building permit shall be obtained from the appropriate jurisdiction. Plan submittals shall include kitchen fixture plan views and kitchen waste plans showing all potential grease discharging lines, all GIs, and connecting piping. The application shall be routed to the Director or his designee for review and approval prior to connecting new construction to the POTW.
- B. All new single occupancy food service establishment buildings shall be constructed with properly sized GIs. All kitchen drains and any other drains that may carry grease-laden waste shall be connected to a GI. A dishwasher shall not be connected to hydro-mechanical GIs. If a garbage disposal/garbage grinder/macerator or similar unit is installed in a kitchen, it must discharge to the GI through a solids interceptor plumbed immediately after the garbage disposal/garbage grinder/macerator or similar unit. The solids interceptor shall be maintained in proper operating condition at all times.
- C. All new construction, multiple occupancy, and food service establishment buildings, shall include a separate waste line for all leasable spaces that discharge to a common 2,000 gallon or larger interceptor. This waste line shall be permanently marked to identify it as required by the Director. When a space is leased, sold, or rented to a FSE or NFD, all kitchen drains and any other drains that may carry grease-laden waste shall be connected to this waste line; no domestic sewage may be connected

to this line. The property owner shall be responsible for proper maintenance of this interceptor in accordance with the provisions of this chapter.

- D. All new single occupancy NFD buildings shall install a properly sized GI. Gravity GIs are recommended, but hydro-mechanical GIs are permissible. All kitchen drains and any other drains that may carry grease-laden waste shall be connected to this GI (except the dishwasher if a hydro-mechanical GI is installed). If a hydro-mechanical GI is installed, the kitchen may not have a garbage disposal/garbage grinder/macerator or similar unit installed.
- E. Any FSE or NFD undertaking a substantial remodel will be considered to be new construction for the purposes of this chapter.

(Ord. [3623](#) § 1, 7/2/2019; Ord. [3561](#) § 1, 11/1/2016; Ord. 3397, 4/30/2010)

13.06.033 - Existing construction.

- A. Every person owning or operating an FSE without a functional GI shall be required to install a functional GI. The type of GI required will be determined by the Director, taking into account cost, available space and gradient, and any other pertinent information. Where feasible, all kitchen drains and any other drains that may carry grease-laden waste shall be connected to the GI. Dishwashers shall not be connected to hydro-mechanical grease interceptors. If a garbage disposal/garbage grinder/macerator or similar unit is installed in a kitchen, it must discharge to the GI through a solids interceptor plumbed immediately after the garbage disposal/garbage grinder/macerator or similar unit. The solids interceptor shall be maintained in proper operating condition at all times.
- B. Any existing NFD without a functional GI may be required to install one. The type of GI required will be determined by the Director, taking into account cost, available space and gradient, whether the user is in a grease impact area, and any other pertinent information. Where feasible, all kitchen drains and any other drains that may carry grease-laden waste shall be connected to this GI (except the dishwasher if a hydro-mechanical GI is installed). If a hydro-mechanical GI is installed, the kitchen may not have a garbage disposal/garbage grinder/macerator or similar unit installed.

(Ord. [3623](#) § 1, 7/2/2019; Ord. [3561](#) § 1, 11/1/2016; Ord. 3397, 4/30/2010)

13.06.034 - Grease interceptor maintenance.

- A. All GIs shall be maintained to ensure proper operation. At a minimum, gravity GIs shall be cleaned at least once every 90 days and hydro-mechanical GIs cleaned at least once per week. These required frequencies may be extended with the approval of the Director. GIs must be cleaned whenever the combined thickness of the floating greases and settled solids is equal to, or greater than, 25 percent of the total liquid depth in the GI.
- B. When cleaned, a gravity GI must be completely pumped out, all solids removed, solidified grease scraped from the interior and the structure and all internal plumbing inspected for damage and corrosion. The gravity GI shall be refilled with water prior to being placed back into operation. If repairs are required, they shall be performed within seven days.
- C. When cleaned, a hydro-mechanical GI must have surface grease and oil removed, settled solids removed, all sides scraped, removable parts removed and cleaned, be inspected for damage and corrosion, and be properly reassembled. If repairs are required, they shall be performed within seven days.
- D. The grease and solids that are removed in the process of cleaning a GI shall not be discharged back into the GI, any part of the POTW, any private sewer, any drainage piping, or storm sewer system. All grease and solids removed shall be handled and disposed of in accordance with Federal, State, County and Local laws, rules and regulations. Treated water inside a hydro-mechanical GI may be temporarily removed during cleaning and returned into the hydro-mechanical GI following complete cleaning.

- E. In addition to the maintenance required above, automatic grease interceptors shall be maintained in accordance with the manufacturers' guidelines.

(Ord. [3623](#) § 1, 7/2/2019; Ord. [3561](#) § 1, 11/1/2016; Ord. 3397, 4/30/2010)

13.06.035 - Grease interceptor additives.

No additive may be introduced to the plumbing system that would reduce the effectiveness of the GI.

(Ord. [3561](#) § 1, 11/1/2016; Ord. 3397, 4/30/2010)

13.06.036 - Reserved.

Editor's note— Ord. [3623](#) § 1, adopted July 2, 2019, deleted § 13.06.036 entitled "Solids interceptor," which derived from: Ord. 3397, adopted Apr. 30, 2010; and Ord. [3561](#) § 1, adopted Nov. 1, 2016.

13.06.037 - Grease interceptor sizing.

Grease interceptors shall be sized in accordance with the standards in the currently adopted plumbing code.

(Ord. [3561](#) § 1, 11/1/2016; Ord. 3397, 4/30/2010)

13.06.038 - Flow controls.

All grease interceptors shall have an internal or external flow control installed to ensure that wastewater flow through the trap does not exceed the manufacturer's design flow rating. This flow control shall be maintained in operating condition at all times.

(Ord. [3561](#) § 1, 11/1/2016; Ord. 3397, 4/30/2010)

13.06.039 - Record keeping.

Users subject to this chapter shall document all cleaning and maintenance activities performed on their GI. These records shall be maintained for a minimum of three years and be available for inspection and copying by the Director or his representative. This period shall be automatically extended for the duration of any litigation concerning the user or the POTW, or where the user has been specifically notified of a longer retention period required by the Director.

(Ord. [3561](#) § 1, 11/1/2016; Ord. 3397, 4/30/2010)

13.06.040 - Limitations on wastewater strength.

No user shall introduce or cause to be introduced into the POTW any of the following discharges unless approved otherwise in writing by the Director:

- A. A standard five-day biochemical oxygen demand greater than 400 milligrams per liter or 50 pounds in any one load, whichever is less.
- B. Wastes containing more than 400 milligrams per liter of suspended solids or 50 pounds in any one load, whichever is less.
- C. A daily average flow of 50,000 gallons or more, or a flow greater than five percent of the flow carried by the treatment facility receiving the waste, whichever is less.

(Ord. 3397, 4/30/2010)

13.06.041 - National pretreatment standards.

The pretreatment standards found at 40 CFR Chapter I, Subchapter N, Parts 403—471, and its successors, are incorporated herein by this reference.

- A. Where a pretreatment standard, local limit, or permit limit is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the Director may impose equivalent concentration or mass limits in accordance with subsections 13.06.041.D.3 and E (see 40 CFR 403.6(c)).
- B. When pretreatment standards are expressed in terms of a mass of pollutant that may be discharged per unit of production, the Director may either impose limits based on mass or equivalent effluent concentrations. The user must supply appropriate actual or projected long-term production rates for the unit of production specified in order to facilitate this process (see 40 CFR 403.6(c)(2)).
- C. The Director may permit wastewater subject to a categorical pretreatment standard to be mixed with other wastewaters prior to treatment. In such cases, the user shall identify all categorical waste streams and provide sufficient information on each non-categorical waste stream to determine whether it should be considered dilute for each pollutant. Absent information showing that non-categorical waste streams contain the pollutant in question at levels above that of the supply water, such waste streams shall be considered dilute. In such situations, the Director shall apply the combined waste stream formula as found at 40 CFR 403.6(e), and its successors, to determine appropriate limits.
- D. When a pretreatment standard is expressed only in terms of pollutant concentrations, an industrial user may request that the City convert the limits to equivalent mass limits.
 1. The City may establish equivalent mass limits if the industrial user meets all of the conditions set forth below. To be eligible for equivalent mass limits, the industrial user must submit information with its permit application or permit modification request that:
 - a. Shows it has a pretreatment system that has consistently met all applicable pretreatment standards and maintained compliance without using dilution.
 - b. Describes the water conserving practices and technologies it employs, or will employ, to substantially reduce water use during the term of its permit.
 - c. Includes the facility's actual average daily flow rate for all waste streams from continuous effluent flow metering.
 - d. Determines an appropriate unit of production, and provides the present and long-term average production rates for this unit of production.
 - e. Shows that long-term average flow and production are representative of current operating conditions.
 - f. Shows that its daily flow rates, production levels, or pollutant levels do not vary so much that equivalent mass limits would be inappropriate.
 - g. Shows the daily and monthly average pollutant allocations currently provided based on the proposed unit of production.
 2. An industrial user subject to equivalent mass limits must:
 - a. Maintain and effectively operate control and treatment technologies adequate to achieve compliance with the equivalent mass limits.
 - b. Continue to record the facility's flow by continuous effluent flow monitoring.
 - c. Continue to record the facility's production rates.
 - d. Notify the Director if production rates are expected to vary by more than 20 percent from the baseline production rates submitted according to subsection D.1.d of this section.

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The Director may reassess and revise equivalent limits as necessary to reflect changed conditions.

