



**LYNNWOOD**  
WASHINGTON

**ORDINANCE NO. 3220**

**AN ORDINANCE OF THE CITY OF LYNNWOOD, WASHINGTON,  
RELATING TO THE CITY'S WASTEWATER PRETREATMENT  
REGULATIONS; AMENDING CHAPTERS 14.06 AND 14.60 OF THE  
LYNNWOOD MUNICIPAL CODE; PROVIDING FOR SEVERABILITY,  
AN EFFECTIVE DATE, AND SUMMARY PUBLICATION.**

WHEREAS, the City of Lynnwood (the "City") determines it is in the interest of public health, safety and welfare to set forth uniform requirements for users of the City's Publicly Owned Treatment Works (POTW) in order to comply with all applicable State and Federal laws, including the Clean Water Act (33 USC 1251 et seq.) and the General Pretreatment Regulations (40 CFR Part 403); and

WHEREAS, the code amendments stated in this Ordinance will prevent the introduction of pollutants into the POTW that will interfere with the operation of the POTW; and

WHEREAS, the code amendments stated in this Ordinance will help to prevent the introduction of pollutants into the POTW which could pass through the POTW, and if inadequately treated, into receiving waters or otherwise be incompatible with the POTW; and

WHEREAS, the code amendments stated in this Ordinance will ensure that the quality of the wastewater treatment plant biosolids is maintained at a level which allows use and disposal in compliance with applicable statutes and regulations; and

WHEREAS, the code amendments stated in this Ordinance will protect personnel who may be affected by wastewater, wastewater solids and biosolids in the course of the employment and to protect the general public;

**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF LYNNWOOD, WASHINGTON, DO  
ORDAIN AS FOLLOWS:**

Section 1. Amendment. Chapter 14.06 of the Lynnwood Municipal Code is hereby amended as follows:

1 **Chapter 14.06**  
2 **DEFINITIONS**

3 **Sections:**

- 4 14.06.000 Definitions and abbreviations.
- 5 14.06.010 "A."
- 6 14.06.020 "B."
- 7 14.06.030 "C."
- 8 14.06.040 "D."
- 9 14.06.050 "E."
- 10 14.06.060 "F."
- 11 14.06.070 "G."
- 12 14.06.080 "H."
- 13 14.06.090 "I."
- 14 14.06.120 "L."
- 15 14.06.130 "M."
- 16 14.06.140 "N."
- 17 14.06.160 "P."
- 18 14.06.190 "S."
- 19 14.06.200 "T."
- 20 14.06.210 "U."
- 21 14.06.220 "V."
- 22 14.06.230 "W."
- 23 14.06.260 "Z."

24 **14.06.000 Definitions and abbreviations.**

25 Terms used in this title shall have the meaning given to them in this chapter except where  
26 otherwise defined, and unless where used the context thereof shall clearly indicate to the  
27 contrary. Words and phrases used herein in the past, present or future tense shall include the  
28 past, present and future tenses; words and phrases used herein in the masculine, feminine or  
29 neuter gender shall include the masculine, feminine and neuter genders; and words and  
30 phrases used herein in the singular or plural shall include the singular and plural; unless the  
31 context shall indicate to the contrary.

32 **14.06.010 "A."**

33 "Act" (also "Clean Water Act") means the Federal Water Pollution Control Act, Law 92-500, as  
34 amended.

35 "Administrative authority" means the mayor, executive administrative assistant, director of  
36 public works, sewer inspector, or any other person acting under the authority of the  
37 administrative authority.

1 "AKART", as defined and set forth in WAC 173.216.110(a), means All Known, Available and  
2 Reasonable Methods of Prevention, Control and Treatment.

3 "ASPP" means Accidental Spill Prevention Plan.

4 "Authorized representative of discharger" means:

5 1. A principal executive officer of at least the level of vice president, if the discharger is  
6 a corporation;

7 2. A general partner or proprietor if the discharger is a partnership or proprietorship,  
8 respectively;

9 3. A duly authorized representative of the above designated individual, if such  
10 representative is responsible for the overall operation of the facilities from which the  
11 wastewater discharge originates. (Ord. 2742 § 1, 2008; Ord. 1706, 1989)

12 **14.06.020 "B."**

13 "BMP" or "Best Management Practices" means schedules of activities, prohibitions of practices,  
14 maintenance procedures and other management practices to implement the prohibitions listed  
15 in LMC 14.60.300 and 14.60.3015 (CFR 403.5(a)(1) and (b)). BMP include treatment  
16 requirements, operating procedures, and practices to control plant site runoff, spillage or leaks,  
17 sludge or waste disposal or drainage from raw materials storage.

18 "BOD" (denoting "Biochemical Oxygen Demand") means the quantity of oxygen utilized in the  
19 biological oxidation of organic matter under standard laboratory procedures (as described in  
20 the American Public Health Association Publication, Standard Methods for the Examination of  
21 Water and Wastewaters, current edition, or Guidelines Establishing Test Procedures for the  
22 Analysis of Pollutants, contained in 40 CFR 136) in five (5) days at temperature of twenty (20)  
23 degrees centigrade, expressed in milligrams per liter.

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

27 "Building sewer" (also "side sewer") means the extension from the building drain, beginning  
28 two (2) feet outside the foundation wall, to the public sewer or other place of disposal.

29 "Bypass" means the intentional diversion of waste streams from any portion of an industrial  
30 user's treatment facility.

31 **14.06.030 "C."**

32 "Categorical industrial user", as defined and set forth in 40 CFR 404 through 471, means an  
33 industrial user subject to federal categorical pretreatment standards

34 "Categorical pretreatment standard" or "categorical standard" means any standard or  
35 limitation for a pollutant which has been assigned in accordance with Sections 307(b) and (c) of  
36 the Act (33 U.S.C. Section 1317) that apply to a specific category of users and that appear in 40  
37 CFR Chapter I, Subchapter N, Parts 405 through 471.

1 "CFR" means Code of Federal Regulations. Title 40 contains mainly environmental regulations  
2 that were promulgated by the US Environmental Protection Agency (EPA), based on the  
3 provisions of United States laws (statutes of the U.S. Federal Code).

4 "City" means the City of Lynnwood.

5 "COD" (denoting "Chemical Oxygen Demand") means a measure of the oxygen-consuming  
6 capacity of organic or inorganic matter present in water or wastewater expressed in milligrams  
7 per liter, for a chemical oxidant in a specific laboratory procedure.

8 "Commercial and industrial users" means all users other than single-family and multifamily and  
9 includes mobile homes in a mobile home park.

10 "Commercial establishment" means a building or portion thereof used in a trade, business or  
11 profession, including a building or portion thereof not included within the meaning of terms  
12 "single- and multiple-family dwelling units," but excluding industrial establishments.

13 "Compatible pollutants" means biochemical oxygen demand, suspended solids, pH, and fecal  
14 coliform bacteria, plus additional pollutants identified in the POTW's NPDES permit if the POTW  
15 Treatment Plant is designed to treat such pollutants, and in fact does remove such pollutants to  
16 a substantial degree. The term "substantial degree" is not subject to precise definition, but  
17 generally contemplates removals in the order of eighty (80) percent or greater. Examples of the  
18 additional pollutants which may be considered compatible include:

- 19 1. Chemical oxygen demand;
- 20 2. Total organic carbon;
- 21 3. Phosphorous and phosphorous compounds;
- 22 4. Nitrogen and nitrogen compounds;
- 23 5. Fats, oils and greases (FOG) of animal or vegetable origin (except as prohibited where  
24 these materials would interfere with the operation of the POTW).

25 "Composite sample" means a representative flow-proportioned or time-proportioned sample  
26 collected during normal hours of business over a period representative of process discharge to  
27 the POTW sewer. A composite sample shall be composed of a minimum of eight (8) individual  
28 samples.

29 "Control authority" means the city of Lynnwood public works department.

30  
31 **14.06.040 "D."**

32 "Dangerous wastes", as defined and set forth in WAC 173-303 Parts 070 through 100, means  
33 those solid wastes designated as dangerous, extremely hazardous or mixed waste.

34 "Daily maximum limit" means the maximum allowable discharge limit of a pollutant during a  
35 calendar day. Where daily maximum limits are expressed in units of mass, the daily discharge is  
36 the total mass discharged over the course of the day. Where daily maximum limits are

1 expressed in terms of a concentration, the daily discharge is the arithmetic average  
2 measurement of the pollutant concentration derived from all measurements taken that day.

3 "Director" means the director of the public works department of the city of Lynnwood or  
4 his/her representative.

5 "Discharger" means any person who discharges or causes the discharge of wastewater into the  
6 POTW sewer system.

7 "Domestic wastes" means the liquid and waterborne wastes derived from ordinary living  
8 processes, free from industrial wastes, and of such character as to permit satisfactory disposal,  
9 without special treatment, into the POTW or by means of a private sewage disposal system.

10 **14.06.050 "E."**

11 "Environmental Protection Agency" (or "EPA") means the U.S. Environmental Protection  
12 Agency or, where appropriate, the regional water management division director, the regional  
13 administrator or duly authorized official of said agency.

14 "ERP" means Enforcement Response Plan.

15 "Excessive maintenance" means any maintenance required beyond normal sewer utilities  
16 maintenance schedules for any portion of the sanitary sewer lines. Normal maintenance is  
17 considered to be cleaning or jetting once every two (2) years.

18 **14.06.060 "F."**

19 "F.O.G." means Fats, Oils and Greases which includes either nonpolar F.O.G. or polar F.O.G.:

20 1. "Nonpolar F.O.G." means Fats, Oils and Greases of petroleum oil, non-biodegradable  
21 cutting oil or mineral products of mineral oil origin whether or not emulsified.

22 2. "Polar F.O.G." means Fats, Oils and Greases of animal or vegetable origin; or any  
23 substances which may solidify or become discernibly viscous at temperatures above  
24 zero (0) degrees centigrade (thirty two (32) degrees Fahrenheit).

25 "Food service establishment" means a restaurant, cafe, lunch counter, cafeteria, bar, club,  
26 hotel, hospital, sanitarium, factory, school kitchen or any other establishment that serves or  
27 prepares food where fats, oils or greases may be introduced to the sewer system.

28 "Food waste" means properly shredded garbage.

29 **14.06.070 "G."**

30 "Garbage" means all putrescible wastes, except sewage and body wastes and all such  
31 substances from all public and private establishments, and from residences.

32 "Grab sample" means an instantaneous dip sample taken from a waste stream without  
33 consideration for flow or time.

34 "GGI" (Gravity Grease Interceptor) means a fats, oils and grease removal system typically  
35 installed below ground with a capacity of at least seven hundred and fifty (750) gallons.

1 "GRD" (Grease Removal Device) means a fats, oils and grease removal system operated  
2 automatically and mechanically.

3 **14.06.080 "H."**

4 "Holding tank sewage" means any wastewater from holding tanks such as vessels, chemical  
5 toilets, campers, trailers, septic tanks, sealed vaults, and vacuum-pump tanked trucks.

6 "HGI" (Hydromechanical Grease Interceptor) means a fats, oils and grease removal system  
7 typically installed inside the building with a minimum flow rate of at least twenty five (25)  
8 gallons per minute or capacity of fifty (50) pounds.

9 **14.06.090 "I."**

10 "Indirect discharge" or "Discharge" means the introduction of pollutants into a POTW from any  
11 non-domestic source regulated under section 307(b), (c) or (d) of the Act.

12 "Industrial establishment" or "industrial concern" means a building or portion thereof used for  
13 the production of articles from raw or prepared materials by giving the materials new forms,  
14 qualities, properties, or combinations whether by hand labor or machines.

15 "Industrial user" means a source of indirect discharge.

16 "Industrial waste" means the water-carried wastes from industrial manufacturing or industrial  
17 processing as distinct from sanitary sewage. It includes the trade wastes produced by, but not  
18 limited to, food processing and bottling plants, food manufacturing plants, slaughtering plants,  
19 tallow works, plating works, disposal services, industrial cleaning plants, fertilizer plants, car  
20 and truck washing operations, laundries, cooling plants, chemical plants, chemical treatment  
21 installations, industrial manufacturing, and automotive service and repair.

22 "Industrial wastewater discharge permit" means the document issued to an industrial user in  
23 accordance with the terms and provisions of this chapter stipulating requirements and  
24 limitations on wastewater discharges to the POTW sewer collection system.

25 "Interference", as defined and set forth in 40 CFR 403.3(k), means a discharge which, alone or  
26 in conjunction with a discharge or discharges from other sources, both:

27 1. Inhibits or disrupts the POTW, its treatment processes or operations, or its sludge  
28 processes, use or disposal; and

29 2. Therefore is a cause of a violation of any requirement of the POTW's NPDES permit  
30 (including an increase in the magnitude or duration of a violation) or of the prevention  
31 of sewage sludge use or disposal in compliance with the following statutory provisions  
32 and regulations or permits thereunder (or more stringent State or local regulations):  
33 Section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA) (including  
34 Title II, more commonly referred to as the Resource Conservation and Recovery Act  
35 (RCRA), and including State regulations contained in any State sludge management plan  
36 prepared to subtitle D of the SWDA), the Clean Air Act, the Marine Protection, Research  
37 and Sanctuaries Act, and the Toxic Substances Control Act.

1 **14.06.120 "L."**

2 "Limited discharge permit" means a document issued to a discharger in accordance with the  
3 terms and provisions of this title stipulating requirements and limitations on wastewater  
4 discharges to the POTW sewer system.

5 "LMC" means the Lynnwood Municipal Code.

6 "Local limit" means specific discharge limits developed and enforced by the city upon industrial  
7 or commercial facilities to implement the general and specific discharge prohibitions listed in 40  
8 CFR 403.5(a)(1) and (b).

9 **14.06.130 "M."**

10 "Mass limit" or "mass loading" means the total number of pounds of a pollutant allowed to be  
11 discharged during a specified time period. It shall be calculated using the following formula:

12  $\text{Pounds/day} = (\text{conc. in mg/L}) \times (\text{gal. discharge/day}^*) \times 8.34$

13 \*In million gallons discharged per day, i.e., one hundred (100) gallons is represented by  
14 0.000100 in million gallons.

15 "Medical waste" means isolation wastes, infectious agents, human blood and blood products,  
16 pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially  
17 contaminated laboratory wastes and dialysis wastes.

18 "Middle tier significant categorical industrial user", as defined and set forth in 40 CFR 403.12(e)  
19 (3), means at the director of public work's discretion, a categorical industrial user may be  
20 deemed a "middle tier significant CIU" where the industrial user meets all of the following  
21 conditions:

22 1. The industrial user's total categorical wastewater flow does not exceed any of the  
23 following:

24 a. One-hundredth (1/100) percent of the design dry weather hydraulic capacity of  
25 the POTW, or five thousand (5,000) gallons per day, whichever is smaller, as  
26 measured by a continuous effluent flow monitoring device unless the industrial  
27 user discharges in batches;

28 b. One-hundredth (1/100) percent of the design dry weather organic treatment  
29 capacity of the POTW; and

30 c. One-hundredth (1/100) percent of the maximum allowable headworks loading  
31 for any pollutant regulated by the applicable categorical pretreatment standard  
32 for which approved local limits were developed by the POTW;

33 2. The industrial user has not been in significant noncompliance, as defined in 40 CFR  
34 403.8(f) (2) (viii), for any time in the past two (2) years;

35 3. The industrial user does not have daily flow rates, production levels, or pollutant  
36 levels that vary so significantly that decreasing the reporting requirement for this  
37 industrial user would result in data that are not representative of conditions.