- e. Continue to employ the same or comparable water conservation methods and technologies as those implemented pursuant to subsection D.1.b of this section, so long as it discharges under an equivalent mass limit.
3. Equivalent mass limits:
- a. Shall not exceed the product of the actual average daily flow from regulated process(es) of the user and the applicable concentration-based daily maximum and monthly average standards (and the appropriate unit conversion factor).
 - b. May be reassessed and the permit revised upon notification of a revised production rate, as necessary to reflect changed conditions at the facility; and
 - c. May be retained in subsequent permits if the user's production basis and other information submitted in subsection D.1 above, is verified in their reapplication. The user must also be in compliance with section 13.06.181 regarding the prohibition of bypass.
- E. The Director may convert the mass limits of the categorical pretreatment standards of 40 CFR Parts 414 (organic chemicals), 419 (petroleum refining), and 455 (pesticide formulating, packaging and repackaging) to concentration limits in permits for such users. In such cases, the Director will document the basis and the determination that dilution is not being substituted for treatment in the permit fact sheet.
- F. The Director is obliged under federal regulations to make the documentation of how any equivalent limits were derived (concentration to mass limits or vice versa) publicly available.
- G. Once incorporated into its permit, the user must comply with the equivalent limits in lieu of the categorical standards from which they were derived.
- H. The same production and flow estimates shall be used in calculating equivalent limits for the monthly (or multiple day average) and the maximum day.
- I. Users subject to permits with equivalent mass or concentration limits calculated from a production based standard shall notify the Director if production will significantly change. This notification is required within two business days after the user has a reasonable basis to know that production will significantly change in the next calendar month. Users who fail to notify the Director of such anticipated changes must meet the more stringent of the equivalent limits or the user's prior limits.

(Ord. [3623](#) § 1, 7/2/2019; Ord. [3561](#) § 1, 11/1/2016; Ord. 3397, 4/30/2010)

13.06.042 - State Pretreatment Standards.

The current version of the Washington State pretreatment standards and requirements, located at Chapter 173-216 WAC, and all subsequent amendments to those standards and requirements, are incorporated herein by this reference. All waste materials discharged from a commercial or industrial operation into the POTW must satisfy the provisions of Chapter 173-216 WAC. The following are required for discharges to a POTW:

- A. Any person who constructs or modifies or proposes to construct or modify wastewater treatment facilities must first comply with the regulations for submission of plans and reports for construction of wastewater facilities, Chapter 173-240 WAC. Until the City is delegated the authority to review and approve such plans under RCW 90.48.110, sources of non-domestic discharges shall request approval for such plans through the Department of Ecology. To ensure conformance with this requirement, proof of the approval of such plans and one copy of each approved plan shall be provided to the Director before commencing any such construction or modification.
- B. Non-significant industrial users discharging only domestic wastewater, or wastewater that the Director has determined is similar in character and strength to normal domestic wastewater with

no potential to adversely affect the POTW, shall not be required to obtain a discharge permit (WAC 173-216-050(1(d))).

- C. All significant and minor industrial users must apply for and obtain a discharge permit prior to discharging any pollutants to the POTW. Significant industrial users (SIUs) shall submit a complete permit application to the Director at least 90 days prior to the intended discharge. Minor industrial users (MIUs) shall submit a complete permit application to the Director at least 60 days prior to the intended discharge.
- D. All users shall apply all known, available, and reasonable methods to prevent and control waste discharges to the waters of the State (AKART). (WAC 173-216-050(3)).
- E. Discharge restrictions of Chapter 173-303 WAC (Dangerous Waste) shall apply to all users. (Prohibited discharge standards have been merged with Federal prohibitions in section 13.06.030).
- F. Claims of confidentiality shall be submitted according to WAC 173-216-080. Information which may not be held confidential includes the: Name and address of applicant, description of proposal, the proposed receiving water, receiving water quality, and effluent data. Claims shall be reviewed based on the standards of WAC 173-216-080, Chapter 42. 56 RCW, Chapter 173-03 WAC, and RCW 43.21A.160.
- G. Persons applying for a new permit or a permit renewal or modification which allows a new or increased pollutant loading shall publish notice for each application in the format provided by the City. Such notices shall fulfill the requirements of WAC 173-216-090. These requirements include publishing:
 - 1. The name and address of the applicant and facility/activity to be permitted.
 - 2. A brief description of the activities or operations which result in the discharge.
 - 3. Whether any tentative determination which has been reached with respect to allowing the discharge.
 - 4. The address and phone number of the office of the Director where persons can obtain additional information.
 - 5. The dates of the comment period (which shall be at least 30 calendar days).
 - 6. How and where to submit comments or have any other input into the permitting process, including requesting a public hearing.
- H. The Director shall require persons applying for a new permit or a permit renewal or modification which allows a new or increased pollutant loading to mail notice to persons who have expressed an interest in being notified, to State agencies and local governments with a regulatory interest, and shall post the notice on the premises. If the Director determines that there is sufficient public interest, the City shall hold a public meeting following the rules of WAC 173-216-100.
- I. Permit terms shall include, wherever applicable, the requirement to apply all known, available, and reasonable methods of prevention, control, and treatment.
- J. All required monitoring data shall be analyzed by a laboratory registered or accredited under the provisions of Chapter 173-50 WAC, except for flow, temperature, settleable solids, conductivity, pH, turbidity, and internal process control parameters. However, if the laboratory analyzing samples for conductivity, pH, and turbidity must otherwise be accredited, it shall be accredited for these parameters as well.

(Ord. [3561](#) § 1, 11/1/2016; Ord. 3397, 4/30/2010)

13.06.043 - Right of revision.

The City reserves the right to amend this chapter to provide for more stringent limitations or requirements on discharges to the POTW where deemed necessary to comply with the objectives set forth in section 13.06.010 of this chapter.

(Ord. 3397, 4/30/2010)

13.06.044 - Dilution.

No user shall increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limit, unless expressly authorized by an applicable pretreatment standard or requirement. The Director may impose equivalent mass limitations on users where deemed appropriate to safeguard against the use of dilution to meet applicable pretreatment standards or requirements, or in other cases when the imposition of equivalent mass limitations in lieu of, or in addition to, concentration based limitations is appropriate.

(Ord. [3623](#) § 1, 7/2/2019; Ord. 3397, 4/30/2010)

13.06.045 - Local limits.

A. The City has established local limits pursuant to 40 CFR 403.5(c). These limitations are "pretreatment standards" and are enforceable in wastewater discharge permits. The pollutant limits are established to protect against pass through and interference and reflect the application of reasonable treatment technology. No person shall discharge wastewater in excess of the following local limits.

Pollutant	Local Limit (mg/L)
Arsenic	0.21
Inorganic Arsenic	0.98
Cadmium	0.14
Chromium	4.90
Copper	2.43
Cyanide	0.50
Lead	1.09
Mercury	0.09
Molybdenum	0.17
Nickel	1.38
Selenium	0.86
Silver	0.85
Zinc	2.38

B. The limits apply at the point where the wastewater is discharged to the POTW. All concentrations for metallic substances are for total metal unless indicated otherwise. The Director may impose equivalent mass based limits in addition to, or in lieu of, concentration based limits.

C. Users discharging BOD or TSS in excess of the concentration limits by more than the threshold amount identified in section 13.06.040, must apply for a permit. The permit will specify a maximum

concentration that may not be exceeded. Such users shall be subject to surcharges up to the maximum loading limit established by permit.

- D. Users shall be subject to "instantaneous limits" (as determined by a grab sample) of equal to twice the "local limit" concentration for any pollutant for which a composite sample is required in a permit. This provision is inapplicable to Users without permits, or without the permit requirement to collect a composite sample for the analyte in question.
- E. The Director shall use the individual permit process to establish ceiling limits for compatible pollutants and appropriate discharge limits for all other pollutants not listed, including pollutants subject to regulation under RCRA, volatile or semi-volatile organics, halogenated or brominated compounds, poly-aromatic hydrocarbons, polymers, surfactants, pesticide active ingredients, etc.
- F. The Director may establish and require best management practices for any category of user or type of industrial process which creates a non-domestic waste stream. Such requirements may be applied either in lieu of or in addition to the local limits of section 13.06.045. BMPs may also include alternative limits which may be applied at the end of a specific process or treatment step instead of at the combined effluent.

(Ord. [3624](#) § 1, 8/20/2019; Ord. 3397, 4/30/2010)

13.06.050 - Accidental discharge/slug discharge control plans.

The Director may require any user to develop and implement an accidental discharge/slug discharge control plan and take other actions the Director determines are necessary to control discharges that may be caused by spills or periodic non-routine activities. Accidental discharge/slug discharge control plans shall include at least the following:

- A. A description of all discharge practices, including any non-routine batch discharges such as from cleaning, replenishment, or disposal;
- B. A description of all stored chemicals, disclosing all ingredients in formulations which could violate a discharge prohibition if discharged to the sewer;
- C. The procedures for immediately notifying the Director of any accidental or slug discharge, as required by subsection 13.06.100.F of this chapter; and
- D. The procedures that will be taken to prevent the occurrence or adverse impact from any accidental or slug discharge. Such procedures shall address the inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency response.

(Ord. 3397, 4/30/2010)

13.06.051 - Hauled wastewater.

- A. Residential wastes meeting the definition of "septage" may be introduced into the POTW at locations designated by the Director, and at such times as are established by the Director. The hauler of such wastes shall be responsible for ensuring such wastes comply with all discharge prohibitions (section 13.06.030 of this chapter) and other applicable requirements of the City. The Director shall require septic tank waste haulers to obtain septic hauler discharge permits and provide a manifest at the time of discharge identifying the customer name, address, and volume from each residence.
- B. The Director shall require the hauler, and may also require the generator, of non-domestic waste (including FOG) to obtain a discharge permit. Any disposal of other hauled industrial waste must be first approved by the Director as required by section 13.06.080.

(Ord. 3397, 4/30/2010)

13.06.060 - Pretreatment facilities.

Users shall provide wastewater treatment as necessary to comply with this chapter and shall achieve compliance with all categorical pretreatment standards, local limits, and the prohibitions set out in section 13.06.030 of this chapter within the time limitations specified by EPA, the State, or the Director, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated, and maintained at the user's expense, and satisfy state requirements for review and approval of Plans for Wastewater Facilities as described in section 13.06.042. Such plans (Engineering Report, Plans and Specifications, and Operation and Maintenance Manuals) shall be submitted as required by Chapter 173-240 WAC, and its successors, to Department of Ecology for review. Users shall obtain approval, and provide proof of Department of Ecology approval to the City, prior to construction. The review of such plans and operating procedures shall in no way relieve the user from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to the City under the provisions of this chapter.

(Ord. 3397, 4/30/2010)

13.06.061 - Additional pretreatment measures.

- A. The Director may halt or prevent any discharge of pollutants to the POTW that reasonably appear to present an imminent endangerment to the health or welfare of persons. In such cases, the Director will provide the user advance notice if possible, but shall not delay a response to imminent endangerment.
- B. The Director may halt or prevent any discharge to the POTW that presents or may present an endangerment to the environment or which threatens to interfere with the operation of the POTW (including the collection system and pump stations). In such cases, the Director shall attempt to provide not only notice to the affected user(s), but the opportunity to respond.
- C. The Director may require users to reduce or curtail certain discharges to the sewer, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage waste streams from industrial waste streams, and take all other measures to protect the POTW and determine the user's compliance with the requirements of this chapter.
- D. The Director, based on the determination that such devices are necessary for implementation of pretreatment requirements, may require any user to install and maintain, on their property and at their expense the following devices:
 1. A sample taking facility accessible to the Director.
 2. A suitable storage and/or flow equalization tank.
 3. Grease, oil, and/or grit interceptors.
 4. An approved combustible gas detection meter.
 5. Users installing any of the above devices shall ensure they are of the type and capacity approved by the Director, meet applicable building and plumbing codes, and conform to any separate requirements established by the City. Users shall locate units in areas easily accessible for cleaning and inspection by representatives of the Director. Users shall be responsible for all periodic inspection, cleaning, and repair of such devices.

(Ord. 3397, 4/30/2010)

13.06.080 - Wastewater discharge permits.

- A. *Industrial user surveys.* To satisfy this requirement, all non-domestic users of the POTW must periodically complete an industrial user survey form. Users shall fully disclose the information requested and sign the completed form in accordance with subsection B below. Proper completion of survey requirements is a condition of initial and continued discharge to the POTW. Users failing to fully comply with survey requirements within 30 days shall be subject to all enforcement measures authorized under this chapter including termination of service. The Director is authorized to prepare

several forms for this purpose and to require completion of the particular form which the Director determines appropriate to provide the information needed to categorize each user. The Director is authorized to categorize each user, provide written notice of a user's categorization and what it means, and revise this categorization at any time.

B. *Application signatories and certifications.*

1. All survey forms, wastewater discharge permit applications, and user reports must be signed by an authorized representative of the user and contain the certification statement in subsection 13.06.100.L.
2. Users shall submit a new authorization if the designation of an authorized representative is no longer accurate. This includes when a different individual or position has responsibility for the overall operation of the facility, or overall responsibility for environmental matters for the company. The user must submit the new authorization prior to or with any reports to be signed by the new authorized representative.

C. *Wastewater discharge permit requirement.*

1. The Director shall require all significant and minor industrial users to obtain wastewater discharge permits.
2. Occasional users are persons who do not normally discharge to the City POTW, but from time-to-time have a need to discharge hauled waste. Occasional users are required to obtain a discharge permit from the Director. Discharge permit applications and decisions shall be accomplished in accordance with subsections F through H of this section.
3. Other users shall implement best management practices as necessary to carry out the purposes of this chapter. For example, a wastewater discharge permit may be required solely for flow equalization or grease control.
4. Non-significant industrial users discharge only domestic wastewater, or wastewater that the Director has determined is similar in character and strength to normal domestic wastewater with no potential to adversely affect the POTW. Non-significant industrial users are not required to obtain a discharge permit.
5. Any failure to complete the required survey form, to apply for and obtain a required permit, or to comply with the terms and conditions of a wastewater discharge permit shall be deemed violations of this chapter and subject the wastewater discharge permittee to the sanctions set out in sections 13.06.150 through 13.06.170 of this chapter. Obtaining a wastewater discharge permit does not relieve a permittee of its obligation to comply with all Federal and State pretreatment standards or requirements or with any other requirements of Federal, State and local law.

D. *Wastewater discharge permitting: Existing connections.* Any user required to obtain a wastewater discharge permit who was discharging wastewater into the POTW prior to the effective date of this chapter and who wishes to continue such discharges shall, within 30 days after the effective date, apply to the Director for a wastewater discharge permit in accordance with subsection 13.06.080.F of this section, and shall not cause or allow discharges to the POTW to continue longer than 60 days after the effective date of this chapter except in accordance with a wastewater discharge permit issued by the Director.

E. *Wastewater discharge permitting: New connections.* Persons wishing to establish a new discharge of non-domestic wastewater to the POTW must first complete a survey form. Any user identified by the Director through the survey as needing a permit must file a permit application. Complete applications for wastewater discharge permits, in accordance with subsection 13.06.080.F of this section, must be filed prior to the desired date of discharge in accordance with subsection 13.06.042.C, and the discharge permit obtained prior to commencing discharge.

F. *Wastewater discharge permit application contents.*

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1. All users required to obtain a wastewater discharge permit must apply using the form provided by the Director. Users must supply the Director the following information as part of the permit application if relevant to the users operation:
 - a. *Identifying information.*
 - i. The name and physical address of the facility, the names of the operator/facility manager and owner, and the name and address of the point of contact;
 - ii. A description of activities, facilities, and plant production processes on the premises.
 - b. *A list of any environmental control permits held by or for the facility.*
 - c. *A description of operations and facilities including:*
 - i. A brief description of the operations, average rate of production, and industrial classification (SIC or NAICS codes) of the operation(s) conducted on site.
 - ii. The number and type of employees, and proposed or actual hours of operation.
 - iii. The type, amount, rate of production, and process used for each product produced.
 - iv. The type and amount of raw materials used (average and maximum rates).
 - v. The raw materials and chemicals to be routinely stored at the facility (including products in rail cars and tank trucks located on site).
 - vi. The types of wastes generated on a routine and periodic basis.
 - vii. The times and durations when wastes will be discharged.
 - viii. A schematic process diagram showing each process step, waste stream, treatment step, internal recycle, and point of discharge to the POTW. This diagram should identify which streams are subject to categorical pretreatment standard (PSES or PSNS)s.
 - ix. Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, and appurtenances by size, location, and elevation, and all points of discharge.
 - x. The sampling locations and provisions for monitoring discharges.
 - xi. Whether plans for wastewater facilities under Chapter 173-240 WAC have been developed, and their approval status (engineering report, plans and specifications, and an Operations and Maintenance Manual).
 - d. *Flow data.* The average daily (and maximum daily for SIUs only) flow, in gallons per day, to the POTW from each waste stream. Information shall be complete enough to allow use of the combined waste stream formula per subsection 13.06.041.C (and 40 CFR 403.6(e)) where applicable.
 - e. *Pollutant data.*
 - i. The categorical pretreatment standards applicable to each regulated process.
 - ii. The results of sampling and analysis identifying the nature and concentration, (and mass where required by the standard or the Director), of regulated pollutants in the discharge from each regulated process.
 - iii. The estimated peak instantaneous, daily maximum, and long-term average discharge concentrations (and mass) based on the sampling results.
 - f. *Sampling data to show samples are:*
 - i. Representative of daily operations.
 - ii. Taken just downstream from pretreatment facilities if such exist, or just downstream of the regulated process(es) if no pretreatment exists.

- iii. Collected as required by section 13.06.111 of this chapter.
 - iv. Analyzed according to section 13.06.110 of this chapter.
 - g. *Information confirming BMPs.* Where standards specify a BMP or pollution prevention alternative, the user must include the information sufficient to document that the BMPs or the applicable standards are (or will be) implemented.
 - h. Any request for a monitoring waiver (or a renewal of an approved monitoring waiver) for a pollutant neither present nor expected to be present in the discharge must include new sampling showing continued absence of the pollutant in the raw wastewater and satisfying subsection 13.06.100.D.
 - i. Any other information deemed necessary by the Director to evaluate the situation and prepare a discharge permit.
2. Incomplete or inaccurate applications will not be processed and will be returned to the user for revision. The City shall be held harmless for delays caused by returned applications.
- G. *Wastewater discharge permit decisions.* The Director will evaluate the data furnished by the user and may require additional information. Within 45 days of receipt of a complete permit application, the Director will determine whether to issue an individual wastewater discharge permit. The Director may deny any application for an individual wastewater discharge permit, if he or she determines that the discharge does not meet applicable pretreatment standards and requirements or when the discharge would cause the POTW to violate the NPDES permit.
- H. *Wastewater discharge permit duration.* The Director may issue a wastewater discharge permit for a period of up to five years from its effective date. Each wastewater discharge permit will indicate its expiration date.
- I. *Wastewater discharge permit contents.* Wastewater discharge permits will include conditions the Director deems reasonably necessary to carry out the goals of the pretreatment program (section 13.06.010), Federal and State regulations, and the requirements of this chapter.
1. *Wastewater discharge permits will contain:*
 - a. The permit issuance date, expiration date and effective date.
 - b. A statement that the wastewater discharge permit is nontransferable except in accordance with subsection L of this section, and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit.
 - c. Effluent limits, including Best Management Practices, based on applicable pretreatment standards and requirements to apply AKART (see subsection 13.06.042.I).
 - d. The pollutants to be monitored and specific monitoring requirements. This includes the sampling location(s), sampling frequencies, and sample types consistent with Federal, State, and local law (see subsection 13.06.042.J).
 - e. Requirements to submit certain reports (as reflected in section 13.06.100), provide various notifications, keep records, and implement best management practices.
 - f. The process to be used to request a waiver from monitoring for a pollutant neither present nor expected to be present in the discharge in accordance with subsection 13.06.100.D.2, or a specific waived pollutant in the case of an individual permit.
 - g. A statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable Federal, State or local law.
 - h. Requirements to control slug discharges, including to develop, update, and implement slug discharge control plans in accordance with section 13.06.050 where the Director determines such plans are important to preventing accidental, unanticipated, or non-routine discharges.