1 “Minor violation” means any pollutant concentrations or mass loadings in excess of the effluent  
2 limitations allowed by LMC 14.60.319, or by a discharge permit issued under this chapter which  
3 are:

4 1. Less than one and two tenths (1.2) times the average concentration or mass loading  
5 allowed by the provisions of this title or any discharge permit issued hereunder; or

6 2. Less than two and one half (2.5) times the maximum concentration or mass loading  
7 allowed by the provisions of this chapter or any discharge permit issued hereunder.

8 “Monthly average” means the sum of all daily discharges measured during a calendar month  
9 divided by the number of daily discharges measured during that month.

10 “Multifamily user” means a residential building designed for two or more families, or for more  
11 than five unrelated persons. It includes duplexes, triplexes, fourplexes, apartment buildings,  
12 dormitories, boarding houses and rooming houses.

13 **14.06.140 “N.”**

14 “National Categorical Pretreatment Standard”. See “Categorical pretreatment standard.”

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

16 “New source”, as defined and set forth in 40 CFR 403.3(m) (1).

17 “Noncontact cooling water” means the water discharged from any use such as air conditioning,  
18 cooling, refrigeration or any thermal heat exchange process to which the only pollutant added  
19 is heat.

20 “Non-significant industrial user” means a categorical industrial user that is eligible for  
21 designation as a non-significant categorical industrial user that meet all the criteria in 40 CFR  
22 Part 403.3(v) (2). An Industrial User never discharges more than 100 gallons per day (gpd) of  
23 total categorical wastewater (excluding sanitary, non-contact cooling and boiler blowdown  
24 wastewater, unless specifically included in the Pretreatment Standard) and other conditions as  
25 set forth in 40 CFR Part 403.3(v)(2).

26 “NPDES permit” (denoting National Pollution Discharge Elimination System permit) means a  
27 permit issued pursuant to Section 402 of the Clean Water Act.

28 **14.06.160 “P.”**

29 “Pass-through” means a discharge which exits the POTW Treatment Plant into waters of the  
30 United States in quantities or concentrations which, alone or in conjunction with a discharge or  
31 discharges from other sources, is the cause of a violation of any requirement of water quality  
32 standards or bottom sediments quality standards of the state of Washington or of the POTW’s  
33 NPDES permit (including an increase in the magnitude or duration of a violation).

34 “Person” means any individual, partnership, proprietorship, firm, company, corporation,  
35 association, trust, estate, governmental entity, or any other legal entity, or their legal  
36 representatives, agents or assigns. For the purposes of this chapter, the masculine gender shall

1 be construed as including the feminine, and references to the singular shall include the plural  
2 where indicated by the context.

3 "pH" is a measure of the acidic or basic properties of a substance and is defined as the  
4 logarithm, to the base ten (10), of the reciprocal of the concentration of hydrogen ions in grams  
5 per liter of solution.

6 "Pollutant" means dredged spoil, solid waste, incinerator residue, sewage, garbage, sludge,  
7 munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or  
8 discarded equipment, rock, sand, cellar dirt and industrial, municipal and agricultural waste  
9 discharged into water.

10 "POTW" (denoting "Publicly Owned Treatment Works") means a treatment works as defined by  
11 Section 212 of the Act, which is owned by a State or municipality (as defined by section 502(4)  
12 of the Act). This definition includes any devices and systems used in the storage, treatment,  
13 recycling and reclamation of municipal sewage or industrial wastes of a liquid nature. It also  
14 includes sewers, pipes and other conveyances only if they convey wastewater to a POTW  
15 Treatment Plant.

16 "POTW Treatment Plant" means that portion of the POTW which is designed to provide  
17 treatment (including recycling and reclamation) of municipal sewage and industrial waste.

18 "Premises" means a continuous tract of land, building, or group of adjacent buildings under a  
19 single control with respect to use of sewer and responsibility for payment therefor. Subdivision  
20 of such use or responsibility shall constitute a division into separate premises as here defined.

21 "Pretreatment" means the reduction of the amount of pollutants, the elimination of pollutants  
22 or the alteration of the nature of pollutant properties in wastewater to a less harmful state  
23 prior to discharge of such pollutants into the POTW sewer system. The reduction or alteration  
24 of pollutants can be obtained by physical, chemical or biological processes, except as prohibited  
25 by 40 CFR 403.6(d).

26 "Properly shredded garbage" means the solid wastes from the preparation, cooking and  
27 dispensing of food that have been shredded so that one hundred (100) percent will pass a  
28 three-eighths-inch (3/8") sieve and seventy five (75) percent will pass a one-quarter-inch (1/4")  
29 sieve.

30 "Public sewer system" (also "POTW sewer system") means the sewer pipes, chambers,  
31 structures and appurtenances in publicly owned land or easements in which all owners of  
32 abutting property have equal rights and which are controlled by the city of Lynnwood.

33 **14.06.190 "S."**

34 "Sanitary sewage" means the water-carried wastes from residences, hotels, restaurants, eating  
35 houses, or from business establishments or premises engaged solely in the sale, storage or  
36 repair of goods, wares or merchandise, and which contains properly shredded garbage, human  
37 wastes or animal wastes.

- 1 "Sanitary sewer" means the pipe or conduit system used for the collection and transportation  
2 of sewage and into which storm, surface and groundwater are not intentionally admitted,  
3 except as herein provided.
- 4 "Sanitary Sewer System". See "POTW."
- 5 "Septage" means the solid and liquid wastes from septic tanks, vault toilets, portable toilets or  
6 similar facilities.
- 7 "Service lateral" means that portion of the public sewer line running from the sewer main to  
8 the property line.
- 9 "Sewage" means wastewater.
- 10 "Shall/May". "Shall" is mandatory. "May" is permissive.
- 11 "Side Sewer". See "Building sewer."
- 12 "Significant Industrial User" (or SIU), as defined and set forth in 40 CFR 403.3(v), except as  
13 provided in subsections (3) and (4) of this definition, the term "significant industrial user"  
14 means:
- 15 1. All industrial users subject to categorical pretreatment standards under 40 CFR 403.6  
16 and 40 CFR Chapter I, Subchapter N; and
  - 17 2. Any other industrial user that:
    - 18 a. Discharges an average of twenty five thousand (25,000) gallons per day or more  
19 of process wastewater to the POTW (excluding sanitary, noncontact cooling and  
20 boiler blowdown wastewater);
    - 21 b. Contributes a process waste stream which makes up five (5) percent or more of  
22 the average dry weather hydraulic or organic capacity of the POTW Treatment  
23 Plant; or
    - 24 c. is designated as such by the control authority on the basis that the industrial  
25 user has a reasonable potential for adversely affecting the POTW's operation or  
26 for violating any pretreatment standard or requirement (in accordance with 40  
27 CFR 403.8(f) (6)).
  - 28 3. The control authority may determine that an industrial user subject to categorical  
29 pretreatment standards under 40 CFR 403.6 and 40 CFR Chapter I, Subchapter N is a  
30 non-significant categorical industrial user rather than a significant industrial user on a  
31 finding that the industrial user never discharges more than one hundred (100) gallons  
32 per day (gpd) of total categorical wastewater (excluding sanitary, noncontact cooling  
33 and boiler blowdown wastewater, unless specifically included in the pretreatment  
34 standard) and the following conditions are met:
    - 35 a. The industrial user, prior to the control authority's finding, has consistently  
36 complied with all applicable categorical pretreatment standards and  
37 requirements;

1 b. The industrial user annually submits the certification statement required in 40  
2 CFR 403.12(q) together with any additional information necessary to support the  
3 certification statement; and

4 c. The industrial user never discharges any untreated concentrated wastewater.

5 4. Upon a finding that an industrial user meeting the criteria in subsection (2) (b) of this  
6 definition has no reasonable potential for adversely affecting the POTW's operation or  
7 for violating any pretreatment standards or requirement, the control authority may at  
8 any time, on its own initiative or in response to a petition received from an industrial  
9 user or POTW, and in accordance with 40 CFR 403.8(f) (6), determine that such  
10 industrial user is not a significant industrial user.

11 "Significant non-compliance", as defined and set forth in 40 CFR 403.8(f) (2) (viii), means a  
12 Significant Industrial User (or any Industrial User which violates paragraphs (f) (2) (viii) (C), (D),  
13 or (H) of this section) is in significant noncompliance if its violation meets one or more of the  
14 following criteria:

15 (A) Chronic violations of wastewater discharge limits, defined here as those in which  
16 sixty six (66) percent or more of all of the measurements taken for the same  
17 pollutant parameter during a (six) month period exceed (by any magnitude) a  
18 numeric Pretreatment Standard or Requirement, including instantaneous limits, as  
19 defined by 40 CFR 403.3(l);  
20

21 (B) Technical Review Criteria (TRC) violations, defined here as those in which thirty  
22 three (33) percent or more of all of the measurements taken for the same pollutant  
23 parameter during a 6-month period equal or exceed the product of the numeric  
24 Pretreatment Standard or Requirement including instantaneous limits, as defined by  
25 40 CFR 403.3(l) multiplied by the applicable TRC (TRC=1.4 for BOD, TSS, fats, oil, and  
26 grease, and 1.2 for all other pollutants except pH);  
27

28 (C) Any other violation of a Pretreatment Standard or Requirement as defined by 40  
29 CFR 403.3(l) (daily maximum, long-term average, instantaneous limit, or narrative  
30 Standard) that the POTW determines has caused, alone or in combination with  
31 other Discharges, Interference or Pass Through (including endangering the health of  
32 POTW personnel or the general public);  
33

34 (D) Any discharge of a pollutant that has caused imminent endangerment to human  
35 health, welfare or to the environment or has resulted in the POTW's exercise of its  
36 emergency authority under paragraph (f)(1)(vi)(B) of this section to halt or prevent  
37 such a discharge;  
38

39 (E) Failure to meet, within ninety (90) days after the schedule date, a compliance  
40 schedule milestone contained in a local control mechanism or enforcement order  
41 for starting construction, completing construction, or attaining final compliance;  
42

43 (F) Failure to provide, within thirty (30) days after the due date, required reports such  
44 as baseline

1 Monitoring reports, ninety (90) day compliance reports, periodic self-monitoring  
2 reports, and reports on compliance with compliance schedules;

3  
4 (G) Failure to accurately report noncompliance;

5  
6 (H) Any other violation or group of violations, which may include a violation of Best  
7 Management Practices, which the POTW determines will adversely affect the  
8 operation or implementation of the local pretreatment program.

9  
10 "Single-family user" means all users living in a dwelling unit that is occupied by one family or by  
11 not more than five unrelated persons. It includes detached single-family residences, and zero-  
12 lot-line buildings wherein the building is on a separate fee simple lot and used for residential  
13 purposes.

14 "Slug discharge" means any discharge of a non-routine, episodic nature, including but not  
15 limited to an accidental spill or a non-customary batch discharge, which has a reasonable  
16 potential to cause interference or pass through, or in any other way violate the POTW's  
17 ordinances, local laws or permit conditions. POTW's are required to ensure that Industrial  
18 Users have policies and procedures in place to prevent or mitigate the effects of slug  
19 discharges.

20 "Slug discharge control plan" as defined and set forth in 40 CFR 403.8(f) (2) (vi), means a plan by  
21 which significant industrial users control slug discharges.

22 "Spill" means any non-intentional discharge which enters the POTW.

23 "Standard industrial classification" (or "SIC") means a classification pursuant to the most recent  
24 edition of the "Standard Industrial Classification Manual," issued by the Executive Office of the  
25 President, Office of Management and Budget.

26 "State" means the state of Washington.

27 "Storm sewer" means a pipe system or conduit which carries storm and surface waters and  
28 drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.

29 **14.06.200 "T."**

30 "TSS" (denoting "Total Suspended Solids") means total suspended matter that either floats on  
31 the surface of or is in suspension in water, wastewater or other liquids, and that is removable  
32 by laboratory filtration as prescribed by standardized methods and referred to as non-filterable  
33 residue.

34 **14.06.210 "U."**

35 "Uniform Plumbing Code" means the current edition of same which is accepted by the city of  
36 Lynnwood.

1 "Unpolluted water" means water of quality equal to or better than the NPDES permit effluent  
2 criteria in effect or water that would not cause a violation of water quality standards if  
3 discharged untreated.

4 "Upset" means an exceptional incident in which there is an unintentional and temporary  
5 noncompliance with pretreatment standards and/or with requirements of this title because of  
6 factors beyond the reasonable control of the discharger. An upset does not include  
7 noncompliance to the extent caused by operational error, improperly designed treatment  
8 facilities, inadequate treatment facilities, lack of preventative maintenance, careless or  
9 improper operation or spills.

10 "User" means any person who contributes to, causes or allows the discharge of sewage or  
11 industrial wastewater into the POTW sewer system.

12 **14.06.220 "V."**

13 "Violation". See "Minor violation" or "Significant violation."  
14

15 **14.06.230 "W."**

16 "WAC" means the Washington Administrative Code.

17 "Wastewater" (also "sewage") means the water-carried and liquid wastes from dwellings,  
18 commercial buildings, institutions and industrial facilities, or other property discharged to the  
19 POTW sewer system together with any groundwater, surface water and storm water that may  
20 be present.

21 "Wastewater discharge permit" or "permit" means the document issued to any commercial,  
22 industrial or site remediation process in accordance with the terms and provisions of this  
23 chapter stipulating requirements and limitations on wastewater discharges to the POTW sewer  
24 collection system.

25 "Watercourse" means a channel in which a flow of water occurs, either continuously or  
26 intermittently.

27 **14.06.260 "Z."**

28 "Zero discharge permit" means a permit for a categorical user that operates its processes so  
29 that no industrial waste is discharged to the POTW.

30

31 **Section 2. Amendment.** Chapter 14.60 of the Lynnwood Municipal Code is hereby amended as  
32 follows:

33

34

1 Chapter 14.60  
2 WASTEWATER PRETREATMENT

3 Sections:

4 Article I. Regulations

- 5 14.60.010 –  
6 14.60.110 *Repealed.*  
7 14.60.200 Purpose.  
8 14.60.300 General prohibitions.  
9 14.60.3015 Specific prohibitions.  
10 14.60.312 Tampering with monitoring device – Prohibited.  
11 14.60.3183 Federal categorical pretreatment standards.  
12 14.60.3186 State requirements.  
13 14.60.319 Local limits.  
14 14.60.3195 pH effluent limitations under continuous monitoring. 14.60.320 Maximum  
15 daily concentration allowed.  
16 14.60.326 Reporting requirements.  
17 14.60.340 Discharge of dangerous waste.  
18 14.60.342 Explosion meter readings.  
19  
20 14.60.350 Accidental discharge facilities.  
21 14.60.352 Accidental/slug discharge.  
22 14.60.354 Dilution prohibited.  
23 14.60.356 Pretreatment facilities.  
24 14.60.358 Fats, Oils and Grease (F.O.G.) pretreatment required.  
25 14.60.360 Grease removal system required – When.  
26 14.60.362 F.O.G. Control plans – Contents.  
27 14.60.364 Washing facilities, grease rack – Pretreatment.  
28 14.60.366 F.O.G. Pretreatment facilities – Installation and maintenance.  
29 14.60.368 Grease removal system additives.  
30 14.60.370 Grease removal system sizing.  
31 14.60.372 F.O.G. Pretreatment facility maintenance-Compliance with control plan.  
32 14.60.374 Record keeping/reporting requirements.  
33 14.60.376 Permit to be obtained for installation of a gravity grease interceptor or  
34 oil/water separator.  
35 14.60.378 Amalgam Separators.  
36 14.60.379 Sewage discharge facilities for recreational vehicles.  
37 14.60.380 Compliance with applicable pretreatment requirements.  
38 14.60.382 Additional pretreatment measures.  
39 14.60.385 Right of revision.  
40 14.60.390 Special agreement.  
41 14.60.395 Septage and holding tank sewage.

42  
43 Article II. Administration

1	<a href="#"><u>14.60.400</u></a>	Purpose.
2	<a href="#"><u>14.60.500</u></a>	Disclosure forms.
3	<a href="#"><u>14.60.503</u></a>	Industrial wastewater discharge permits – Application.
4	<a href="#"><u>14.60.5032</u></a>	Wastewater discharge permitting – Extra jurisdictional users.
5	<a href="#"><u>14.60.5034</u></a>	Wastewater discharge permitting – Zero discharge permits.
6	<a href="#"><u>14.60.5036</u></a>	Wastewater discharge permitting – Middle tier categorical industrial user.
7	<a href="#"><u>14.60.5038</u></a>	Wastewater discharge permitting – Non-significant categorical industrial
8		user.
9	<a href="#"><u>14.60.504</u></a>	Industrial discharge permit – Requirements.
10	<a href="#"><u>14.60.505</u></a>	Industrial wastewater discharge permit – Duration.
11	<a href="#"><u>14.60.506</u></a>	Industrial wastewater discharge permit – Transfer.
12	<a href="#"><u>14.60.507</u></a>	Industrial wastewater discharge permit – Modification.
13	<a href="#"><u>14.60.5072</u></a>	Emergency suspension of service, industrial wastewater discharge permit or
14		limited discharge permit.
15	<a href="#"><u>14.60.5074</u></a>	Termination of treatment services - Permit revocation.
16	<a href="#"><u>14.60.5076</u></a>	Wastewater discharge permit re-issuance.
17	<a href="#"><u>14.60.508</u></a>	Industrial wastewater discharge permit – Reporting required.
18	<a href="#"><u>14.60.509</u></a>	Signatory and certification requirement.
19	<a href="#"><u>14.60.510</u></a>	Limited discharge permits – Required when.
20	<a href="#"><u>14.60.512</u></a>	Limited discharge permits – Criteria.
21	<a href="#"><u>14.60.5125</u></a>	Limited discharge limitations and monitoring requirements.
22	<a href="#"><u>14.60.513</u></a>	Limited discharge permits – Special conditions.
23	<a href="#"><u>14.60.514</u></a>	Limited discharge permits – Issuance, revocation, transfer.
24	<a href="#"><u>14.60.515</u></a>	Limited discharge permits – Upgrade to industrial wastewater discharge
25		permit -When.
26	<a href="#"><u>14.60.516</u></a>	Public notice for industrial wastewater discharge permits.
27	<a href="#"><u>14.60.520</u></a>	Public hearing.
28	<a href="#"><u>14.60.525</u></a>	Monitoring facilities.
29	<a href="#"><u>14.60.530</u></a>	Sampling and analysis requirements.
30	<a href="#"><u>14.60.533</u></a>	Resampling required when violation occurs.
31	<a href="#"><u>14.60.535</u></a>	Compliance monitoring.
32	<a href="#"><u>14.60.5355</u></a>	Noncompliance reporting.
33	<a href="#"><u>14.60.536</u></a>	Compliance schedules for meeting applicable pretreatment standards.
34	<a href="#"><u>14.60.537</u></a>	Notification of significant production changes.
35	<a href="#"><u>14.60.538</u></a>	Sampling and analysis frequencies.
36	<a href="#"><u>14.60.540</u></a>	Inspection of facilities.
37	<a href="#"><u>14.60.545</u></a>	Right to enter.
38	<a href="#"><u>14.60.550</u></a>	Accidental spill prevention plan.
39	<a href="#"><u>14.60.551</u></a>	Slug discharge control plan.
40	<a href="#"><u>14.60.553</u></a>	Notification of changes in discharge.
41	<a href="#"><u>14.60.554</u></a>	Hazardous waste notification-permit required.
42	<a href="#"><u>14.60.5545</u></a>	Hazardous waste notification.
43	<a href="#"><u>14.60.555</u></a>	Discontinuance of discharge.
44	<a href="#"><u>14.60.556</u></a>	TTO reporting.

- 1        [14.60.557](#)        Reports from unpermitted users.
- 2        [14.60.558](#)        Timing.
- 3        [14.60.560](#)        Confidential information.
- 4        [14.60.565](#)        Preemption of limitations, standards or requirements.
- 5        [14.60.570](#)        Publication of violators.
- 6        [14.60.575](#)        Records retention – Required.
- 7        [14.60.580](#)        Pretreatment charges and fees.

Article III. Enforcement

- 10       [14.60.605](#)        Violations – Remedies.
- 11       [14.60.610](#)        Violations.
- 12       [14.60.621](#)        Enforcement response plan.
- 13       [14.60.623](#)        Administrative fines – Civil penalties.
- 14       [14.60.624](#)        Civil liability for expenses and fines.
- 15       [14.60.626](#)        Administrative appeal.
- 16       [14.60.628](#)        Judicial review
- 17       [14.60.631](#)        Pass-through or interference.
- 18       [14.60.632](#)        Upset provisions.
- 19       [14.60.633](#)        Bypass.
- 20       [14.60.641](#)        Significant noncompliance.
- 21       [14.60.645](#)        Criminal penalties.
- 22       [14.60.665](#)        Right to written interpretation of chapter.
- 23       [14.60.700](#)        Remedies nonexclusive.
- 24       [14.60.900](#)        Severability.

Article I. Regulations

**14.60.010 – 14.60.110 Repealed.**

*Repealed by Ord. 1706.*

**14.60.200 Purpose.**

This chapter sets forth uniform requirements for users of the Publicly Owned Treatment Works (POTW) for the -City of Lynnwood, and enables the city to comply with all applicable state and federal laws, including the Clean Water Act (33 USC 1251 et seq.) and the General Pretreatment Regulations (40 CFR Part 403) of the United States Code of Federal Regulations. The objectives of this chapter are:

- A. To prevent the introduction of pollutants into the POTW that will interfere with the operation of the POTW;
- B. To prevent the introduction of pollutants into the POTW which will pass through the POTW, inadequately treated, into receiving waters or otherwise be incompatible with the POTW;
- C. To ensure that the quality of the wastewater treatment plant biosolids is maintained so its intended purpose and disposal remain in compliance with applicable statutes and regulations;

1 D. To protect POTW personnel who may be affected by wastewater, wastewater solids, and  
2 biosolids in the course of their employment and to protect the general public;

3 E. To improve the opportunity to recycle and reclaim wastewater and biosolids from the POTW  
4 Treatment Plant.

5 This chapter shall apply to all users of the POTW. This chapter authorizes the issuance of  
6 industrial wastewater discharge permits and limited discharge authorizations; authorizes  
7 monitoring, compliance, and enforcement activities; establishes administrative review  
8 procedures; requires user reporting; and provides for the setting of fees for the equitable  
9 distribution of costs resulting from the program established herein.

10 **14.60.300 General prohibitions.**

11 No user shall introduce or cause to be introduced into the POTW any pollutant or wastewater  
12 which causes pass-through or interference. These general prohibitions apply to all users of the  
13 POTW whether or not they are subject to categorical pretreatment standards or any other  
14 national, state, or local pretreatment standards or requirements.

15 **14.60.3015 Specific prohibitions.**

16 No user shall introduce or cause to be introduced into the POTW the following pollutants,  
17 substances, or wastewater:

18 A. Pollutants which create a fire or explosive hazard in the POTW, including, but not limited to,  
19 waste streams with a closed-cup flashpoint of less than one hundred forty (140) degrees  
20 Fahrenheit or sixty (60) degrees Centigrade using the test methods specified in 40 CFR 261.21;

21 B. Wastewater having a pH value of less than five (5.0) or more than eleven (11.0) (unless in  
22 compliance with LMC 14.60.319) or otherwise causing corrosive structural damage to the  
23 POTW or equipment;

24 C. Solid or viscous substances in amounts which will cause obstruction of the flow in the  
25 collection/conveyance system or with the POTW Treatment Plant resulting in interference, but  
26 in no case solids greater than one-quarter inch;

27 D. Pollutants, including biochemical and chemical oxygen-demanding pollutants (BOD, COD,  
28 etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly  
29 or by interaction with other pollutants, will cause interference with the POTW Treatment Plant;

30 E. Wastewater having a temperature which will inhibit biological activity at the POTW  
31 Treatment Plant resulting in interference. In no case shall wastewater which causes the  
32 temperature at the introduction into the POTW Treatment Plant to exceed one hundred four  
33 (104) degrees Fahrenheit or forty (40) degrees Centigrade, or the temperature exceeding one  
34 hundred fifty (150) degrees Fahrenheit or sixty five (65) degrees Centigrade at the point of  
35 discharge to the public sewers be allowed unless approved by the director.

36 F. Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin, in amounts  
37 that will cause interference or pass-through;

- 1 G. Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a  
2 quantity that may cause acute worker health and safety issues;
- 3 H. Trucked or hauled pollutants (including domestic sewage or septic tank wastes) unless  
4 authorized by the director and subject to those conditions as provided in 14.60.379;
- 5 I. Noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by  
6 interaction with other wastes, are sufficient to create a public nuisance or a hazard to life, or to  
7 prevent entry into the POTW for maintenance or repair;
- 8 J. Wastewater which imparts color which cannot be removed by the treatment process; such  
9 as, but not limited to, dye wastes and vegetable tanning solutions which consequently imparts  
10 color to the treatment plant's effluent, thereby violating the city's NPDES permit. Color (in  
11 combination with turbidity) shall not cause the treatment plant effluent to reduce the depth of  
12 the compensation point for photosynthetic activity by more than ten (10) percent from the  
13 seasonably established norm for aquatic life;
- 14 K. Wastewater containing any radioactive wastes or isotopes except as specifically approved by  
15 the director in compliance with applicable state or federal regulations;
- 16 L. Storm water, surface water, ground water, artesian well water, roof runoff, subsurface  
17 drainage, swimming pool drainage, condensate, deionized water, noncontact cooling water, or  
18 unpolluted wastewater, unless specifically authorized by the director;
- 19 M. Any sludge, screenings, or other residues from the pretreatment of industrial or commercial  
20 wastes or processes, except as authorized by the director;
- 21 N. Medical or dental wastes, except as specifically authorized by the director;
- 22 O. Wastewater causing, alone or in conjunction with other sources, the POTW Treatment  
23 Plant's effluent to fail a toxicity test;
- 24 P. Detergents, surface-active agents, or other substances in amounts which may cause  
25 excessive foaming in the POTW;
- 26 Q. Any liquids, solids, or gases which by reason of their nature or quantity are, or may be,  
27 sufficient either alone or by interaction with other substances to cause fire or explosion or be  
28 injurious in any way to the POTW or to the operation of the POTW Treatment Plant. At no time  
29 shall two successive readings on an explosion meter, at the point of discharge into the system  
30 (or at any point in the system), be more than five (5) percent nor shall any single reading over  
31 ten (10) percent of the lower explosive limit (LEL) be allowed;
- 32 R. Animal entrails, bones, hair, hides or fleshings, whole blood, feathers, ashes, cinders, sand,  
33 spent lime, stone or marble dusts, metal, glass, straw, shavings, grass clippings, rags, spent  
34 grains, spent hops, waste paper, wood, plastics, gas, tar asphalt residues, residues from refining  
35 or processing of fuel or lubricating oil, mud, glass grindings or polishing wastes in amounts that  
36 cause interference in the POTW;
- 37 S. Any substance which will cause the POTW Treatment Plant to violate its NPDES and/or any  
38 other disposal system permits;

- 1 T. Any wastewater that can cause harm to the sewers, sewage treatment process, or  
2 equipment; have an adverse effect on the receiving stream; or can endanger life, limb, public  
3 property, or constitute a nuisance unless allowed under special agreement by the director  
4 (except that no special waiver shall be given from categorical pretreatment standards);
- 5 U. The contents of any tank or other vessel owned or used by any person in the business of  
6 collecting or pumping sewage, effluent, septage, or other wastewater unless said person has  
7 first obtained testing and approval as may be required by the city of Lynnwood and has paid all  
8 fees assessed for the privilege of said discharge;
- 9 V. Any hazardous or dangerous wastes as defined in rules published by the state of Washington  
10 (Chapter 173-303 WAC) and/or in EPA rules 40 CFR Part 261;
- 11 W. Persistent pesticides and/or pesticides regulated by the Federal Insecticide Fungicide  
12 Rodenticide Act (FIFRA);
- 13 X. Any slug load;
- 14 Y. Any substance which may cause the POTW Treatment Plant's effluent or treatment residues,  
15 sludge, or scums to be unsuitable for reclamation and reuse, or to interfere with the  
16 reclamation process;
- 17 Z. Fats, oils and grease in amounts that may cause obstructions or maintenance problems in the  
18 collection/conveyance system, or interfere with the POTW Treatment Plant operations;
- 19 AA. The discharge of any untreated wastewater regulated by National Emission Standards for  
20 Hazardous Air Pollutants (NESHAP) is prohibited. The POTW Treatment Plant does not and will  
21 not accept a NESHAP regulated waste stream nor provide treatment or controls as an agent for  
22 any industrial user within the meaning of 40 CFR Part 63.
- 23 Pollutants, substances, or wastewater prohibited by this section shall not be processed or  
24 stored in such a manner that they are likely to be discharged to the POTW unless the user has  
25 in place an accidental spill prevention plan (ASPP)/slug discharge control plan.
- 26 **14.60.312 Tampering with monitoring or pretreatment device – Prohibited.**
- 27 No discharger shall tamper with, damage or render inaccurate any in use wastewater  
28 monitoring or pretreatment device required by this chapter.
- 29 **14.60.3183 Federal categorical pretreatment standards.**
- 30 The National Categorical Pretreatment Standards found at 40 CFR Chapter I, Subchapter N are  
31 incorporated herein by reference as if set forth in full in this chapter.
- 32 **14.60.3186 State requirements.**
- 33 State requirements and limitations on discharges to the POTW shall be met by all users which  
34 are subject to such standards in any instance in which they are more stringent than federal  
35 requirements and limitations, or those in this chapter or other applicable ordinances.

1 **14.60.319 Local limits.**

2 The following pollutant limits are established to protect against pass through and interference,  
3 protect air quality related to sludge incineration, provide for economical disposal of sludge ash  
4 and provide for safety of utility workers. No Significant Industrial User, Non-Significant  
5 Industrial User, groundwater remediation or person shall discharge or cause to discharge, any  
6 wastewater containing in excess of the following daily maximum allowable discharge limits. In  
7 addition the director may apply all or some of the limits set forth below as the director deems  
8 appropriate and designates in the user's permit.

Ammonia	33.0 mg/L
Arsenic	0.5 mg/L
BOD5	300 mg/L
Cadmium	0.5 mg/L
Chromium	2.0 mg/L
Copper	2.0 mg/L
Cyanide	1.0 mg/L
Lead	1.5 mg/L
Mercury	0.0003mg/L
Molybdenum	3.0 mg/L
Nickel	1.5 mg/L
Nitrogen	50 mg/L
Total Phenols	10 mg/L
TSS	200 mg/L
Selenium	0.5 mg/L
Silver	0.5 mg/L
Zinc	1.5 mg/L
Fats, oils and grease:	
(polar)	100 mg/L
(nonpolar)	100 mg/L
pH	5.0 to 11.0

9 In addition to the above concentration limits and those contained in the categorical standards,  
10 the director may also impose mass limits if necessary for the protection of the POTW Treatment  
11 Plant facility and/or sludge disposal. Such poundage limits shall be derived using the following  
12 formula:

13  $\text{pounds/day} = (\text{conc. in mg/L}) \times (\text{gal. discharge/day}^*) \times 8.34$

1 \*In million gallons discharged per day, i.e., 100 gallons is represented by 0.000100 in million  
2 gallons.