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- i. Any monitoring which has been conditionally waived by the Director according to subsection 13.06.100.D.2, but which automatically applies at any time the requirements of the conditional waiver are not met.
 - j. Reapplication requirements.
 2. *Wastewater discharge permits may contain, but need not be limited to, the following conditions:*
 - a. Pretreatment facilities and measures required by section 13.06.061 of this chapter.
 - b. Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization.
 - c. Requirements to install pretreatment technology, pollution controls, or to construct appropriate containment devices to reduce, eliminate, or prevent the introduction of pollutants into the treatment works, ground, or stormwater.
 - d. Requirements to develop and implement of waste minimization plans to reduce the amount of pollutants discharged to the POTW.
 - e. Requirements to pay charges or fees for discharge to the POTW including high strength charges.
 - f. Requirements to install and maintain inspection and sampling facilities and equipment, including flow measurement devices.
 - g. Notice that compliance with the wastewater discharge permit does not relieve the permittee of responsibility for compliance with all applicable Federal and State pretreatment standards, including those which become effective during the term of the wastewater discharge permit.
 - h. Other conditions as deemed appropriate by the Director to ensure compliance with this chapter, and State and Federal laws, rules and regulations.
- J. *Permit issuance process.*
 1. *Public notice.* Users shall follow the procedures for public notice found in subsections 13.06.042.G and H. The Director shall consider and respond to public input as appropriate prior to issuance of a permit.
 2. *Permit appeals.* The Director shall provide public notice of the issuance of a wastewater discharge permit. The notice will be published in a newspaper of general circulation that provides meaningful public notice within the jurisdictions serviced by the POTW. Any person, including the user, may petition the Director to reconsider the terms of a wastewater discharge permit within 30 days of notice of its issuance.
 - a. Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative appeal.
 - b. In its petition, the appealing party must indicate the wastewater discharge permit provisions objected to; the reasons for this objection; and the alternative condition, with rationale to support alternative conditions, if any, it seeks to place in the wastewater discharge permit.
 - c. The effectiveness of the wastewater discharge permit shall not be stayed pending the appeal.
 - d. If the Director fails to act within 30 days, a request for reconsideration shall be deemed to be denied. Decisions not to reconsider a wastewater discharge permit, not to issue a wastewater discharge permit, or not to modify a wastewater discharge permit shall be considered final administrative actions for purposes of judicial review.
 - e. Aggrieved parties seeking judicial review of the final administrative wastewater discharge permit decision must do so by filing a complaint with Superior Court of Clallam County within 30 days.
- K. *Wastewater discharge permit modification.*

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1. The Director may modify a wastewater discharge permit for good cause, including, but not limited to, the following reasons:
 - a. To incorporate any new or revised Federal, State or local pretreatment standards or requirements including new or revised local limits.
 - b. To address new or changed operations, processes, production rates, waste streams, or changes in water volume or character.
 - c. To reflect conditions at the POTW requiring an authorized discharge to be reduced or curtailed. Such requirements may be either temporary or permanent.
 - d. Based on information indicating that a permitted discharge poses a threat to the POTW or staff, the receiving waters, or to violate a prohibition of this chapter.
 - e. To address violations of any terms or conditions of the wastewater discharge permit.
 - f. To address misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required report.
 - g. To incorporate revisions based on a variance from categorical pretreatment standards approved pursuant to 40 CFR 403.13.
 - h. To correct typographical or other errors in the wastewater discharge permit.
 - i. To reflect a transfer of the facility ownership or operation to a new owner or operator as required under subsection L, below.
- L. *Wastewater discharge permit transfer.* Wastewater discharge permits may be transferred to a new owner or operator only if the permittee gives at least 30 days advance notice to the Director and the Director approves the wastewater discharge permit transfer. Failure to provide advance notice of a transfer renders the wastewater discharge permit void as of the date of facility transfer. The notice to the Director must include a written certification by the new owner or operator which:
 1. States that the new owner and/or operator will not change the facility's operations and processes unless in compliance with this chapter.
 2. Identifies the specific date on which the transfer is to occur.
 3. Acknowledges full responsibility for complying with the existing wastewater discharge permit.
- M. *Wastewater discharge permit revocation.* The Director may revoke a wastewater discharge permit for good cause, including, but not limited to, instances when a user has:
 1. Failed to notify the Director of significant changes to the wastewater prior to the changed discharge.
 2. Failed to provide prior notification to the Director of changed conditions pursuant to subsection 13.06.100.E of this chapter.
 3. Misrepresented or failed to fully disclose all relevant facts in the wastewater discharge permit application.
 4. Falsified self monitoring reports or tampered with monitoring equipment.
 5. Refused to allow the Director timely access to the facility premises and records.
 6. Failed to meet effluent limitations or permit conditions.
 7. Failed to pay applicable fines or sewer charges.
 8. Failed to meet compliance schedule deadline dates.
 9. Failed to complete a wastewater survey or wastewater discharge permit application.
 10. Failed to provide advance notice of the transfer of business ownership.

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11. Violated any pretreatment standard or requirement, or any terms of the wastewater discharge permit or this chapter.
 12. Ceased operations.
 13. Transferred business ownership.
 14. Wastewater discharge permits issued to a user are void upon the issuance of a new wastewater discharge permit to that user.
- N. *Wastewater discharge permit re-issuance* . User with an expiring wastewater discharge permit shall apply for wastewater discharge permit re-issuance by submitting a complete permit application, in accordance with subsection F of this section, a minimum of 90 days prior to the expiration of the user's existing wastewater discharge permit.
- O. *Regulation of waste received from other jurisdictions*.
1. Prior to accepting wastewater for treatment from another municipality, or from a user located outside the municipal corporate boundaries of the City, the City shall enter into an inter-municipal agreement with the contributing municipality (County, Special Purpose District, or other government entity recognized under State law). Such agreement shall affix responsibilities in an enforceable manner to ensure that the pretreatment program is fully and equitably administered in all contributing jurisdictions. Any such agreement or modification to such an agreement shall be reviewed by the City's legal counsel and shall be submitted, together with the opinion that it is legally sufficient, to the approval authority (Department of Ecology) and processed as a minor program modification.
 2. Prior to entering into an agreement required by paragraph O.1. above, the Director shall request the following information from the contributing municipality:
 - a. A description of the quality and volume of wastewater discharged to the POTW by the contributing municipality;
 - b. An inventory of all users located within the contributing municipality that are discharging to the POTW; and
 - c. Such other information as the Director may deem necessary.
 3. An interlocal agreement, as required by paragraph O.1., above, shall contain the following provisions:
 - a. Requirements for contributing municipalities to adopt a sewer use chapter that establishes pretreatment Standards and Requirements as stringent as in this chapter. The chapter provisions and limits shall be revised to conform within nine months to any future revisions of the City's chapter.
 - b. Requirements for the contributing municipality to submit a revised user inventory on at least an annual basis, and reinforce requirements to obtain a permit prior to discharge.
 - c. A clear division of responsibilities for implementing each pretreatment related activity under this chapter or in the City's National Pollutant Discharge Elimination System (NPDES) permit. Such tasks include reinforcing prohibitions, locating users, issuing wastewater discharge permits, conducting inspections, sampling, evaluating compliance, initiating enforcement, and reporting compliance. Any activities that will be conducted jointly by the contributing municipality and the Director must also be identified.
 - d. Requirements for the contributing municipality to provide the Director access to all information that the contributing municipality obtains as part of its pretreatment activities.
 - e. The nature, quality (e.g. conventional and toxic pollutant concentrations), and volume (peak and average flow rates) the contributing municipality is allowed to discharge to the City. How and where compliance will be measured, how fees for service and surcharges will be established, and how additional loading capacity, if needed, will be negotiated.

- f. Provisions ensuring that the Director may enter and inspect users' facilities located within the contributing municipality's jurisdictional boundaries to confirm that the pretreatment program is being properly administered and that users are properly categorized, etc.
- g. Provisions for addressing any breach of the terms of the inter-municipal agreement.

(Ord. [3561](#) § 1, 11/1/2016; Ord. 3397, 4/30/2010)

13.06.100 - Reporting requirements.

A. *Baseline monitoring reports.* When a categorical pretreatment standard (PSES or PSNS) for an industry category is published, users that perform that process are subject to the categorical pretreatment standard and users that either currently discharge or are scheduled to discharge wastewater from the process to the POTW, must submit a "baseline monitoring report" to the Director. This report must contain the information listed in the paragraph below. The report is due within 180 days after the effective date of a categorical pretreatment standard, unless the final administrative decision on a category determination comes later.

Users that wish to begin discharging wastewater to the POTW from operations subject to categorical pretreatment standards after EPA has published the standards (called New Sources), shall also submit a "baseline monitoring report" to the Director containing the information listed in paragraph below. However, for new sources, the report must be provided at least 90 days before desiring to discharge. New sources shall describe the method of pretreatment they intend to use to meet applicable categorical pretreatment standards. Because monitoring data will not be available for proposed facilities, new sources instead must provide estimates of the anticipated flow rates and quantity of pollutants to be discharged.

The baseline monitoring report shall include the following information:

1. All information required in subsections 13.06.080.F.1.a through 13.06.080.F.1.g.
2. Additional conditions for existing sources measuring pollutants:
 - a. Users shall take a minimum of one representative sample to compile the data for the baseline monitoring report.
 - b. Users shall take samples immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated process if no pretreatment exists. If the user mixes other wastewaters with the regulated wastewater prior to pretreatment, the user must provide the flows and concentrations necessary to apply the combined wastestream formula of subsection 13.06.041.C and 40 CFR 403.6(e). Where the user wants an alternate concentration or mass limit, and it is allowed by federal rules at 40 CFR 403.6(e), the user shall propose the adjusted limit and provide supporting data to the City.
 - c. Sampling and analysis shall be performed in accordance with section 13.06.110 (Analytical requirements), and section 13.06.111 (Sample collection).
 - d. The Director may allow the report to use only historical data if the data is good enough to allow the evaluation of whether (and which) industrial pretreatment measures are needed.
 - e. The baseline report shall indicate the time, date, place of sampling and methods of analysis. The user shall certify that the sampling and analysis presented is representative of normal work cycles and expected pollutant discharges to the POTW.
3. *Compliance certification.* The user shall furnish to the Director, upon request, a statement, reviewed by the user's authorized representative and certified by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment steps are required to meet the pretreatment standards and requirements. A qualified professional could be someone that has comprehensive experience and training with the equipment, manufacturers representative, or a professional engineer.

4. *Compliance schedule.* While New sources must install the treatment required to meet the pretreatment standards prior to operation, existing sources may be granted a compliance schedule where they must provide additional pretreatment and/or O&M to meet the pretreatment standards. In such cases, the user shall propose the shortest schedule by which they can provide the additional pretreatment and/or O&M. The completion date which the user proposes in this schedule may not be later than the compliance date established for the applicable pretreatment standard. Any compliance schedule authorized pursuant to this section must also meet the requirements set out in subsection B of this section.
 5. *Signature and report certification.* All baseline monitoring reports must be certified in accordance with subsection L of this section, and signed by an authorized representative as defined by subsection 13.06.011.E.
- B. *Compliance schedule progress reports.* The following conditions shall apply to compliance schedules proposed by operators of existing sources according to subsection A.4 above, of this section and incorporated into permits:
1. The schedule shall establish dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation);
 2. No increment referred to above shall exceed nine months;
 3. The user shall submit a progress report to the Director no later than 14 days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the user to return to the established schedule; and
 4. In no event shall more than nine months elapse between such progress reports to the Director.
- C. *Reports on compliance with categorical pretreatment standard deadline.* Both existing sources and new sources must submit a report on whether compliance has been initially achieved. For existing sources, the report is due 90 days after the date applicable categorical pretreatment standards give as the final compliance date. For a new source, the report is due 90 days after starting to discharge to the POTW. In both cases, the report must contain the information described in subsections 13.06.080.F.1.c through 13.06.080.F.1.f. For existing sources, it must also contain the compliance certification of subsection A.3 of this section and, if needed, the compliance schedule described in subsection A.4 of this section. Users subject to equivalent mass or concentration limits, as allowed by section 13.06.041, must include a reasonable measure of their long-term production rate. Other users subject to standards based on a unit of production (or other measure of operation) must include their actual production during the sampling period. All compliance reports must be signed and certified in accordance with subsection L.1 of this section.
- D. *Periodic compliance reports.*
1. Significant and minor industrial users (SIUs and MIUs), must:
 - a. Report at least twice a year, in June and December, unless other months are specified.
 - b. Report the flows and concentrations of regulated pollutants in all discharges subject to pretreatment standards.
 - c. Report average (and maximum for SIUs only) daily flows for the reporting period and identify where flow estimates are used.
 - d. Include the documentation needed to show compliance with applicable BMPs, pollution prevention alternatives, maintenance, treatment, or record keeping requirements.
 2. The Director may authorize an industrial user (IU) to forego sampling of a pollutant regulated by a pretreatment standard when it is not present in raw wastewater provided:

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- a. The IU submits a request for the waiver with their permit application or reapplication (see subsection 13.06.080.F.1.h).
- b. The IU analyzes a sample (or samples) representative of all wastewater from all processes before any treatment and includes all results with the request.
- c. The IU demonstrates through source water and untreated process water sample results that the pollutant never exceeds intake water levels. (Pollutants simply reduced by treatment to background levels are ineligible for the waiver.)
- d. The IU shows, where non-detectable sample results are returned in subsections D.2 or D.3, that they used the method from 40 CFR Part 136 with the lowest detection level.
- e. The duly authorized representative of the IU signs the request using the certification statement of subsection L.1 of this section.
- f. The IU includes, in routine monitoring reports, the statement in subsection L.2 of this section, certifying that there has been no increase in the pollutant in its waste stream due to activities of the user.
- g. The IU reports and immediately resumes the monitoring which would otherwise have been required upon discovering that a waived pollutant is present or expected to be present based on changes to the user's operations.

The Director will document the reasons supporting the waiver in the permit fact sheet, and keep any information submitted by the user and the fact sheet for three years after the waiver expires. Monitoring waivers are valid after being incorporated in a user's permit. The waiver is in effect while the permit is effective, up to five years. The Director may cancel a monitoring waiver at any time for any good reason.

3. The Director may reduce the minimum periodic compliance reporting frequency for IUs from twice a year (subsection D.1 of this section) to once a year where the IU:
 - a. Discharges wastewater subject to pretreatment standards at a rate less than one gallon per every 10,000 gallons of POTW design maximum monthly average flow capacity (per the Port Angeles NPDES permit). The IU must measure its discharge using a continuous (or totalizing) effluent flow meter. If the IU discharges in batches, the Director will determine eligibility by dividing total flows in all batches which contain any proportion subject to categorical pretreatment standards by the number of days the IU is in full operation in a given calendar month.
 - b. Discharges less than 5,000 gallons of wastewater subject to categorical pretreatment standards on the maximum day (including for batch dischargers).
 - c. Discharges categorical wastewater with less than one pound of BOD per each 10,000 pounds of POTW loading capacity. POTW loading capacity is the design maximum monthly average BOD loading capacity per the City's NPDES permit (or if not included in the permit, in approved City plans).
 - d. Discharges less than 0.01 percent of the maximum allowable headworks loading for any pollutant regulated by both an applicable categorical pretreatment standard and a local limit in section 13.06.045 of this chapter.
 - e. Has not been in significant non-compliance as defined in this chapter during the prior two years.
 - f. Has daily flow rates, production levels, or pollutant levels that are consistent enough the Director believes will allow representative data at the decreasing reporting interval.
4. Users must sign and certify all periodic compliance reports in accordance with subsection L.1 of this section.

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5. Users must take wastewater samples that are representative of their range of discharge conditions and of any discharge not disclosed in their permit application. Users must properly operate, clean, and maintain sampling and flow metering facilities and devices and ensure they function properly. The Director shall not allow user claims that sampling results are unrepresentative due to a user's failure to meet this requirement.
 6. Users subject to the reporting requirements in this section must report any additional monitoring which might determine compliance with permit requirements. This includes any additional monitoring of regulated pollutant at their respective effluent monitoring locations using procedures prescribed in subsection K of this section. In such cases, the results of this monitoring shall be included in periodic monitoring reports.
 7. Users that send electronic (digital) documents to the City to satisfy the requirements of this section must meet all state and federal electronic signature requirements: Electronic data shall be in the format required by the Director. The Director may also require reporting in both digital and traditional format.
- E. *Reports of changed conditions.* Each user must notify the Director of any significant changes to the user's operations or system that might alter the nature, quality, or volume of its wastewater. This notification must be made at least 30 days before the change. In such cases:
1. The Director may require the user to submit information as needed to evaluate the changed condition. The Director may also require a new or revised wastewater discharge permit application under subsection 13.06.080.E of this chapter, and/or
 2. The Director may issue, reissue, or modify a wastewater discharge permit applying the procedures of subsection 13.06.080.J of this chapter in response to a user's notice under this section.
- F. *Reports of potential problems.*
1. Any user that has any unusual discharge that could cause problems to the POTW must immediately notify the Director by telephone of the incident. Problems to the POTW that require reporting under this section include violating pretreatment prohibitions, treatment standards, or other requirements of section 13.06.040 of this chapter such as vapor toxicity and explosivity limits. Such discharges may include spills, slug loads, accidental discharges, or other discharges of a non-routine, episodic nature. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the user to control and curtail the discharge.
 2. Within five calendar days following such discharge, the user shall submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the user of any fines, penalties, or other liability which may be imposed pursuant to this chapter.
 3. Regardless of whether the user has been required to submit a slug discharge control plan (per section 13.06.050), all users shall post notice in a prominent location advising employees who to call at the POTW to inform the director of a potential problem discharge (subsection F.1, above). Users shall ensure that all employees who may cause or witness such a discharge are advised of the emergency notification procedures.
 4. All users must immediately notify the Director of any changes at their facility that might increase their potential for a slug discharge. This includes increasing the volume of materials stored or located on-site which, if discharged to the POTW, would cause problems. Users required to prepare a slug discharge control plan under section 13.06.050 shall also modify their plans to include the new conditions prior to, or immediately after, making such changes.