3 The above limits apply at the point where the wastewater is discharged to the POTW (end of  
4 the pipe). Categorical pretreatment standards apply at the end of the process. However, the  
5 director may elect to have local limits apply after pretreatment and/or prior to mixing with  
6 dilution flows.

7 All concentrations for metallic substances are for "total" metal unless indicated otherwise. The  
8 director may impose mass limitations in addition to (or in place of) the concentration based  
9 limitations above.

10 Where a user is subject to a categorical pretreatment standard and a local limit for a given  
11 pollutant, the more stringent limit or applicable pretreatment standard shall apply.

12 The city council authorizes the director to revise local limits.

13 **14.60.3195 pH effluent limitations under continuous monitoring.**

14 A. Where a permittee continuously monitors the pH of wastewater discharged to the city's  
15 sewer system pursuant to a requirement in their discharge permit, the permittee shall maintain  
16 the pH of such wastewater within the range set forth in the permit, except excursions from the  
17 range are permitted subject to the following limitations:

18 1. The total time during which the pH values are outside the required range of pH  
19 values shall not exceed two hours in any calendar month; and

20 2. No individual excursion from the allowable range of pH values shall exceed fifteen  
21 (15) minutes.

22 B. At no time will the pH value be outside the allowable range of pH values by more than one  
23 (1) pH unit.

24 C. At no time shall the pH be less than five (5) pH units nor more than eleven (11) pH units.

25 D. All batch discharges shall be in compliance with the allowable pH range.

26 E. For the purposes of this chapter, an excursion is an unintentional and temporary incident in  
27 which the pH value of the discharged wastewater exceeds the range set forth in the user's  
28 discharge permit.

29 F. Temporary pH value excursions that comply with the provisions of this section of this chapter  
30 will not be considered violations of the user's discharge permit but shall be reported in the  
31 pretreatment self-monitoring report with copies of the associated pH recorder charts.

32 **14.60.320 Maximum daily concentration allowed.**

33 Unless otherwise provided in this chapter, the maximum daily allowable concentration for all  
34 industrial users, including both categorical and non-categorical industrial users is violated under  
35 the following circumstances:

- 1 A. The arithmetic mean of concentrations for eight consecutive samples collected within a  
2 twenty four (24) hour time period over intervals of fifteen (15) minutes or greater is in excess of  
3 the limitation.
- 4 B. The concentration value obtained from a composite sample that is representative of the  
5 twenty four (24) hour discharge is in excess of the limitation.
- 6 C. The concentration of any single sample (whether as single grab sample or a sample within a  
7 series) exclusive of any fats, oils, and grease exceeds the limitation by a factor of two and one-  
8 half (2½) times.
- 9 D. The arithmetic mean of the concentration of fats, oils, or greases for three grab samples,  
10 taken no more frequently than at five (5) minute intervals, exceeds the limitation.

11 **14.60.326 Reporting requirements.**

12 A violation shall occur if any reporting requirements established by permit, agreement,  
13 accidental discharges, upset conditions, written request of the director, or as specified by  
14 general pretreatment standards 40 CFR 403.12, are not complied with, and may be subject to  
15 enforcement actions as outlined in the Enforcement Response Plan (ERP).

16 **14.60.340 Discharge of dangerous waste.**

17 A violation shall occur if any dangerous waste, as defined under WAC 173-303, is discharged  
18 into any public sewer, unless authorized by the city in a discharge permit.

19 **14.60.342 Explosion meter readings.**

20 A violation shall occur if the reading on an explosion meter at any point in the POTW is greater  
21 than ten (10) percent of the lower explosive limit for a single reading or greater than five (5)  
22 percent for two (2) successive readings.

23 **14.60.350 Accidental discharge facilities.**

24 Each discharger shall provide protection from accidental discharges of prohibited or regulated  
25 materials. Facilities to prevent accidental discharges of these materials into the POTW shall be  
26 provided for and maintained by the discharger at the owner's expense. Detailed plans and  
27 specifications of such facilities shall be submitted as a part of the waste management report  
28 required by the wastewater discharge permit or limited discharge permit. Review and approval  
29 of plans and operation procedures does not relieve the discharger from the responsibility to  
30 comply with discharge limitations or to modify his treatment facilities in the future to meet  
31 subsequent standards, regulations or requirements.

32 **14.60.352 Accidental/Slug discharge.**

33 Any discharge that meets the criteria of accidental/slug discharge shall be considered a  
34 reportable discharge. In the event of an accidental/slug discharge, it is the responsibility of the  
35 discharger to notify the POTW Treatment Plant at the time of the discharge. The notifications

1 shall include the location, time, volume, substance(s), concentrations, corrective actions and  
2 the persons to be contacted concerning the discharge. Within five (5) days the discharger must  
3 submit a written report to the director explaining all the details of the discharge, the  
4 procedures taken to mitigate the effects of the discharge, and the manner in which the waste  
5 was disposed. This report shall also include a description of the measures taken by the  
6 company to prevent future occurrences. Notification does not relieve the discharger of any  
7 expense, loss, damage, or other liability which may have been incurred as a result of damage to  
8 the POTW, to person(s) or personal property; nor does such notification relieve the discharger  
9 of any fines, penalties incurred by this chapter or other regulatory authority.

10 **14.60.354 Dilution prohibited.**

11 No discharger shall ever increase the use of process water or, in any other way; attempt to  
12 dilute a discharge as a partial or complete substitute for adequate treatment to achieve  
13 compliance with categorical pretreatment standards or any limitations set by this chapter. The  
14 city may impose mass limitations on dischargers where the imposition of mass limitations is  
15 appropriate.

16 **14.60.356 Pretreatment facilities.**

17 The discharger shall provide all known, available, and reasonable methods of prevention,  
18 control, and pretreatment as required to comply with this chapter as well as state and federal  
19 regulations, and shall achieve compliance with all applicable pretreatment standards within the  
20 time limitations as specified by appropriate statutes, regulations, chapters, and ordinances. Any  
21 facilities required to pretreat wastewater to a level acceptable to the city shall be provided,  
22 properly operated and maintained at the discharger's expense. Detailed plans showing the  
23 pretreatment facilities shall be submitted to the city for review and must be accepted by the  
24 city and the state Department of Ecology before construction of the facility. The review of such  
25 plans by the city shall in no way relieve the discharger from the responsibility of modifying its  
26 facility as necessary to produce an effluent acceptable to the city under the provisions of this  
27 chapter. The discharger shall obtain all necessary construction-operating permits from the city.  
28 Prior to completion of the wastewater pretreatment facility, the discharger shall furnish its plan  
29 of operations and maintenance procedures for the city to review. Such pretreatment facilities  
30 shall be under the control and direction of a qualified operator.

31 Any subsequent proposal for significant changes in the pretreatment facilities or method of  
32 operation shall be reported to and be accepted by the state Department of Ecology and the city  
33 prior to the discharger's initiation of the changes.

34 Pretreatment facilities shall comply with the applicable requirements of Washington  
35 Administration Code (WAC) 173-216-110, WAC 173-240, and the Revised Code of Washington  
36 (RCW) 90.48.010.

37 **14.60.358 Fats, Oils and Grease (F.O.G.) pretreatment required.**

38 All food service establishments that serve or prepare food or any other establishment from  
39 which a considerable amount of F.O.G. may be introduced to the sewer system shall have an

1 adequate grease removal system installed and/or exercise proper kitchen best management  
2 practices to ensure that excess concentrations of F.O.G. are not discharged to the POTW. Take-  
3 out food establishments or other establishments that prepare food, but do not cook in oil or  
4 grease, and who serve food only in disposable containers, may be exempted from this  
5 requirement, provided their discharges will not violate the general discharge prohibitions of  
6 this chapter.

7 These pretreatment facilities must be approved grease removal systems installed in the waste  
8 line leading from sinks, drains, or other fixtures where F.O.G. may be discharged. The grease  
9 removal systems must meet, at a minimum, the specifications of the current Uniform Plumbing  
10 Code as adopted by the city at the time of construction. Dischargers must maintain these  
11 systems in a manner that will always prevent fat waste, oil or grease from being carried into the  
12 sewer system. Fat waste, oil or grease removed from such a system shall not be disposed of in  
13 sanitary or storm sewers.

14 Containment of fats, oils and grease shall be in approved containers and the surrounding area  
15 clean of any residue. Containers shall be inside a covered enclosure that is kept clean and  
16 capable of containing any and all spillage from the containers. The director may grant a  
17 variance on the type or size of grease removal system required as deemed appropriate under  
18 extraordinary circumstances.

19 **14.60.360 Grease removal system required – When.**

20 If any food service establishments where F.O.G. may be introduced to the sewer system are  
21 sold or leased, and the new owners or operators must apply for a new business license, they  
22 shall be required to install or connect to a grease removal system within six (6) months. In the  
23 event that an existing business is not capable of fully utilizing the existing grease removal  
24 system due to faulty or incomplete plumbing, or the existing grease removal system is  
25 inadequate, the business shall, within twelve (12) months of notification, make whatever  
26 corrections or upgrades necessary to bring their system into compliance.

27 The city shall approve of all control plans or installations of grease removal systems. The cost of  
28 grease interceptor permits shall be as shown in Chapter 3.104 LMC.

29 **14.60.362 F.O.G. control plans – Contents.**

30 The goal of the F.O.G. control plan is to implement reasonable and technically feasible controls  
31 of visible or free-floating F.O.G. The basic components of the F.O.G. control plan should include:

32 A. A written policy articulating management and corporate support for the plan and a  
33 commitment to implement planned activities and achieve established goals;

34 B. A description of the facility type and a summary of the products made and/or service  
35 provided;

36 C. Schematics of process areas illustrating drains and discharge points connected to the sewer;

37 D. Schedule of grease removal system cleanings and maintenance;

38 E. Specific performance goals and implementation schedule; and

1 F. Signature of owner or responsible person.

2 **14.60.364 Washing facilities, grease rack – Pretreatment.**

3 Dischargers who operate automatic and coin-operated laundries, car washes, filling stations,  
4 commercial garages or similar businesses having any type of washing facilities or grease racks  
5 and any other dischargers producing grit, sand, oils, or other materials which have the potential  
6 of causing partial or complete obstruction of the POTW sewer collection and conveyance  
7 system shall install approved interceptors or tanks in accordance with the latest specifications  
8 adopted by the City of Lynnwood so that excessive amounts of oil, sand and inert solids are  
9 effectively prevented from entering the system. At no time will water from these processes be  
10 allowed into the storm water system.

11 **14.60.366 F.O.G. pretreatment facilities – Installation and maintenance.**

12 All pretreatment facilities to prevent the discharge of fat waste, oil, or grease shall be installed,  
13 maintained and operated by the discharger at his own expense. The installation shall be kept in  
14 continuous operation at all times, and shall be maintained to provide efficient operation.  
15 Cleaning of a gravity grease interceptor (GGI) grease removal system must be performed by a  
16 service contractor qualified to perform such cleaning. Trap-style hydromechanical grease  
17 interceptors (HGIs) may be maintained by the establishment as long as all the proper  
18 procedures for the cleaning and disposing of all waste materials are done in the proper manner.

19 At a minimum, gravity grease interceptors shall be cleaned at least once every 90 days and  
20 hydromechanical grease interceptors cleaned at least biweekly. These required frequencies  
21 may be extended with the approval of the director of public works. Grease interceptors must  
22 be cleaned whenever the combined thickness of the floating greases and settled solids is equal  
23 to, or greater than, twenty five (25) percent of the total liquid depth in the interceptor. When  
24 cleaned, a gravity grease interceptor must be completely pumped out, all solids removed,  
25 solidified grease scraped from the interior and the structure and all internal plumbing inspected  
26 for damage and corrosion. The GRS shall be refilled with cold water prior to being placed back  
27 into operation. If repairs are required, they shall be performed within thirty (30) days.

28 When cleaned, the hydromechanical grease interceptor must have surface grease and oil  
29 removed, settled solids removed, all walls scraped, removable parts removed and cleaned, be  
30 inspected for damage and corrosion, and be properly reassembled. If repairs are required, they  
31 shall be performed within thirty (30) days.

32 Material that is removed in the process of cleaning a grease removal system shall not be  
33 discharged back into the interceptor, any part of the POTW, any private sewer, any drainage  
34 piping or storm sewer system. All materials removed shall be handled and disposed of in  
35 accordance with federal, state, county and local rules and regulations. Grease removal devices  
36 (GRDs) that automatically, mechanically remove non-petroleum fats, oils and greases from the  
37 interceptor shall be maintained in accordance with the manufacturers' guidelines.

38 If a failure to maintain settling tanks, grit traps, grease interceptors, or oil/water separators or  
39 any other grease pretreatment facility results in partial or complete blockage of the building

1 sewer or other parts of the POTW, adversely affects the treatment or transmission capabilities  
2 of the POTW, or requires excessive maintenance by the city, the discharger responsible for the  
3 facilities shall be subject to the remedies, including enforcement and penalties, in Article III of  
4 this chapter.

5 **14.60.368 Grease removal system additives.**

6 The use of any additive, such as enzymes, chemicals, or bacteria, as a substitute for the  
7 installation or maintenance of grease removal systems is prohibited. In no case shall any  
8 additive that emulsifies fats, oils or grease be used. Any use of additives as a supplement to  
9 grease removal systems shall first be authorized in writing by the director prior to their use by  
10 the facility owner. Safety Data Sheets and any other applicable information concerning the  
11 composition, frequency of use and mode of action of the proposed additive shall be sent to the  
12 city together with a written statement outlining the proposed use of the additive. Based on the  
13 information received and any other information solicited from the potential user or supplier,  
14 the city shall allow or deny the use of the additive in writing. Permission to use any specific  
15 additive may be withdrawn by the city at any time if violations of this chapter occur that can be  
16 demonstrated to be due to the use of the additive.

17 **14.60.370 Grease removal system sizing.**

18 The type and size of the grease removal system shall be based on the drainage fixture unit  
19 formula as defined in the currently adopted Uniform Plumbing Code.

20 In no case shall a hydromechanical grease interceptor smaller than twenty (20) gallons per  
21 minute or larger than fifty five (55) gallons per minute be installed without approval of the  
22 director. In no case shall a gravity grease interceptor smaller than seven hundred fifty (750)  
23 gallons be installed without prior approval of the director. The maximum size for a gravity  
24 grease interceptor shall be four thousand (4,000) gallons. If the calculated minimum size is  
25 larger than this, two (2) interceptors of approximately equal size shall be installed in series. If  
26 the calculated minimum size is larger than eight thousand (8,000) gallons, two (2) four  
27 thousand (4,000)gallon gravity grease interceptors shall be installed in series.