- G. *Reports from unpermitted users.* All users not required to obtain a wastewater discharge permit or general permit shall provide appropriate reports to the Director as the Director may require. This includes periodically completing and signing industrial questionnaire disclosure forms.
- H. *Notice of violation/repeat sampling and reporting.* If sampling performed by a user indicates a violation, the user must notify the Director within 24 hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Director within 30 days after becoming aware of the violation. The Director may waive the repeat sampling requirement where the City has sampled the effluent for the pollutant in question prior to the user obtaining sampling results.
- I. *Notification of the discharge of hazardous waste.*
1. Any user who discharges any substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR part 261 or Chapter 173-303 WAC must also comply with the following requirements:
 - a. Notify the Director, the EPA Regional Waste Management Division Director, and Washington State Hazardous Waste and Toxics Reduction Personnel, in writing, of the discharge. Maintain a copy of this notification and include it in all subsequent permit applications or re-applications under this chapter.
 - b. Include the following information in the notification:
 - i. The name of the hazardous waste as found in 40 CFR Part 261,
 - ii. The EPA hazardous waste number,
 - iii. The type of discharge (continuous, batch, or other).
 - c. If the discharge totals more than 220 pounds in any month, also provide:
 - i. The hazardous constituents contained in the wastes,
 - ii. An estimate of the mass and concentration of hazardous constituents in the wastestream discharged during that calendar month, and
 - iii. An estimate of the mass of constituents in the wastestream expected to be discharged during the following 12 months.
 - d. This notice shall be repeated for new or increased discharges of substances subject to this reporting requirement.
 - e. All notifications must take place prior to discharging a substance for which these reporting requirements apply. If this is not possible, the notice must be provided as soon after discharge as practical and describe why prior notice was not possible.
 - f. Users must provide notifications under this paragraph only once to EPA and the State for each hazardous waste discharged. However, all of the information of these notices shall be repeated in each new permit application submitted under this chapter.
 - g. This requirement does not relieve the user from requirements to provide other notifications, such as of changed conditions under subsection E of this section, or applicable permit conditions, permit application requirements, and prohibitions.
 - h. The notification requirements in this section do not apply to pollutants for which routine monitoring and reporting is required in a permit under this chapter.
 2. Users must report all discharges of more than 33 pounds in a 30-day period of substances which, if otherwise disposed of, would be hazardous wastes. Users must also report any discharge of acutely hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e), and their successors. Subsequent months during which the user discharges more of a hazardous waste for which notice has already been provided do not require another notification to EPA or the State, but must be reported to the Director.

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3. If new regulations under RCRA describe additional hazardous characteristics or substances as a hazardous waste, the user must provide notifications as described by this section within 90 days of the effective date of such regulations.
 4. For any notification made under this section, the user shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical and shall describe that program and reductions obtained through its implementation.
 5. This provision does not create a right to discharge any substance not otherwise permitted to be discharged by this chapter, a permit issued thereunder, or any applicable Federal or State law.
- J. *Date of receipt of reports.* The Director will credit written reports as having been submitted on the date of the postmark when mailed through the United States Postal Service. Reports delivered in any other manner will be credited as having been submitted on the business day received.
- K. *Record keeping.* Users subject to reporting requirements of this chapter shall retain the below records for all monitoring required by this chapter and for any additional monitoring which could be used to satisfy minimum monitoring requirements. Users must make these records available for inspection and copying at the location of the discharge. Users must similarly maintain documentation associated with any best management practices required under authority of section 13.06.045. Monitoring records shall include at least:
1. The time, date and place of sampling.
 2. The sampling and preservation methods used.
 3. The person taking the sample and persons with control of the sample prior to analysis.
 4. The person performing the analyses and the date the analysis was completed.
 5. The analytical techniques or methods used.
 6. The results of analysis.
 7. Users shall retain quality control and quality assurance information provided by the laboratory and submit this information in routine reporting. This information also has value in the event that the sample data is called into question. For analytes for which Washington State requires use of a certified/accredited laboratory, users must maintain the scope of accreditation for laboratories performing any analyses for them.
 8. Users shall maintain the above records for at least four years, after permit expiration, or until any litigation concerning the user or the City is complete, or for longer periods when the user has been specifically notified of a longer retention period by the Director.
- L. *Certification statements.*
1. The following certification statement must be signed by an authorized representative as defined by section 13.06.011 and included when submitting:
 - a. A permit (re-)application in accordance with subsection 13.06.080.F;
 - b. A baseline monitoring report under subsection A of this section;
 - c. A report on compliance with the categorical pretreatment standard deadlines under subsection C of this section;
 - d. A periodic compliance report required by subsections D.1—4 of this section; or
 - e. An initial request to forego sampling of a pollutant based on subsection D.2.e of this section.
- "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the

information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

2. Certification of pollutants not present. Users that have an approved monitoring waiver based on subsection D.2 of this section must also include the following certification statement in each report. This statement certifies that there has been no increase in the pollutant in its wastestream due to activities of the user:

"Based on my inquiry of the person or persons directly responsible for managing compliance with the pretreatment standard for 40 CFR _____ [specify applicable National Pretreatment Standard part(s)], I certify that, to the best of my knowledge and belief, there has been no increase in the level of _____ [list pollutant(s)] in the wastewaters due to the activities at the facility since filing of the last periodic report under section 13.06.100."

(Ord. [3561](#) § 1, 11/1/2016; Ord. 3397, 4/30/2010)

13.06.110 - Analytical requirements.

All pollutant sampling and analyses required under this chapter shall conform to the most current version of 40 CFR Part 136, unless otherwise specified in an applicable categorical pretreatment standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for a pollutant, or the Director determines that the Part 136 sampling and analytical techniques are inconsistent with the goal of the sampling, the Director may specify an analytical method. If neither case applies, users shall use validated analytical methods or applicable sampling and analytical procedures approved by EPA.

(Ord. 3397, 4/30/2010)

13.06.111 - Sample collection.

Users must ensure all samples they collect to satisfy sampling requirements under this chapter are representative of the range of conditions occurring during the reporting period. Users must also ensure that, when specified, samples are collected during the specific period.

- A. Users must use properly cleaned sample containers appropriate for the sample analysis and sample collection and preservation protocols specified in 40 CFR Part 136 and appropriate EPA guidance.
- B. Users must obtain samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides, and volatile organic compounds using grab collection techniques.
- C. For certain pollutants, users may composite multiple grab samples taken over a 24-hour period. Users may composite grab samples for cyanide, total phenols, and sulfides either in the laboratory or in the field, and may composite grab samples for volatile organics and oil and grease in the laboratory prior to analysis.
- D. For all other pollutants, users must employ 24-hour flow-proportional composite samplers unless the Director authorizes or requires an alternative sample collection method.
- E. The Director may authorize composite samples for parameters unaffected by the compositing procedures, as appropriate.
- F. The Director may require grab samples either in lieu of or in addition to composite sampling to show compliance with instantaneous discharge limits.
- G. In all cases, users must take care to ensure the samples are representative of their wastewater discharges.
- H. Users sampling to complete baseline monitoring and 90-day compliance reports required by section 13.06.100, must satisfy some specific requirements. These reports require at least four grab samples for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic

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compounds. Users may composite samples prior to analysis if allowed in 13.06.111.C. Where historical sampling data exist, the Director may also authorize fewer samples.

- I. For periodic monitoring reports, (subsection 13.06.100.D), the Director may specify the number of grab samples necessary to assess and assure compliance with applicable pretreatment standards and requirements.
- J. In cases where a user fails to sample for one or more required parameters within 30 days of the required timeframe, the City may collect and analyze a wastewater sample from the user's discharge for the required parameter(s). The City may add the costs for sampling and analysis (staff time, materials and analysis) to the user's sewer bill.

(Ord. [3561](#) § 1, 11/1/2016; Ord. 3397, 4/30/2010)

13.06.120 - Compliance monitoring.

- A. *Inspection and sampling.* The Director is authorized to perform such inspection and sampling as he determines necessary to determine whether a user is complying with all requirements of this chapter and any wastewater discharge permit or order issued hereunder. Users shall allow the Director ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.
 1. Where a user has security measures in force which require proper identification and clearance before entry into its premises, the user shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the Director will be permitted to enter without delay for the purposes of performing specific responsibilities.
 2. The Director shall have the right to set up on the user's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the user's operations.
 3. Users shall provide full access to the Director to use any monitoring facilities and utilities available or required in accordance with sections 13.06.060 and 13.06.061(C) and (D) to confirm that the standards or treatment required for discharge to the sewer are being met.
 4. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the user at the written or verbal request of the Director and shall not be replaced. The costs of clearing such access shall be borne by the user.
 5. Any unreasonable delay in allowing the Director full access to the user's premises and wastewater operations shall be a violation of this chapter.
- B. *Search warrants.* The Director may seek issuance of a search warrant from a court of competent jurisdiction. Such warrants may be secured when:
 1. The Director has been refused access or is unable to locate a representative who can authorize access to a building, structure, or property, or any part thereof, and has probable cause that a violation of this chapter is occurring on the premises.
 2. The Director has been denied access to inspect and/or sample as part of a routine inspection and sampling program of the City designed to verify compliance with this chapter or any permit or order issued hereunder; or
 3. The Director has cause to believe there is imminent endangerment of the overall public health, safety and welfare of the community by an activity on the premises.

(Ord. 3397, 4/30/2010)

13.06.130 - Confidential information.

Generally, information submitted to demonstrate compliance with pretreatment standards and requirements will be freely available to the public. Users may request certain information be withheld as confidential, if the following is followed.

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- A. Users may request that specific information be maintained as confidential. Users must promptly identify the specific information in writing, and describe why the information would be entitled to protection under applicable State or Federal laws.
- B. The City shall use its normal procedure to determine whether such information is exempt from public disclosure. When approved, the information shall not be available as public records and shall be marked confidential.
- C. All other information submitted to the Director and obtained from the Director's oversight shall be available to the public subject to the City records review policy.
- D. Federal rules prevent wastewater constituents and characteristics and other effluent data, as defined by 40 CFR 2.302, from being recognized as confidential information. Additionally, all information shall be available to governmental agencies for uses related to the NPDES program or pretreatment program, or in enforcement proceedings involving the person furnishing the report.

(Ord. 3397, 4/30/2010)

13.06.140 - Publication of users in significant noncompliance.

- A. *Publishing*: The Director must annually publish a list of the users which, at any time during the previous 12 months, were in significant noncompliance with applicable pretreatment standards and requirements. The list will be published in a newspaper of general circulation that provides meaningful public notice within the jurisdictions served by the POTW.
- B. *Definition*: The term significant noncompliance means:
 - 1. Any violation of a pretreatment standard or requirement including numerical limits, narrative standards, and prohibitions, that the Director determines has caused, alone or in combination with other discharges, interference or pass through, or endangerment of the health of POTW personnel or the general public.
 - 2. Any discharge of a pollutant that has caused imminent endangerment to the public or to the environment, or has resulted in the Director's exercise of its emergency authority to halt or prevent such a discharge.
 - 3. Any violation(s), including of Best Management Practices, that the Director determines will adversely affect the operation or implementation of the local pretreatment program.
 - 4. Chronic violations of wastewater discharge limits, defined here as those in which 66 percent or more of all of the measurements taken for the same pollutant parameter taken during a rolling six-month period exceed, by any magnitude, a numeric pretreatment standard or requirement, including instantaneous limits of section 13.06.030.
 - 5. Technical review criteria (TRC) violations, defined here as those in which 33 percent or more of wastewater measurements taken for each pollutant parameter during a rolling six-month period equal or exceed the product of the numeric pretreatment standard or requirement, (including instantaneous limits, as defined by section 13.06.030), multiplied by the applicable criteria. Applicable criteria are 1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH.
 - 6. Failure to meet, within 90 days of the scheduled date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance.
 - 7. Failure to provide any required report within 45 calendar days after the due date. This includes initial and periodic monitoring reports, and reports on initial compliance and on meeting compliance schedules.
 - 8. Failure to accurately report noncompliance.

- C. *Applicability*: The criteria in paragraphs 1-3 above are applicable to all users, whereas the criteria in paragraphs 4-8 are only applicable to SIUs.

(Ord. 3397, 4/30/2010)

13.06.150 - Administrative enforcement remedies.

In administering the City's Pretreatment Program, the Director shall follow the City Pretreatment Program's (the program) procedures as approved by DOE. In response to non-compliance with any requirement of this chapter, the Director shall apply the enforcement response plan, which is included in the Program approved by DOE. This Plan ensures that the application of remedies provided in sections 13.06.150, 13.06.160 and 13.06.170 of this chapter is appropriate to the violation, and consistent with the treatment of other users. Any person may review or obtain a copy (for a nominal charge) of the enforcement response plan by contacting the Director.

- A. *Notification of violation*. The Director may serve a written notice of violation on any user that the Director finds has violated any provision of this chapter, including terms or requirements of a permit, order, or a pretreatment standard or requirement. In all cases in this chapter, a continuation of a violation of a provision of this chapter is a "violation." Users shall, in response to a notice of violation, provide the Director a written explanation of the violation, its cause, and a corrective action plan within 30 days of the receiving this notice. Users submitting plans to correct noncompliance must include the specific actions they will take to correct ongoing and prevent future violations at the soonest practicable date. The Director's acceptance of a plan does not relieve a user of liability for any violations. The Director may also take any action, including emergency actions or any other enforcement action, without first issuing a notice of violation.
- B. *Consent orders*. The Director may enter into a consent order or other voluntary agreement to memorialize agreements with users violating any requirement of this chapter. Such agreements must include the specific action(s) required and date(s) they are to be completed to correct the noncompliance. Such documents must be constructed in a judicially enforceable manner, and have the same force and effect as administrative orders issued pursuant to sections 13.06.150(D) and 13.06.150(E) of this chapter.
- C. *Show cause hearing*. The Director may propose actions in response to a violation of any provision of this chapter, including a provision of a permit, order, or a pretreatment standard or requirement. The Director may order a user in violation to appear at a date, time, and location set by the Director to show why the proposed enforcement action should not be taken. The Director will notify the user of the violation, the proposed action, the rationale, and the users rights and obligations to provide evidence why the proposed enforcement action should not be taken, and to provide its support for any alternative it proposes at this meeting. This notification shall be served personally or by registered or certified mail (return receipt requested) at least 20 days prior to the hearing. Such notice may be served on any authorized representative of the user as defined in section 13.06.011. A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the user.
- D. *Compliance orders*. The Director may issue a compliance order to any user that has violated any provision of this chapter including a requirement of a permit, order, or a pretreatment standard or requirement. The compliance order may direct that the user come into compliance within a specified time, install and properly operate adequate treatment facilities or devices, or take such measures as the Director finds are reasonably necessary. These measures may include additional self-monitoring and management practices designed to minimize the amount of pollutants discharged to the sewer. A compliance order shall not extend the deadline for compliance established for a pretreatment standard or requirement, or relieve a user of liability for any violation, including a continuing violation. If the user does not come into compliance within the time provided, sewer service may be discontinued. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the user.

- E. *Cease and desist orders.* When the Director finds that a user has violated, or continues to violate, any provision of this chapter, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, or that the user's past violations are likely to recur, the Director may issue an order to the user directing it to cease and desist all such violations and directing the user to:
1. Immediately comply with all requirements; and
 2. Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge. Issuance of a cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the user.
- F. *Administrative fines.*
1. When the Director finds that a user has violated, or continues to violate, any provision of this chapter, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the Director may fine such user in an amount not to exceed \$1,000.00. Such fines shall be assessed on a per-violation, per-day basis. In the case of monthly or other long-term average discharge limits, fines shall be assessed for each day during the period of violation.
 2. The Director may add the costs of any emergency response, additional monitoring, investigation, and administrative costs related to the noncompliance and the Director's response to the situation to the amount of the fine.
 3. The Director will consider the economic benefit enjoyed by a user as a result of the noncompliance in cases where there appears to have been a monetary benefit from not complying. In such cases, the Director shall ensure that fines, to the maximum amounts allowable, exceed the benefit to the user from the noncompliance.
 4. Unpaid charges, fines, and penalties shall, at 30 calendar days past the due date, be assessed an additional penalty of one percent of the unpaid balance, and interest shall accrue thereafter at a rate of one percent per month. After 30 days the City shall be authorized to file a lien against the user's property for unpaid charges, fines, and penalties.
 5. Users desiring to dispute such fines must file a written request for the Director to reconsider the fine along with full payment of the fine amount within 15 working days of being notified of the fine. Where a request has merit, the Director may convene a hearing on the matter. In the event the user's appeal is successful, the Director shall rebate the difference between the initial and final penalty amounts to the user.
 6. Issuance of an administrative fine shall not be a bar against, or a prerequisite for, taking any other action against the user.
- G. *Emergency suspensions.* The Director may immediately suspend a user's discharge, or threatened discharge, when it reasonably appears to present a substantial danger to the health or welfare of persons. In such cases, the Director will first provide informal notice to the user. The Director may also immediately suspend a user's discharge, after notice and opportunity to respond, that threatens to interfere with the operation of the POTW, or that presents, or may present, a danger to the environment. Nothing in this section shall be interpreted as requiring a hearing prior to any emergency suspension under this section.
1. Any user notified of a suspension of its discharge shall immediately stop or eliminate its contribution. If a user fails to immediately comply voluntarily with the suspension order, the Director may take such steps as deemed necessary to protect the public and its interest in the sewer system. Remedies available to the Director include immediately severing the sewer connection, at the user's expense, turning off pump stations downstream of the user, and partnering with law enforcement. The Director may not allow the user to recommence its discharge until the user has demonstrated to the satisfaction of the Director that the

situation warranting the suspension has been properly addressed and any proposed termination proceeding has been resolved.

2. A user that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution and the measures taken to prevent any future occurrence. Users shall submit this report to the Director prior to the date of any show cause or termination hearing under sections 13.06.150(C) and 13.06.150(H) of this chapter.
 3. Any user causing the Director to exercise emergency authority, shall be responsible for reimbursement of all related costs to the City.
- H. *Termination of discharge.* Any user who violates any of the following conditions is subject to having the privilege of discharging to the public sewer system withdrawn:
1. Discharge of non-domestic wastewater without a permit, including:
 - a. Where the appropriate permit has not been requested,
 - b. Where the appropriate permit has not yet been issued, or
 - c. Where the permit has been denied or revoked based on the provisions of section 13.06.080(M) (permit revocation) of this chapter.
 2. Violation of permit terms and conditions including:
 - a. Exceeding any permit limit.
 - b. Failing to meet other pretreatment standards or requirements.
 - c. Violating any prohibition.
 - d. Failing to properly monitor and report discharges or changed conditions.
 3. Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring, or sampling; (whether subject to a permit or not).
 4. Violation of the pretreatment standards and requirements in section 13.06.030 of this chapter, including failure to satisfy industrial user survey requirements.