28 **14.60.372 F.O.G. Pretreatment Facility Maintenance – Compliance with control plan.**

29 A violation shall occur if:

30 A. There are any discharges of any substance or F.O.G. in excess of the provisions or restrictions  
31 of this chapter;

32 B. There is a failure to install or maintain settling tanks, grit traps, grease removal systems,  
33 oil/water separators or any other pretreatment facility that results in partial or complete  
34 blockage that adversely affect the treatment or transmission capabilities of the conveyance  
35 system or the POTW Treatment Plant. Failure to prevent discharge of grease, oil, fats, sand,  
36 gravel or any other material which causes excessive maintenance of the sewer conveyance  
37 system or POTW Treatment Plant shall be liable for costs incurred by the city and may be  
38 subject to enforcement action as outlined in the ERP; or

1 C. A discharger does not comply with their approved F.O.G. Control Plan.

2 **14.60.374 Recordkeeping/reporting requirements.**

3 Users subject to this chapter shall document all cleaning and maintenance activities performed  
4 on their grease removal system. These records shall be submitted to the city as documented in  
5 the F.O.G. Control Plan, maintained for a minimum of three (3) years and be available for  
6 inspection and copying by the director or representative. This period shall be automatically  
7 extended for the duration of any litigation concerning the user or the POTW, or where the user  
8 has been specifically notified of a longer retention period required by the director. Where the  
9 director has determined that a user must provide written reports, these reports shall be  
10 submitted in accordance with the requirement of the director. Written reports will be deemed  
11 to have been submitted on the date postmarked. For reports which are not mailed, postage  
12 prepaid, into a mail facility serviced by the United States Postal Service, the date of receipt of  
13 the report by the city shall govern. Failure to comply with the cleaning and or servicing of  
14 equipment as scheduled in the F.O.G. Control Plan is a violation and subject to penalties as fines  
15 as documented in the enforcement response plan.

16 **14.60.376 Permit to be obtained for installation of a gravity grease interceptor or oil/water**  
17 **separator.**

18 A permit application for the installation of a gravity grease interceptor or oil/water separator  
19 shall be submitted to the department of public works for processing as required by LMC  
20 2.44.040. Hydromechanical grease interceptors, typically installed inside the building, will be  
21 permitted through the building department.

22 **14.60.378 Amalgam Separators.**

23 The director may specify additional requirements for dental facilities that remove or place  
24 amalgam fillings.

25 A. All users of and dischargers from dental facilities that remove or place amalgam fillings  
26 shall comply with the following waste management practices:

27 1. No person shall rinse chair-side traps, vacuum screens, or amalgam separator  
28 equipment in a sink or other connection to the sanitary sewer.

29 2. Users of and dischargers from dental facilities shall ensure that all staff members  
30 who handle amalgam waste are trained in the proper handling, management, and disposal of  
31 mercury-containing material and fixer-containing solutions, and shall maintain training records  
32 that shall be available for inspection by the director during normal business hours.

33 3. Amalgam waste shall be stored and managed in accordance with the instructions  
34 of the recycler or hauler of such materials.

35 4. Bleach and other chlorine-containing disinfectants shall not be used to disinfect  
36 the vacuum line system.

37 5. The use of bulk mercury is prohibited. Only pre-capsulated dental amalgam is  
38 permitted.

1 B. All users of and dischargers from dental vacuum suction systems, except as set forth in  
2 subsections (C) of this section, shall comply with the following:

3 1. An ISO 11143 certified amalgam separator or comparable device shall be  
4 installed for each dental vacuum suction system on or before one (1) year of the effective date  
5 of this title provided, however, that all dental facilities that are newly constructed on and after  
6 the effective date of this title shall include an installed ISO 11143 certified amalgam separator  
7 or comparable device. The installed device must be ISO 11143 certified or comparable as  
8 capable of removing a minimum of ninety nine (99) percent of total mercury. The amalgam  
9 separator system shall be certified at flow rates comparable to the flow rate of the actual  
10 vacuum suction system operation. Neither the separator device nor the related plumbing shall  
11 include an automatic flow bypass. For facilities that require an amalgam separator that exceeds  
12 the practical capacity of ISO 11143 test methodology, a non-certified separator may be  
13 accepted, provided that smaller units from the same manufacturer and of the same technology  
14 are ISO-certified or comparable. Alternative materials and methods shall be proposed to the  
15 director for approval.

16 2. Proof of certification and installation records shall be submitted to the director  
17 within thirty (30) days of installation.

18 3. Amalgam separators shall be maintained in accordance with manufacturer's  
19 recommendations. Installation, certification, and maintenance records shall be available for  
20 immediate inspection upon request by the director during normal business hours.

21 4. All service and maintenance activities performed on the amalgam separator shall  
22 be documented on the City of Lynnwood's Dental Facility Maintenance Record. This record  
23 shall be posted on site and submitted to the city as documented in the Mercury Removal  
24 Control Plan.

25 C. The following types of dental practice are exempt from this section, provided that  
26 removal or placement of amalgam fillings occurs at the facility no more than three (3) days per  
27 year: dental clinics, orthodontics, periodontics, oral and maxillofacial surgery, radiology, oral  
28 pathology or oral medicine, and endodontistry and prosthodontistry. Exemption from this  
29 section requires a annually signed document from the discharger stating removal or placement  
30 of amalgam fillings occurs at the facility no more than three (3) days per year.

31 **14.60.379 Sewage discharge facilities for recreational vehicles.**

32 Facilities to accommodate the disposal of domestic sewage from recreational vehicles into the  
33 city's sanitary sewer system may be installed and used under the following conditions:

34 1. Approval to install facility will be subject to all applicable municipal code requirements and  
35 restrictions as they pertain to commercial or residential sites.

36 2. Any responsible person may apply to the public works department for permission to install  
37 a recreational vehicle sewage waste disposal facility for recreational vehicles. "Responsible  
38 Person" includes the owner of the business and/or property on which the facility is proposed or  
39 any person authorized in writing by such owner to act in his/her place with respect to the  
40 installation and maintenance of such a facility.

- 1 3. Before permission to connect a recreational vehicle sewage waste disposal facility is  
2 granted, the responsible person shall pay applicable sewer connection fees to the city.
- 3 4. The specific location of the recreational vehicle sewage waste disposal facility shall be  
4 subject to approval by the director.
- 5 5. The recreational vehicle sewage waste disposal facility shall be installed only in conformity  
6 with designs approved by the director and consistent with all other code requirements the city.
- 7 6. The installation of the recreational vehicle sewage waste disposal facility shall be subject to  
8 all applicable public works, building and inspection regulations in force at the time of the  
9 installation; and the city shall bear no part of the cost of such installation.
- 10 7. After installation, the recreational vehicle sewage waste disposal facility shall be made  
11 available for inspection at any time during business hours and at any other time upon  
12 reasonable notice given to the responsible person or without notice in case of emergency. The  
13 inspection shall be conducted by the director or representative.
- 14 8. The responsible person shall take all reasonable steps necessary to ensure that all users of  
15 the recreational vehicle sewage waste disposal facility do not discharge into the city sewer  
16 collection system any substance in violation of this chapter. The public works department, as  
17 allowed in this chapter, may establish mandatory best management practices for such  
18 recreational vehicle sewage waste disposal facilities.
- 19 9. The director may order that the use of the recreational vehicle sewage waste disposal site  
20 be discontinued or that it be disconnected from the city sewer system if, after prior notice of  
21 such violations, the responsible person has failed to prevent the discharge of prohibited  
22 substances into the sewer collection system. Thereafter, the use of such a facility or its  
23 connection to the city's sewer collection system may be reinstated if the director determines  
24 that the conditions requiring such discontinuance or disconnection have ceased to exist.
- 25 10. The responsible person shall notify the director whenever any of the following events  
26 occur:
- 27 A. The responsible person ceases to act as responsible person.
- 28 B. The premises upon which the recreational vehicle sewage waste disposal facility is  
29 located ceases to be used as a discharge facility.
- 30 11. Upon receipt of notice that use of the recreational vehicle sewage waste disposal facility is  
31 to be terminated for an indefinite period of time, the director may take actions to ensure  
32 compliance with the requirements of this chapter including either of the following:
- 33 A. Disconnect or require that the recreational vehicle sewage waste disposal facility  
34 disposal site disconnect from the city's sewer system, or
- 35 B. Require the responsible person to take the necessary steps to prevent further use of  
36 the facility.

37 **14.60.380 Compliance with applicable pretreatment requirements.**

1 New sources, and new users that are determined to be significant industrial users (SIUs), shall  
2 install and have in operating condition, all pollution control equipment required to meet  
3 applicable pretreatment standards prior to discharging to the POTW.

4 Any wastewater discharge permit issued to a categorical user shall not contain a compliance  
5 date beyond any deadline date established in EPA's categorical pretreatment standards. Any  
6 other existing user that is considered to be an SIU, or a categorical user that must comply with a  
7 more stringent local limit, which is in noncompliance with any local limits may be provided with  
8 a compliance schedule to ensure compliance within the shortest time feasible.

9 **14.60.382 Additional pretreatment measures.**

10 Whenever deemed necessary, the director may require users to restrict their discharge during  
11 peak flow periods, designate that certain wastewater be discharged only into specific sewers,  
12 relocate and/or consolidate points of discharge, separate sewage waste-streams from industrial  
13 waste-streams, and such other conditions as may be necessary to protect the POTW and  
14 determine the user's compliance with the requirements of this chapter.

15 When determined necessary by the director, each user discharging into the POTW shall install  
16 and maintain, on his property and at his expense, a suitable storage and flow-control facility to  
17 ensure equalization of flow. The director may require the facility to be equipped with alarms  
18 and a rate of discharge controller, the regulation of which shall be determined by the director.  
19 A wastewater discharge permit may be issued solely for flow equalization. Users with the  
20 potential to discharge flammable substances may be required to install and maintain an  
21 approved combustible gas detection system.

22 Grease, oil, and sand interceptors shall be provided when, in the opinion of the director, they  
23 are necessary for the proper handling of wastewater containing excessive amounts of grease  
24 and oil, or sand; except that such interceptors shall not be required for residential users. All  
25 interception units shall be of type and capacity approved by the director and shall be so located  
26 as to be easily accessible for cleaning and inspection. Such interceptors shall be inspected,  
27 cleaned, and repaired regularly, as specified in their FOG Control Plan by the user at his  
28 expense.

29 When a new building is constructed without a tenant, and has any sewers which are intended  
30 to serve wastes other than sanitary or domestic waste, a three (3) compartment interceptor  
31 approved by the director shall be installed.

32 **14.60.385 Right of revision.**

33 The city reserves the right to amend this chapter, and any permits issued under it, to provide  
34 for more stringent limitations or requirements on discharges to the POTW if such amendments  
35 are deemed necessary to comply with the objectives set forth in LMC [14.04.005](#), or are  
36 otherwise in the public interest. No vested right shall be created by the issuance of any permit  
37 under this chapter.

38 **14.60.390 Special agreement.**

1 The city reserves the right to enter into special agreements with users setting out special terms  
2 under which they may discharge to the POTW. In no case will a special agreement waive  
3 compliance with a categorical pretreatment standard or federal pretreatment requirement.  
4 However, the user may request a net gross adjustment to a categorical standard in accordance  
5 with 40 CFR 403.15. They may also request a variance from the categorical pretreatment  
6 standard from the approval authority in accordance with 40 CFR 403.13.

7 **14.60.395 Trucked or Hauled Waste.**

8 Trucked or hauled pollutants including septage from any source is prohibited from being  
9 discharged into the POTW unless authorized by the director of Public Works. The authorized  
10 discharge must meet local discharge limits.

11 **Article II. Administration**

12 **14.60.400 Purpose.**

13 Except as otherwise provided herein the director shall administer, implement and enforce the  
14 provisions of this chapter. Any powers granted to or duties imposed upon the director may be  
15 delegated by the director to other city of Lynnwood personnel. The director may create  
16 administrative guidelines to implement the provisions of this chapter.

17 **14.60.500 Disclosure forms.**

18 All existing and new businesses that discharge or have the potential to discharge wastes  
19 regulated by this chapter shall be required to complete an industrial waste disclosure form. The  
20 disclosure to be made by the discharger shall be made on written forms provided by the city  
21 and shall include such data, information and drawings as may be identified by the director. The  
22 disclosure forms must be returned to the director no later than within thirty (30) days (except  
23 as noted below) of the occurrence of any of the following:

24 A. Receipt by the user of a disclosure form with a request for completion and submittal of same  
25 from the director;

26 B. Modification of any of the processes regulated by an existing permit which results in any  
27 changes in characteristics, volume, or point of discharge from those specified in the existing  
28 permit. The disclosure form must be submitted no later than sixty (60) days prior to the  
29 expected modifications;

30 C. Addition of a process which is regulated by national categorical pretreatment standards or  
31 addition of a discharge which is subject to local discharge regulations; or

32 D. Application for a building permit for initial construction, expansion, or remodeling. The  
33 disclosure form must be submitted for review before the building permit is issued.

34 Disclosure forms shall be reviewed by the city, and if the director makes the determination that  
35 a wastewater discharge permit is required, the disclosure form shall serve as a permit  
36 application and must be accompanied by the fee designated in Chapter 14.40 LMC.

1 Disclosure forms must be completed and signed by a principal executive officer of the company.

2 **14.60.503 Industrial wastewater discharge permits – Application.**

3 All dischargers of industrial wastewater to the sewer system who are required to have an  
4 industrial wastewater discharge permit shall submit an application to the director. The  
5 industrial sewer discharge permit application shall be submitted to the department of public  
6 works for processing as required by LMC 2.44.040, unless federal rules and regulation require  
7 otherwise. New industrial users subject to federal categorical standards or local limitations as  
8 determined by the director shall apply sixty (60) days prior to connecting to the city sanitary  
9 sewer. The director shall review applications, determine appropriate requirements, restrictions  
10 and limitations for the applicant and issue an industrial wastewater discharge permit as  
11 needed. Where a discharger becomes subject to a national categorical pretreatment standard,  
12 and has not previously submitted an application for a wastewater discharge permit, the  
13 discharger shall apply for a wastewater discharge permit from the city within ninety (90) days  
14 after the promulgation of the applicable categorical pretreatment standards by the EPA. All  
15 permittees shall apply for renewal of their wastewater permit no later than ninety (90) days  
16 prior to the expiration of their present permit.

17 All dischargers who are subject to federal categorical standards must submit a baseline  
18 monitoring report within one hundred eighty (180) days of the promulgation of appropriate  
19 categorical standards. The report shall follow the rules provided in 40 CFR 403.12(b).

20 For new sources the discharger may provide estimates of production, flow and quality and  
21 presence of regulated pollutants in its waste stream.

22 A new source may be required to submit an engineering report to the director and comply with  
23 Chapter 173-240 WAC; the report should explain the method of pretreatment a new source  
24 intends to use to meet applicable categorical standards. A new source shall give estimates of its  
25 anticipated flow and quantity of pollutants discharged.

26 The cost of industrial wastewater discharge permits shall be as shown in Chapter 3.104 LMC.

27 **14.60.5032 Wastewater discharge permitting – Extrajurisdictional users.**

28 The director has the authority to negotiate and enter into interjurisdictional agreements to  
29 enforce the pretreatment requirements outside of jurisdictional boundaries, setting forth the  
30 responsibility of both parties with respect to pretreatment functions and making provisions of  
31 the City ordinance enforceable in the jurisdiction in which the industrial user is located.

32 New sources, and new users that are determined to be significant industrial users (SIUs),  
33 located beyond the city limits required to obtain a wastewater discharge permit shall comply  
34 with LMC 14.60.508(A) through (E).

35 **14.60.5034 Wastewater discharge permitting – Zero discharge permits.**

36 Any categorical user that operates its regulated processes so that no industrial waste is  
37 discharged to the POTW may request that a zero (0) discharge permit (ZDP) be issued by the  
38 city. To be eligible for a ZDP the user shall demonstrate to the director's satisfaction that no

1 industrial waste will be discharged and shall either permanently seal all accesses to the POTW  
2 other than those required for disposal of domestic sewage or install shutoff devices that will  
3 accept city-installed, tamper-evident seals. Breaking this seal without prior authorization by the  
4 director shall be a violation of the ZDP and this chapter.

5 **14.60.5036 Wastewater discharge permitting – Middle tier categorical industrial user.**

6 Any categorical user that operates its regulated processes so that it complies with the  
7 requirements in LMC 14.06.130, middle tier categorical industrial user, may request that it be  
8 designated a middle tier categorical industrial user. If the director agrees with that request, the  
9 user's discharge permit will be modified to incorporate the applicable provisions of 40 CFR 403.  
10 If, at any time, the user no longer complies with the requirements in LMC 14.06.130, middle tier  
11 categorical industrial user, it shall immediately notify the director and comply with the backup  
12 reporting requirements contained in the permit.

13 **14.60.5038 Wastewater discharge permitting – Non-significant categorical industrial user.**

14 Any categorical user that operates its regulated processes so that it complies with the  
15 requirements in LMC 14.06.190(3), significant industrial user, may request that it be designated  
16 a non-significant categorical industrial user. If the director agrees with that request, the user  
17 will be issued a non-significant CIU permit and shall comply with the requirements of that  
18 permit. If, at any time, the user no longer complies with the requirements in LMC 14.06.190(3),  
19 significant industrial user, it shall immediately notify the director and comply with the backup  
20 reporting requirements contained in the permit.

21 **14.60.504 Industrial discharge permit – Requirements.**

22 The city may authorize the following items to be included in the wastewater permit:

23 A. Limits on the average and maximum discharge of wastewater constituents and  
24 characteristics regulated thereby;

25 B. Limits on average and maximum flow rate and time of discharge and/or requirements for  
26 flow control and equalization;

27 C. Requirements for installation and maintenance of inspection and sampling facilities;

28 D. Special Conditions. The city may reasonably require under particular circumstances of a given  
29 discharger, including but not limited to sampling locations, frequency of sampling, number,  
30 types, and standards for tests and reporting schedule;

31 E. Compliance self-monitoring;

32 F. Requirements for submission of discharge compliance monitoring reports or special technical  
33 reports;

34 G. Requirements for submittal of an Accidental Spill Prevention Plan (ASPP);

35 H. Requirements for immediate reporting of noncompliance, accidental spills, or upsets by the  
36 discharger;

- 1 I. Requirements equivalent to the applicable Washington State waste discharge permit system
- 2 requirements;
- 3 J. Requirements for payment of fees pursuant to Chapter 14.40 LMC;
- 4 K. Requirement that the director or designee shall have reasonable access to the discharger's
- 5 premises to accomplish any required inspection, sampling or flow monitoring;
- 6 L. Slug Discharge Control Plan;
- 7 M. Best Management Practices;
- 8 N. All Known, Available and Reasonable Methods of Prevention, Control and Treatment
- 9 (AKART) requirements; and
- 10 O. A statement of applicable civil, criminal, and administrative penalties for violation of
- 11 pretreatment standards and requirements, and any applicable compliance schedule.

12 **14.60.505 Industrial wastewater discharge permit – Duration.**

13 All wastewater discharge permits shall be issued for a period of no greater than five (5) years,

14 subject to amendment or revocation as provided in this chapter. A permit may be issued for a

15 shorter period or may be stated on its face to expire on a specific date.

16 **14.60.506 Industrial wastewater discharge permit – Transfer.**

17 Wastewater discharge permits are issued to a specific discharger for a specific operation and

18 are not assignable to another discharger without prior written approval of the city, and are not

19 transferable to any other location.

20 **14.60.507 Industrial wastewater discharge permit – Modification.**

21 The city reserves the right to amend any wastewater discharge permit issued hereunder in

22 order to assure compliance or continued compliance by the city with applicable laws and

23 regulations. Within nine months of the promulgation of a national categorical pretreatment

24 standard, the wastewater discharge permit of each discharger subject to such standards shall

25 be revised to require compliance with such standards within the time frame prescribed by such

26 standards. In addition, the discharger with an existing wastewater discharge permit shall submit

27 to the city within 90 days after the promulgation of an applicable national categorical

28 pretreatment standard, information regarding the nature and concentrations of any pollutants

29 or materials discharged that are prohibited or restricted by this chapter and information

30 pertaining to additional pretreatment and/or operation and maintenance activities which will

31 be required to comply with this chapter. The discharger must include a schedule of compliance,

32 with a time schedule of completion of each activity. In no case shall a time frame be any longer

33 than six months. The discharger shall be informed of any proposed changes in its permit at least

34 thirty (30) days prior to the effective date of change. Any changes or new conditions upon the

35 discharger may require modification of the wastewater discharge permit, as well as include a

36 reasonable time schedule for compliance.

1 **14.60.5072 Emergency suspension of service and industrial wastewater discharge permit or**  
2 **limited permit.**

3 A. The city may, without advance notice, order the suspension of all or some portion of the  
4 wastewater treatment service and any applicable industrial wastewater discharge permit or  
5 limited discharge permit to a discharger when it appears to the city that an actual or potential  
6 discharge:

- 7 1. Presents or threatens a substantial danger to the health or welfare of persons or to  
8 the environment; or
- 9 2. Threatens or interferes with the operation of the POTW; or
- 10 3. Causes pass-through to the environment.

11 B. Any discharger notified of the city's suspension order shall cease immediately all discharges.  
12 In the event of failure of the discharger to comply with the suspension order, the city may  
13 commence judicial proceedings immediately thereafter to compel the discharger's specific  
14 compliance with such order and/or to recover civil penalties. The city shall reinstate the  
15 wastewater treatment service upon proof by the discharger of the elimination of the  
16 noncomplying discharge or of the conditions creating the threat as set forth in this section.

17 C. In addition to all other rights and remedies, the city shall have the authority to discontinue  
18 water service to a discharger if the city determines that such action is reasonably necessary to  
19 suspend service as authorized by subsection (A) of this section. The city shall have the right of  
20 access on to the discharger's private property to accomplish such termination of the water  
21 service.

22 **14.60.5074 Termination of treatment services – Permit revocation.**

23 The city shall have the authority to terminate wastewater treatment services and to revoke the  
24 industrial wastewater discharge permit or limited permit of the discharger if it determines that  
25 the discharger has:

- 26 A. Failed to accurately report wastewater constituents and characteristics; or
- 27 B. Failed to report significant changes in wastewater constituents, characteristics, flow volumes  
28 or types of discharge to the POTW; or
- 29 C. Refused reasonable access to the discharger's premises for purposes of inspection or  
30 monitoring; or
- 31 D. Violated conditions of the wastewater discharge permit; or
- 32 E. Violated any of the provisions of this chapter or regulations promulgated hereunder; or
- 33 F. Violated any lawful order of the city issued with respect to the discharger's permit or this  
34 chapter; or

1 G. Tampered with, disrupted, damaged or rendered inaccurate any wastewater monitoring  
2 device required by this chapter.

3 **14.60.5076 Wastewater discharge permit re-issuance.**

4 A user, required to have a wastewater discharge permit, shall apply for wastewater discharge  
5 permit re-issuance by submitting a complete wastewater discharge permit application, in  
6 accordance with LMC 14.60.503, a minimum of ninety (90) days prior to the expiration of the  
7 user's existing wastewater discharge permit. A user, whose existing wastewater discharge  
8 permit has expired and has submitted its re-application in the time period specified herein,  
9 shall be deemed to have an effective wastewater discharge permit until the city issues or  
10 denies the new wastewater discharge permit. A user, whose existing wastewater discharge  
11 permit has expired and who failed to submit its reapplication in the time period specified  
12 herein, will be deemed to be discharging without a wastewater discharge permit.

13 **14.60.508 Industrial wastewater discharge permit – Reporting required.**

14 All dischargers subject to national categorical pretreatment regulations must submit a ninety  
15 (90)day compliance report within ninety (90) days after the date the final national categorical  
16 pretreatment compliance must be achieved or, in the case of a new discharger, ninety (90) days  
17 after the discharger starts to discharge to the POTW. The information provided in this report  
18 shall contain the same information as required by the baseline monitoring report as found in 40  
19 CFR 403.12(b).

20 A. Identifying Information. The user shall submit the name and address of the facility including  
21 the name of the operator and owners.

22 B. Permits. The user shall submit a list of any environmental control permits held by or for the  
23 facility.

24 C. Description of Operations. The user shall submit a brief description of the nature, average  
25 rate of production, and standard industrial classification of the operation(s) carried out by such  
26 industrial user, including a list of all raw materials and chemicals used or stored at the facility  
27 which are, or could accidentally or intentionally be, discharged to the POTW; number and type  
28 of employees; hours of operation; each product produced by type, amount, process or  
29 processes, and rate of production; type and amount of raw materials processed (average and  
30 maximum per day) and the time and duration of discharges. This description should also include  
31 a schematic process diagram which indicates points of discharge to the POTW from the  
32 regulated or manufacturing processes. Site plans, floor plans, mechanical and plumbing plans  
33 showing details of all sewers, sewer connections, inspection manholes, sampling chambers and  
34 appurtenances by size, location and elevation are required.

35 D. Flow Measurement.

36 1. Categorical User. The user shall submit information showing the measured average  
37 daily and maximum daily flow, in gallons per day, to the POTW from each of the  
38 following:

39 a. Regulated or manufacturing process streams; and

1           b. Other streams as necessary to allow use of the combined waste stream formula  
2           of 40 CFR 403.6(e).

3           2. Non-categorical User. The user shall submit information showing the measured  
4           average daily and maximum daily flow, in gallons per day, to the POTW from each of  
5           the following:

6           a. Total process flow, wastewater treatment plant flow, total plant flow or  
7           individual manufacturing process flow as required by the director.

8           The city may allow for verifiable estimates of these flows where justified by cost or  
9           feasibility considerations.

10   E. Measurements of Pollutants.

11       1. Categorical User.

12           a. The user shall identify the applicable pretreatment standards for each regulated  
13           or manufacturing process.

14           b. In addition, the user shall submit the results of sampling and analysis identifying  
15           the nature and concentration (or mass) where required by the categorical  
16           pretreatment standard or as required by the city of regulated pollutants (including  
17           standards contained in LMC [14.60.300](#) through [14.60.3015](#), specific prohibitions,  
18           as appropriate in the discharge from each regulated or manufacturing process.  
19           Both daily maximum and average concentration (or mass, where required) shall be  
20           reported. The sample shall be representative of daily operations and shall conform  
21           to sampling and analytical procedures outlined in LMC [14.60.530](#).

22           c. The user shall take a minimum of one (1) representative sample to compile that  
23           data necessary to comply with the requirements of this subsection.

24           d. Where an alternate concentration or mass limit has been calculated in  
25           accordance with 40 CFR 403.6(e) for a categorical user covered by a categorical  
26           pretreatment standard, this adjusted limit along with supporting data shall be  
27           submitted as part of the application.

28       2. Non-categorical User.

29           a. The user shall identify the applicable pretreatment standards for its wastewater  
30           discharge.

31           b. In addition, the user shall submit the results of sampling and analysis identifying  
32           the nature and concentration (or mass where required by the city) of regulated  
33           pollutants contained in LMC [14.60.300](#) through [14.60.3015](#), specific prohibitions,  
34           as appropriate in the discharge. Both daily maximum and average concentration  
35           (or mass, where required) shall be reported. The sample shall be representative of  
36           daily operations and shall conform to sampling and analytical procedures outlined  
37           in LMC [14.60.530](#).

1 c. The user shall take a minimum of one representative sample to compile that  
2 data necessary to comply with the requirements of this subsection.

3 d. Where the director develops alternate concentration or mass limits because of  
4 dilution, the adjusted limit along with supporting data shall be submitted as part  
5 of the application.

6 F. Certification. A statement, reviewed by an authorized representative of the user and certified  
7 by a qualified professional as outlined in LMC [14.60.509](#), indicating whether the applicable  
8 pretreatment standards are being met on a consistent basis, and, if not, whether additional  
9 operation and maintenance (O&M) and/or additional pretreatment is required for the user to  
10 meet the applicable pretreatment standards and requirements.

11 G. Compliance Schedule. If additional pretreatment and/or O&M will be required to meet the  
12 applicable pretreatment standards, the city will establish the shortest schedule by which the  
13 user will provide such additional pretreatment and/or O&M. The schedule shall conform to the  
14 requirements of LMC [14.60.380](#), Compliance with applicable pretreatment requirements.

15 1. Where the user's categorical pretreatment standard has been modified by a removal  
16 allowance (40 CFR 403.7), the combined waste stream formula (40 CFR 403.6(e)),  
17 and/or a fundamentally different factors variance (40 CFR 403.13) at the time the user  
18 submits the report required by this subsection, the information required by subsections  
19 (D) and (E) of this section shall pertain to the modified limits.

20 2. If the categorical pretreatment standard is modified by a removal allowance (40 CFR  
21 403.7), the combined waste stream formula (40 CFR 403.6(e)), and/or a fundamentally  
22 different factors variance (40 CFR 403.13) after the user submits the report required by  
23 subsections (D) and (E) of this section, then a new report shall be submitted by the user  
24 within sixty (60) days after the modified limit is approved.

25 H. Any other information as may be deemed necessary by the director to evaluate the  
26 wastewater discharge permit application. Incomplete or inaccurate applications will not be  
27 processed and will be returned to the user for revision.

28 For users subject to equivalent mass or concentration limits established by the city in  
29 accordance with procedures established in 40 CFR 403.6(c), this report shall contain a  
30 reasonable measure of the user's long-term production rate. For all other users subject to  
31 categorical pretreatment standards expressed in terms of allowable pollutant discharge per  
32 unit of production (or other measure of operation), this report shall include the user's actual  
33 production during the appropriate sampling period.

34 All permit holders are required to submit wastewater discharge monitoring reports to the  
35 pretreatment office at the frequencies and times designated in the discharge permit, but in no  
36 event less frequent than semi-annually. The report forms shall be furnished by the city.  
37 Submitted forms must contain all the results of analyses of the wastewater discharge  
38 performed by the permittee, even if the analyses are not required by the permit, and any other

1 information required by the permit or requested on the form itself. The reports must be  
2 complete, accurate, and signed by an authorized representative of the discharger.

3 If any violation has occurred during the reporting period, the discharger must repeat the  
4 sampling and analyses and submit the results to the city. The resampling data must be  
5 submitted to the city within thirty (30) days after the discharger becomes aware a violation has  
6 occurred. Resampling analyses shall not be used for satisfying regular compliance monitoring  
7 requirements.

8 **14.60.509 Signatory and certification requirement.**

9 All wastewater discharge permit applications and user reports must be signed by an authorized  
10 representative of the user and contain the following certification statement:

11 I certify under penalty of law that this document and all attachments were  
12 prepared under my direction or supervision in accordance with a system  
13 designed to assure that qualified personnel properly gather and evaluate the  
14 information submitted. Based on my inquiry of the person or persons who  
15 manage the system, or those persons directly responsible for gathering the  
16 information, the information submitted is to the best of my knowledge and  
17 belief, true, accurate, and complete. I am aware that there are significant  
18 penalties for submitting false information, including the possibility of fine and  
19 imprisonment for knowing violations.

20 **14.60.510 Limited discharge permits – Required when.**

21 The director may issue limited discharge permits to cover categories of dischargers which shall  
22 include dewatering of construction sites, contaminated groundwater mitigation and businesses  
23 that collectively may cause pass-through or interference with the POTW Treatment Plant. These  
24 categories include, but are not limited to, gas stations, auto/boat service stations, radiator  
25 shops, photo finishing, restaurants, fleet services, x-ray labs, car wash, printing and publishing,  
26 welding and repair, schools, pest control, wrecking yards, auto body and paint shops. Limited  
27 permits may be issued to categories of industries that meet the following requirements:

- 28 A. Involve the same or substantially similar types of operations;
- 29 B. Discharge the same types of wastes;
- 30 C. Require the same effluent limitations or operating conditions; may require similar  
31 monitoring; and
- 32 D. In the opinion of the director, are more appropriately controlled under a limited discharge  
33 permit than under an industrial wastewater discharge permit.