When the Director determines this remedy is necessary and appropriate to fulfill the intentions of this chapter, such user will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under section 13.06.150(C) of this chapter why the proposed action should not be taken. Exercise of this option by the Director shall not be a bar to, or a prerequisite for, taking any other action against the user.

(Ord. 3397, 4/30/2010)

13.06.160 - Judicial enforcement remedies.

- A. *Injunctive relief.* The Director may seek injunctive relief when a user has violated, or continues to violate a provision of this chapter, including a pretreatment standard or requirement, or a permit or order issued hereunder. In such cases, the Director may petition a court of competent jurisdiction for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the wastewater discharge permit, order, or other requirement imposed by this chapter on activities of the user. The Director may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the user to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a user.
- B. *Civil penalties.*
1. A user which has violated, or continues to violate a provision of this chapter including a pretreatment standard or requirement, or a permit or order issued hereunder shall be liable to the

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City for a maximum civil penalty of \$5,000.00 per violation, per day. Penalties shall accrue for each day during the period of the violation.

2. The Director also may recover restitution, reasonable attorneys' fees, court costs, other expenses associated with any emergency response, enforcement activities, additional monitoring and oversight, and costs of any actual damages to the City.
 3. In determining the amount of civil liability, the Court shall take into account all relevant circumstances. The Director shall provide the Court a recommended civil penalty amount, and its basis. This basis address, as available, the extent of harm caused, the magnitude and duration of the violation, any economic benefit gained, the timing of users actions and responses, corrective actions by the user, and the users compliance history. The Director will provide the range of penalty amounts its enforcement response plan suggests if it addresses the situation and provides such guidance. The Director will provide any other facts the Court requests, or the Director believes important for the Court to have to render a just determination.
 4. Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, any other action the Director may take to resolve noncompliance by a user.
- C. *Criminal prosecution.* Any user who willfully does any of the following shall be guilty of a crime and upon conviction, be punished by a fine of not more than \$5,000.00 per violation, per day, or imprisonment for not more than one year, or both:
1. Willfully violates any provision of this chapter, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, or
 2. Who willfully introduces any substance into the POTW that causes personal injury or property damage, or
 3. Who knowingly makes any false statements, representations, or certifications in any application, record, report, plan, or other documentation filed, or required to be maintained, pursuant to a chapter, wastewater discharge permit, or order issued hereunder, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this chapter.
- The penalties provided for above shall be in addition to any other criminal charges or judicial remedies, including remedies provided above for causing personal injury, endangerment, or destruction of public property available under State law.
- D. *Remedies nonexclusive.* The remedies provided for in this chapter are not exclusive. The Director may take any, all, or any combination of these actions against a noncompliant user. Enforcement of pretreatment violations will generally be in accordance with the City's enforcement response plan. However, the Director may take other action against any user when the circumstances warrant. Further, the Director is empowered to take more than one enforcement action against any noncompliant user.

(Ord. 3397, 4/30/2010)

13.06.170 - Supplemental enforcement action.

- A. *Penalties for late reports.* The Director may assess a penalty of \$100.00 to any user for each day that a report required by this chapter, a permit or order issued hereunder is late. Penalties accrue beginning the fifth day after the report is due. The Director's actions to collect late reporting penalties shall not limit the Director's authority to initiate any other enforcement action.
- B. *Performance bonds.* The Director may require a satisfactory bond, payable to the City, in a sum not to exceed a value determined by the Director as necessary to assure the user will achieve consistent compliance with this chapter. The Director may require this bond as an enforcement response or as a prerequisite to issue or reissue a wastewater discharge permit. Any user who has failed to comply with any provision of this chapter, a previous permit or order issued hereunder, or any other pretreatment standard or requirement may be subject to this requirement.

This bond may also be required of any category of user which has led to public burdens in the past regardless of the compliance history of the particular user. The City may use this bond to pay any fees, costs, or penalties assessed to the user whenever the user's account is in arrears for over 30 days. This includes the costs of cleanup of the site if the user goes out of business, sells the business to a person that does not first assume the bond, or goes bankrupt. Users may petition the Director to convert their performance bond to a requirement to provide liability insurance, or to forego any such safeguard based on their performance. User may petition no more frequently than once in any 12-month period.

- C. *Liability insurance.* The Director may require a user to provide insurance if it previously failed to comply with any provision of this chapter, a previous permit, or order issued hereunder, or any other pretreatment standard or requirement. The Director may also require users in businesses which historically have left a public burden to clean up pollution to obtain this insurance, regardless of their compliance history. In such cases, users must provide proof that the insurance is sufficient to cover any liabilities incurred under this chapter, including the cost of damages to the POTW and the environment caused by the user. The Director may require users to provide the proof of such insurance either in response to noncompliance or prior to issuing or reissuing a wastewater discharge permit.
- D. *Payment of outstanding fees and penalties.* The Director may decline to issue or reissue a wastewater discharge permit to any user who has failed to pay any outstanding fees, fines or penalties incurred as a result of any provision of this chapter, a previous permit or order issued hereunder.
- E. *Water supply severance.* The Director may order water service to a user severed whenever a user has violated or continues to violate any provision of this chapter, a permit, or order issued hereunder, or any other pretreatment standard or requirement. Users wishing to restore their service must first demonstrate their ability to comply with this chapter and pay the related costs of this action.

(Ord. [3623](#) § 1, 7/2/2019; Ord. 3397, 4/30/2010)

13.06.180 - Affirmative defenses.

A. *Affirmative defense—Operating upsets.*

- 1. An upset shall constitute an affirmative defense to enforcement actions in response to noncompliance with categorical pretreatment standards (section 13.06.041), but not local limits (section 13.06.045) when the requirements of section 13.06.181, below, are met.
- 2. A user who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
 - a. An upset occurred and the user can identify the cause(s) of the upset.
 - b. The facility was at the time being operated in a prudent and workman-like manner and was in compliance with applicable operation and maintenance procedures.
 - c. Where the upset involved reduction, loss, or failure of its treatment facility (e.g., a power failure), the user controlled production of all discharges to the extent necessary to maintain compliance with categorical pretreatment standards until the facility was restored or an alternative method of treatment was provided. The user submitted the following information to the Director within 24 hours of becoming aware of the upset. When initially provided orally, the user must have provided a written report within five days:
 - i. A description of the indirect discharge and cause of noncompliance.
 - ii. The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue.
 - iii. Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance.
- 3. In any enforcement proceeding, the user seeking to establish the occurrence of an upset shall have the burden of proof.

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4. Users will have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with categorical pretreatment standards.
- B. *Prohibited discharge standards.*
1. User will have an affirmative defense to an enforcement action brought against it for noncompliance with the prohibitions in sections 13.06.030(A), and 13.06.030(B)(3—7) of this chapter in certain cases. The user must be able to prove that it did not know, or have reason to know, that its discharge, alone or in conjunction with discharges from other sources, would cause pass through or interference and that either:
 2. A local limit exists for each pollutant discharged and the user was in compliance with each limit directly prior to, and during, the pass through or interference; or
 3. No local limit exists, but the discharge did not change substantially in nature or constituents from the user's prior discharge when the City was regularly in compliance with its NPDES permit, and in the case of interference, was in compliance with applicable sludge use or disposal requirements.

(Ord. 3397, 4/30/2010)

13.06.181 - Bypass.

- A. For the purposes of this section,
1. Bypass means the intentional diversion of waste streams from any portion of a user's treatment facility.
 2. Severe property damage means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.
- B. A user may allow a bypass to occur if it does not cause pretreatment standards or requirements to be violated and is essential for maintenance to assure efficient operation of the user's treatment facility.
- C. Any other bypass must meet the following requirements:
1. Users knowing in advance of the need for a bypass must submit prior notice to the Director, at least ten days before the bypass wherever possible.
 2. Users must tell the Director of any unanticipated bypass that exceeds applicable pretreatment standards within 24 hours of becoming aware of the bypass. Users must provide a written follow-up report within five days. The Director may waive the written report if the oral report was timely and complete. Unless waived, the written report must contain:
 - a. A description of the bypass (volume, pollutants, etc).
 - b. What caused the bypass.
 - c. When, specifically, the bypass started and ended.
 - d. When the bypass is expected to stop (if ongoing).
 - e. What steps the user has taken or plans to take to reduce, eliminate, and prevent the bypass from reoccurring.
- D. *Bypass:*
1. The Director may take an enforcement action against a user for a bypass, unless:
 - a. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
 - b. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment

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downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and

- c. The user submitted notices as required under paragraph (C) of this section.
2. The Director may approve an anticipated bypass, after considering its adverse effects, if the Director determines that it will meet the three conditions listed in paragraph (D)(1) of this section.

(Ord. 3397, 4/30/2010)

13.06.190 - Pretreatment charges and fees.

The City shall adopt fees to offset its costs of setting up and operating the City's Pretreatment Program.

Charges and fees may include:

- A. Fees for wastewater discharge permit applications or permit modifications, including the cost of processing such applications;
- B. Fees for monitoring, inspection, and surveillance procedures including the cost of collection and analyzing a user's discharge, and reviewing monitoring reports submitted by users;
- C. Fees for reviewing and responding to accidental discharge procedures and construction;
- D. Fees for filing appeals;
- E. Fees to recover administrative and legal costs associated with the enforcement activity taken by the Director to address noncompliance; and
- F. Other fees as the City may deem necessary to carry out the requirements contained herein. These fees relate solely to the matters covered by this chapter and are separate from all other fees, fines, and penalties chargeable by the City.

Charges and fees shall be as set forth in Chapter 3.70 PAMC.

(Ord. 3397, 4/30/2010)