34 Industries that have been identified as needing limited discharge permits are required to make  
35 application to the department of public works for such permits. The limited discharge permit

1 shall be processed by the department of public works as required by LMC [2.44.040](#), unless  
2 federal rules and regulation require otherwise. The cost of such permit shall be as shown in  
3 Chapter [3.104](#) LMC.

4 **14.60.512 Limited discharge permits – Criteria.**

5 Limited discharge permits shall specify no less than all of the following as determined  
6 applicable by the city:

- 7 A. Fees and charges to be paid upon initial permit issuance;
- 8 B. Requirements for immediate reporting of noncompliance by the discharger;
- 9 C. Requirement for submittal of an accidental spill prevention plan;
- 10 D. Requirements for a best management practices plan;
- 11 E. Limits on the average and maximum discharge wastewater constituents and characteristics;
- 12 F. Limits on the average and maximum flow rate and/or requirements for flow control and  
13 equalization;
- 14 G. Compliance schedules for implementing permit conditions.

15 **14.60.5125 Limited discharge limitations and monitoring requirements.**

16 A. Discharge limitations:

17	Constituents	Maximum Limits
18	Flow per day	5,000 gallons
19	BTEX (benzene, toluene, ethylbenzene, xylene)	2mg/L
20	TPH Gas & Diesel (Total petroleum hydrocarbons)	15 mg/L
21	pH	5.0 – 11.0
22	Lead	1.5 mg/L
23	Zinc	1.5 mg/L
24	LEL (lower explosive level)	10%
25	Closed cup flashpoint*	>140/F
26	Settable solids	7 ml/L

27 B. Monitoring requirements

28	Parameters	Frequency	Sample Type/Method
29	Flow	Daily	Metered or as measured on Baker Tank
30	BTEX	Every 3 months	Grab/EPA Method 602
31	TPH	Every 3 months	Grab

1	pH	Every 3 months	Grab
2	Lead	Every 3 months	Grab
3	Zinc	Every 3 months	Grab
4	LEL	Daily	Meter
5	Closed cup flashpoint	Every three months	Grab
6	Settleable solids	Prior to each discharge	Grab/Imhoff Cone

7 \* Test method specified in 40CFR 261.21

8 C. Operating procedures Common Sense Criteria:

- 9 1. There shall be no pronounced odor of solvent or gasoline.
- 10 2. There shall be no pronounced oil sheen or unusual color.
- 11 3. There shall be no pronounced hydrogen sulfide (rotten egg) odor.

12 D. Sampling site

13 All samples shall be taken at the effluent of the treatment system before the waste water  
14 enters the city sewer collection system.

15 E. Reporting requirements

16 All monitoring reports shall be submitted to the city of Lynnwood at least 48 hours prior to  
17 discharge. The report shall include volumes of discharge as well as the analytical results.

18 If any discharge limits or operating procedures are exceeded, the City Pretreatment  
19 Coordinator shall be notified immediately. The recovery system shall cease discharging if the  
20 BTEX concentration, TPH concentration, LEL of 10% or the closed cup flashpoint of less than  
21 140/F is exceeded.

22 A drawing showing the dewatering site, holding tank and discharge location shall be  
23 submitted prior to discharge.

24 At all times the contaminated water shall be prevented from entering any natural waters or  
25 drain system.

26 **14.60.513 Limited discharge permits – Special conditions.**

27 Special conditions as the city may reasonably determine under particular circumstances may be  
28 required of a given discharger, including but not limited to sampling frequency, number, and  
29 type; proof of maintenance on oil/water interceptors or grease interceptors; documentation of  
30 maintenance schedules and/or proof of recycled products such as used oil, antifreeze, or  
31 substances containing designated dangerous wastes; inspection and sampling facilities;  
32 statement of no discharge to the city POTW other than domestic usage only and/or no  
33 discharge of contaminated wastewaters to natural outlets.

1 **14.60.514 Limited discharge permits – Issuance, revocation, transfer.**

2 Sections of this chapter that pertain to modification, issuance, revocation, termination,  
3 application and monitoring for industrial wastewater discharge permits shall also apply to  
4 limited permits.

5 **14.60.515 Limited discharge permits – Upgrade to industrial wastewater discharge permit,-**  
6 **When.**

7 The director may require any discharger authorized by a limited discharge permit to apply for  
8 and obtain an industrial wastewater discharge permit. Cases where an industrial wastewater  
9 discharge permit may be required include, but are not limited to, the following:

- 10 A. The discharger is not in compliance with conditions of the limited discharge permit;
- 11 B. A change occurs in the technology or practices for control or abatement of pollutants for this  
12 discharger;
- 13 C. Effluent limitation guidelines are promulgated for the discharger under the categorical  
14 pretreatment regulations, 40 CFR 403;
- 15 D. Information obtained from POTW testing indicates that cumulative effects on the POTW  
16 from dischargers covered under the limited discharge permit are unacceptable.

17 In cases where the director requires any discharger to apply for an industrial wastewater  
18 discharge permit, the discharger must be notified in writing that an industrial wastewater  
19 discharge permit is being required, an application form and a time limit for submitting the  
20 application.

21 **14.60.516 Public notice for industrial wastewater discharge permits.**

22 Public notice shall be given in accordance with WAC 173-216-090. The city may initiate the  
23 public notice rather than requiring it of the discharger. The discharger shall pay the costs of the  
24 notification.

25 **14.60.520 Public hearing.**

26 Public hearings may be requested in accordance with WAC 173-216-100.

27 **14.60.525 Monitoring facilities.**

28 Whenever required by the director, a discharger shall provide, maintain and operate, at the  
29 discharger's own expense, a monitoring facility to allow inspection, sampling, and flow  
30 measurement of all discharges into the sewer system, as required by the city to assure  
31 compliance with this chapter. Each monitoring facility shall be situated on the discharger's  
32 premises, except that if such a location would be impractical or cause undue hardship on the  
33 discharger, the city may allow such facility to be constructed in an accessible public street or  
34 sidewalk area, located so that it will not be obstructed by landscaping or parked vehicles.

1 There shall be ample room in or near such sampling facility to allow accurate sampling and  
2 preparation of samples for analysis by the discharger and the city. The facility, sampling, and  
3 measuring equipment shall be maintained at all times in a safe and proper operating condition  
4 at the expense of the discharger.

5 All monitoring facilities shall be constructed and maintained in accordance with all applicable  
6 construction standards and specifications. Construction of monitoring facilities for existing  
7 dischargers shall be completed within one hundred eighty (180) days of receipt of notice to do  
8 so by the director. Construction of monitoring facilities shall be completed by a new discharger  
9 prior to discharging wastewater into the POTW.

10 **14.60.530 Sampling and analysis requirements.**

11 Sample types, measurements, analyses and sample frequency required for each discharger shall  
12 be determined by the director and included in the discharge permit. All measurements, tests  
13 and analyses of characteristics of water and wastes to which reference is made in this chapter,  
14 or in a discharge permit issued under this chapter, shall be in accordance with procedures  
15 established by the EPA pursuant to Section 304(H) of the Federal Clean Water Act as contained  
16 in 40 CFR 136, as now existing or hereafter amended. All sampling, measurements and analyses  
17 done for satisfaction of the requirements of the permit shall be the responsibility of the  
18 discharger or his designee. All analyses performed to establish compliance and used in  
19 compliance reporting shall be performed by a laboratory accredited by the Washington State  
20 Department of Ecology, Quality Assurance Division in accordance with Chapter 173-50 WAC.  
21 Laboratories must be accredited for the analyses for which they are performing. All samples  
22 taken of permitted discharges must be reported to the city whether or not they are required by  
23 a permit. Detection limits for required tests must be equal to or less than permit limitations.  
24 The wastewater discharge amount shall be measured using either a flow measurement device,  
25 or, at the discretion of the director, the metered water supply to the discharger's facility.

26 **14.60.533 Resampling required when violation occurs.**

27 If the sampling performed by an industrial user indicates a violation, the user shall notify the  
28 city within twenty four (24) hours of becoming aware of the violation. The user shall also repeat  
29 the sampling and analysis and submit the results of the repeat analyses to the city within thirty  
30 (30) days after becoming aware of the violation, except the industrial user is not required to  
31 resample if:

32 A. Sampling frequency is at least once per month; or

33 B. The city samples between the time the industrial user collected the initial sample and the  
34 time the user receives the results of this sampling.

35 **14.60.535 Compliance monitoring.**

36 The city may conduct compliance monitoring at such times and frequencies as are deemed  
37 necessary to carry out the purposes and intentions of this title. Compliance monitoring for  
38 categorical industries shall be performed at least once per year. The city reserves the right to

1 verify methods of sampling, flow measurements and analyses, and to inspect records pertaining  
2 to all requirements of the discharger's permit. The city also reserves the right to collect and  
3 analyze samples of compliance status.

4 Each user shall provide and operate at its own expense a monitoring facility to allow inspection,  
5 sampling, and flow measurements of each sewer discharge to the city. Each monitoring facility  
6 shall be situated on the user's premises. In those situations where such a location would be  
7 impractical or cause undue hardship on the user, the city may concur with the facility being  
8 constructed in the public street or sidewalk area, providing that the facility is located so that it  
9 will not be obstructed by landscaping or parked vehicles. The director, whenever applicable,  
10 may require the construction and maintenance of sampling facilities at other locations (for  
11 example, at the end of a manufacturing line or wastewater treatment system).

12 There shall be ample room in or near such sampling facility to allow accurate sampling, flow  
13 measurement and preparation of samples for analysis. The facility, sampling, and measuring  
14 equipment shall be maintained at all times in a safe and proper operating condition at the  
15 expense of the user. All monitoring facilities shall be constructed and maintained in accordance  
16 with all applicable local construction standards and specifications.

17 The director may require the user to install monitoring equipment as necessary. All devices  
18 used to measure wastewater flow and quality shall be maintained and calibrated in accordance  
19 with manufacturers' recommendations to ensure their accuracy.

20 At such time that the city collects a sample, a representative split of the sample shall be offered  
21 to the discharger for analysis. All costs incurred in the performance of measurements, tests and  
22 analyses done by the city as verification of the discharge compliance shall be charged to the  
23 discharger in accordance with Chapter [14.40](#) LMC.

24 **14.60.5355 Noncompliance reporting.**

25 If sampling performed by a user indicates a violation, the user shall notify the city within twenty  
26 four (24) hours of becoming aware of the violation. The user shall also repeat the sampling  
27 within five days and submit the results of the repeat analysis to the city within thirty (30) days  
28 after becoming aware of the violation, except the user is not required to resample if:

- 29 A. The city performs sampling at the user at a frequency of at least once per month; or
- 30 B. The city performs sampling at the user between the time when the user performs its initial  
31 sampling and the time when the user receives the results of this sampling.

32 **14.60.536 Compliance schedules for meeting applicable pretreatment standards.**

33 A. The schedule shall contain increments of progress in the form of dates for the  
34 commencement and completion of major events leading to the construction and operation of  
35 additional pretreatment required for the user to meet the applicable pretreatment standards  
36 (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing  
37 contract for major components, commencing construction, completing construction, etc.).

38 B. No increment referred to in subsection (A) of this section shall exceed nine months.

1 C. Not later than fourteen (14) days following each date in the schedule and the final date for  
2 compliance, the user shall submit a progress report to the city including, at a minimum,  
3 whether or not it complied with the increment of progress to be met on such date and, if not,  
4 the date on which it expects to comply with this increment of progress, the reason for delay,  
5 and the steps being taken by the user to return the construction to the schedule established. In  
6 no event shall more than nine (9) months elapse between such progress reports.

7 **14.60.537 Notification of significant production changes.**

8 Any user operating under an industrial wastewater discharge permit incorporating mass or  
9 concentration limits based on production levels shall notify the city within two (2) business days  
10 after the user has a reasonable basis to know that the production level will significantly change  
11 within the next calendar month. Any user not providing a notice of such anticipated change will  
12 be required to comply with the existing limits contained in its industrial wastewater discharge  
13 permit.

14 **14.60.538 Sampling and analysis frequencies.**

15 All significant industrial users must sample their effluent at least once every six (6) months.

16 **14.60.540 Inspection of facilities.**

17 The city of Lynnwood may inspect the wastewater facilities and equipment of any POTW user at  
18 any time during normal business hours to ascertain whether the applicable city ordinances,  
19 rules and regulations, industrial wastewater discharge permit requirements and applicable  
20 national categorical pretreatment standards are being met. Persons or occupants of premises  
21 where industrial wastewater is produced or discharged shall allow any authorized  
22 representative of the director ready access at all reasonable times to all parts of the premises  
23 for the purpose of inspection, sampling, record examination or in the performance of his official  
24 duties as a POTW employee. The City of Lynnwood shall have the authority to set up, on the  
25 user's property, such devices as are necessary to conduct sampling, inspection, compliance  
26 monitoring or flow metering operations. Where a discharger has security measures in force  
27 which would require proper identification and clearance before entry onto their premises, the  
28 discharger shall make all necessary arrangements with their security personnel so that upon  
29 suitable and proper identification, authorized wastewater management personnel, including  
30 but not limited to employees of the city, the Washington State Department of Ecology, and the  
31 U.S. Environmental Protection Agency, will be permitted to enter the premises without delay  
32 for the purpose of performing their specific responsibilities and duties.

33 **14.60.545 Right to enter.**

34 In the event that the director or his designee is refused admission to the discharger's premises,  
35 the director may cause water service to the premises in question to be discontinued until the  
36 POTW agents have been afforded reasonable access to the premises to accomplish any  
37 required inspection, sampling or flow monitoring.

1 **14.60.550 Accidental spill prevention plan.**

2 All industrial dischargers, and those minor dischargers specified by the city in their industrial  
3 wastewater discharge permits or limited discharge permits, shall prepare accidental spill  
4 prevention plans (ASPP) showing facilities and operating procedures necessary to provide the  
5 protection required by LMC [14.60.350](#). These plans shall be submitted to the city's department  
6 of public works for review and approval. The plan shall include but not be limited to:

7 A. An ongoing inventory of the types and quantities of pollutants used or stored by the  
8 industrial user;

9 B. A diagram of the process and storage location(s) at the facility;

10 C. A diagram of the location(s) of floor drains to sanitary or storm sewers;

11 D. A description of the measures used to prevent discharge to sanitary or storm sewers;

12 E. An outline or list of the emergency response and notification procedures to be followed in  
13 case of accidental spills;

14 F. An outline of the spill prevention procedures followed by the industrial user;

15 G. A description of spill containment, treatment, and disposal methods;

16 H. A description of the training procedures and training frequencies for personnel involved in  
17 handling, sorting, and disposing of toxic or hazardous pollutants.

18 Review and approval of such plans and operating procedures by the city shall not relieve the  
19 discharger from the responsibility to modify its facility as necessary to meet the requirements  
20 of this chapter nor relieve the discharger from fines, civil penalties, or other liabilities which  
21 may be imposed in the event of violations of this code or other applicable ordinances or laws.

22 **14.60.551 Slug discharge control plan.**

23 The city may require development of a slug discharge control plan. The city will make the  
24 determination annually whether a significant industrial user needs a slug discharge control plan  
25 as per 40 CFR Part 403.8(f)(2)(vi). If a slug discharge control plan is required, the following  
26 elements shall be included:

27 A. Description of discharge practices, including non-routine batch Discharges;

28 B. Description of stored chemicals;

29 C. Procedures for immediately notifying the POTW of Slug Discharges, including any  
30 discharge that would violate a prohibition under §403.5(b) with procedures for follow-up  
31 written notification within five days; and

32 D. If necessary, procedures to prevent adverse impact from accidental spills, including  
33 inspection and maintenance of storage areas, handling and transfer of materials, loading and  
34 unloading operations, control of plant site run-off, worker training, building of containment  
35 structures or equipment, measures for containing toxic organic pollutants (including solvents),

1 and/or measures and equipment for emergency response.**14.60.553 Notification of changes in**  
2 **discharge.**

3 All industrial users shall promptly notify the POTW Treatment Plant in advance of any  
4 substantial change in the volume or character of pollutants in their discharge, including the  
5 listed or characteristic hazardous waste for which the industrial user has submitted initial  
6 notification as required by 40 CFR 403.12(p), as now existing or hereafter amended.

7 **14.60.554 Discharge of Hazardous Waste-Permit Required.**

8 The city prohibits discharge of all dangerous waste as defined in WAC 173.303 unless  
9 authorized specifically by a discharge permit issued by the city.

10 **14.60.5545 Hazardous Waste Notification**

11 Any user that is discharging fifteen (15) kilograms of hazardous wastes as defined in 40 CFR 261  
12 (listed or characteristic wastes) in a calendar month or any facility discharging any amount of  
13 acutely hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e) is required to provide  
14 a one-time notification in writing to the city, EPA Regional Waste Management Division  
15 Director, and the Hazardous Waste Division of the North West Regional Office of the  
16 Washington State Department of Ecology. Any existing user exempt from this notification shall  
17 comply with the requirements contained herein within thirty (30) days of becoming aware of a  
18 discharge of fifteen (15) kilograms of hazardous wastes in a calendar month or the discharge of  
19 acutely hazardous wastes to the city sewer system.

20 Such notification shall include:

- 21 A. The name of the hazardous waste as set forth in 40 CFR Part 261;
- 22 B. The EPA hazardous waste number; and
- 23 C. The type of discharge (continuous, batch, or other).
- 24 D. If an industrial user discharges more than one hundred (100) kilograms of such waste per  
25 calendar per month to the sewer system, the notification shall also contain the following  
26 information to the extent it is known or readily available to the industrial user:
  - 27 1. An identification of the hazardous constituents contained in the wastes;
  - 28 2. An estimation of the mass and concentration of such constituents in the waste  
29 streams discharged during that calendar month; and
  - 30 3. An estimation of the mass of constituents in the waste streams expected to be  
31 discharged during the following twelve (12) months.

32 These notification requirements do not apply to pollutants already reported under the self-  
33 monitoring requirements.

34 Whenever the EPA publishes final rules identifying additional hazardous wastes or new  
35 characteristics of hazardous waste, a user shall notify the city of the discharge of such a  
36 substance within ninety (90) days of the effective date of such regulations.

1 In the case of any notification made under this subsection, an industrial user shall certify that it  
2 has a program in place to reduce the volume and toxicity of hazardous wastes generated to the  
3 degree it has determined to be economically practical. Discharging hazardous waste to the  
4 sewer system is prohibited as per LMC [14.60.300](#).

5 **14.60.555 Discontinuance of discharge.**

6 In the event a permitted discharger intends to cease to discharge from a regulated process or  
7 plans to disconnect from the wastewater system, the director shall be notified no later than  
8 thirty (30) days prior to any action by the discharger. The notification shall provide a closure  
9 management plan that includes the following information, as a minimum:

10 A. Date of planned disconnect;

11 B. Methods of disposal of regulated process tanks, chemicals, sludges, plating wastes, cleaning  
12 solutions;

13 C. Methods of cleaning tanks, barrels, or other vessels containing regulated pollutants; and

14 D. Names of carriers and ultimate disposal site(s) of the regulated pollutants and the EPA  
15 permit numbers for transportation of the wastes, if a permit is required by the EPA.

16 The discharger shall be responsible for all discharges to the wastewater system and shall not be  
17 disconnected until the director has determined the discharger has disposed of the regulated  
18 wastes in a proper and safe manner and has requested termination of the discharge permit in  
19 writing.

20 **14.60.556 TTO reporting.**

21 Categorical users which are required by the EPA to eliminate and/or reduce the levels of toxic  
22 organics (TTOs) discharged into the sewer system must follow the categorical pretreatment  
23 standards for that industry. Those users must also meet the following requirements:

24 A. Must sample, as part of the initial application requirements, for the organics listed under the  
25 TTO limit reasonably expected to be present; and

26 B. May submit a statement that no TTOs are used at the facility and/or develop a solvent  
27 management plan in lieu of continuously monitoring for TTO, if authorized by the director:

28 If allowed to submit a statement or develop a solvent management plan, the user must  
29 routinely submit a certification statement as part of its self-monitoring report that there has  
30 been no dumping of concentrated toxic organics into the wastewater and that it is  
31 implementing a solvent management plan as approved by the city. The director may require  
32 the development and implementation of a solvent management plan in addition to monitoring  
33 for TTO.

34 **14.60.557 Reports from unpermitted users.**

35 All users not required to obtain a wastewater discharge permit shall provide appropriate  
36 reports to the city as the director may require.

1 **14.60.558 Timing.**

2 Written reports will be deemed to have been submitted on the date postmarked. For reports  
3 which are not mailed, postage prepaid, into a mail facility serviced by the United States Postal  
4 Service, the date of receipt of the report shall govern.

5 **14.60.560 Confidential information.**

6 The city may respond to public requests for information gathered pursuant to this chapter in  
7 accordance with Chapter 42.56 RCW.

8 **14.60.565 Preemption of limitations, standards or requirements.**

9 Limitations, standards or requirements that differ from or are more stringent than those in this  
10 chapter may be imposed on a discharger under the following conditions:

11 A. The federal government promulgates federal categorical pretreatment standards for an  
12 industrial category that are more stringent than the standards prescribed in this chapter. Such  
13 federal standards shall immediately supersede the standards prescribed by this chapter. The  
14 director shall notify all affected users of applicable reporting requirements.

15 B. State requirements and limitations on discharges are more stringent than federal  
16 requirements and limitations or those in this article.

17 C. The director establishes limitations or requirements which are more stringent than federal  
18 and state requirements or the limitations in this chapter in order to comply with the purposes  
19 and objectives of this chapter.

20 D. Federal or state regulations pertaining to dangerous or hazardous wastes require a  
21 substance(s) to be discharged by some other means because they are listed dangerous or  
22 hazardous substances.

23 **14.60.570 Publication of violators.**

24 Pursuant to the requirements of 40 CFR 403.8, the city shall annually publish in an official daily  
25 local newspaper of general circulation, a list of those dischargers which during the previous  
26 twelve (12) months were determined to be responsible for significant violations of the  
27 limitations established by this chapter and applicable pretreatment standards or other  
28 requirements pursuant to this chapter. This notification shall summarize enforcement action by  
29 the city during the same twelve (12) months.

30 **14.60.575 Records retention – Required.**

31 All dischargers subject to this chapter shall retain and preserve for no less than three (3) years  
32 any records, books, documents, memoranda, reports, correspondence and any and all  
33 summaries thereof, relating to monitoring, cleaning, maintenance, sampling and chemical  
34 analysis made by or in behalf of a discharger in connection with its discharge. All records which  
35 pertain to matters which are the subject of administrative adjustment or any other  
36 enforcement or litigation involving the discharger must be retained until all enforcement

1 activities have concluded and all periods of limitation with respect to any and all appeals have  
2 expired. These records shall be available for inspection and copying by the director or  
3 representative at any time.

4 **14.60.580 Pretreatment charges and fees.**

5 The City may adopt reasonable fees for reimbursement of costs of setting up and operating the  
6 City's pretreatment program which may include:

7 A. Fees for wastewater discharge permit applications including the cost of processing such  
8 applications;

9 B. Fees for monitoring, inspection, and surveillance procedures including the cost of  
10 collection and analyzing a user's discharge, and reviewing monitoring reports submitted by  
11 users;

12 C. Fees for reviewing and responding to accidental discharge procedures and construction;

13 D. Fees for filing appeals; and

14 E. Other fees as the City may deem necessary to carry out the requirements contained  
15 herein. These fees relate solely to the matters covered by this Title and are separate from all  
16 other fees, fines, and penalties chargeable by the City.

17 **Article III. Enforcement**

18 **14.60.605 Violations – Remedies.**

19 Whenever the director or his designee finds that any person has violated or is violating any of  
20 the provisions of this chapter, he may take one or more of the following actions:

21 A. Emergency suspension of service and permit;

22 B. Termination of treatment services and permit revocation;

23 C. Notice of violation and administrative order;

24 D. Assess civil penalties;

25 E. Seek criminal penalties; or

26 F. Seek any other legal or equitable remedy.

27 **14.60.610 Violations.**

28 The enforcement provisions specified in this title apply to all classes of users to the extent such  
29 user violates any provision of this title or administrative order of the director pursuant to this  
30 title. In order to achieve the maximum degree of compliance desired, the city may use a variety  
31 of enforcement mechanisms as provided in the Enforcement Response Plan (ERP). The  
32 enforcement mechanisms may range from informal administrative action, to a request for  
33 criminal prosecution. The city may, at its discretion, implement the use of any mechanism or  
34 the concurrent use of several mechanisms in order to enforce the provisions of this title. The

1 enforcement mechanisms provided herein may be cumulative in respect to such other  
2 enforcement mechanisms or civil and criminal penalties as may be otherwise available under  
3 the laws of the State of Washington and the United States of America.

4 Nothing in this title is intended to prevent the state and/or federal regulatory agencies from  
5 undertaking enforcement actions as may otherwise be available due to a violation of this title  
6 which also constitutes a violation of federal or state statutes and regulations

7 **14.60.621 Enforcement response plan.**

8 An Enforcement Response Plan shall be approved by the director to meet the requirements of  
9 40 CFR Part 403 of the Clean Water Act and State of Washington waste discharge requirements.  
10 The Enforcement Response Plan, attached hereto, with subsequent revisions as periodically  
11 approved by the director, shall outline various administrative actions the director may take for  
12 any violation of this title, including civil penalties, criminal penalties and civil liability suits.

13 When the director finds that a user has violated, or continues to violate any provisions of this  
14 title, a wastewater discharge permit or order issued hereunder or any other pretreatment  
15 standard or requirement, the director may serve upon that user a Notice of Violation (NOV).  
16 Within ten (10) days of the receipt of this notice, an explanation of the violation and a plan for  
17 the satisfactory correction and prevention thereof, to include specific required actions, shall be  
18 submitted by the user to the director. Submission of this plan in no way relieves the user of  
19 liability for any violations occurring before or after receipt of the notice of violation. Nothing in  
20 this section shall limit the authority of the director to take any action, including emergency  
21 actions or any other enforcement action, without first issuing a notice of violation.

22 **14.60.623 Administrative fines—Civil penalties.**

23 A. When the director finds that a user has violated, or continues to violate, any provision of  
24 this title, a wastewater discharge permit or order issued hereunder, or any other pretreatment  
25 standard or requirement, the director may fine such user in an amount determined pursuant to  
26 the Enforcement Response Plan. In addition, the city may issue administrative complaints,  
27 conduct administrative hearings, and/or impose civil penalties in accordance with the  
28 procedures set forth in this chapter for violation of the city's requirements set forth in this title.  
29 The amount of any civil penalties imposed under this section which have remained delinquent  
30 for a period of sixty (60) days shall constitute a lien against the real property of the discharger  
31 from which the discharge originated resulting in the imposition of the civil penalty.

32 B. Unpaid charges, fines, and penalties may, after thirty (30) calendar days, be assessed an  
33 additional penalty in the amount of the unpaid balance, which penalty shall also become a lien  
34 against the discharger's real property from which the discharge originated resulting in the  
35 imposition of civil penalties, additional penalty

36 C. Issuance of an administrative fine shall not be a bar against, or a prerequisite for, taking  
37 any other action against the user.

1 D. The maximum credible penalty shall be \$10,000 dollars per violation per day, for  
2 penalties applicable to general violations of the pretreatment ordinance.

3 E. Users desiring to dispute the imposition of a fine must file a written request for the  
4 director to reconsider the fine along with full payment of the fine amount within ten (10) days  
5 of being notified of the fine. The director may add the costs of preparing administrative  
6 enforcement actions, such as notices and orders to assess the fine. In the event the director  
7 grants the user's request for reconsideration or in the event the user prevails in an appeal, the  
8 payment, together with any interest accruing thereto, shall be returned to the user.

9 **14.60.624 Civil liability for expenses and fines.**

10 Any discharger violating provisions of this chapter shall be liable for any expense, loss or  
11 damage caused to the POTW by reason of such violation, including increased costs for sewage  
12 treatment, sludge treatment and disposal and POTW operation and maintenance expenses  
13 when such increased costs are the result of the discharger's discharge. If the discharger  
14 discharges pollutants that cause the city to violate any condition of its NPDES permit and to be  
15 fined by the United States Environmental Protection Agency or the state for such violation, the  
16 discharger shall be liable to the city for the total amount of the fine assessed against the city,  
17 including, without limitation, all legal, sampling, analytical and other associated costs and  
18 expenses.

19 **14.60.626 Administrative appeal.**

20 A. Any party of record may appeal the following decisions of the director to the hearing  
21 examiner by filling a written request for appeal with the public works department within  
22 fourteen (14) calendar days of the date of issuance of the decision:

- 23 1. To suspend the discharger's wastewater services and/or to suspend the discharger's  
24 wastewater discharge permit;
- 25 2. To terminate the discharger's wastewater services and to revoke the discharger's  
26 wastewater discharge permit;
- 27 3. To impose fines against the discharger pursuant to LMC 14.60.623;
- 28 4. To impose other civil penalties against the discharger; or
- 29 5. That the discharger has violated a compliance schedule order.

30 B. The administrative appeal authorized by this section shall be processed pursuant to Process  
31 2, as identified in LMC 1.35.200 et seq, and conducted in accordance with the rules established  
32 in Chapter [2.22](#) LMC.

33 **14.60.628 Judicial review.**

34 Any decision of the hearing examiner rendered pursuant to LMC [14.60.626](#) may be appealed to  
35 the superior court. Such appeal shall be filed no later than twenty-one (21) days after the date  
36 the decision of the hearing examiner is issued.

1 **14.60.631 Pass-through or interference.**

2 A user shall have an affirmative defense to an enforcement action brought against it for  
3 noncompliance with the prohibitions in LMC [14.60.300](#), General prohibitions, and LMC  
4 [14.60.3015](#), Specific prohibitions, if it can prove that it did not know, or have reason to know,  
5 that its discharge, alone or in conjunction with discharges from other sources, would cause  
6 pass-through or interference and that either: (A) a local limit exists for each pollutant  
7 discharged and the user was in compliance with each limit directly prior to, and during, the  
8 pass-through or interference; or (B) no local limit exists, but the discharge did not change  
9 substantially in nature or constituents from the user's prior discharge when the city was  
10 regularly in compliance with its NPDES permit, and in the case of interference, was in  
11 compliance with applicable sludge use or disposal requirements. )

12 **14.60.632 Upset provisions.**

13 Each discharger shall be subject to the following provisions in the event of an upset condition.  
14 An upset can be used as an affirmative defense to an action brought for noncompliance with  
15 categorical pretreatment standards or noncompliance with this chapter provided the discharger  
16 demonstrates through properly signed, contemporaneous operating logs or other relevant  
17 evidence that:

18 A. The upset occurred and the specific cause can be identified.

19 B. At the time of the upset, the facility was being operated in a prudent and workmanlike  
20 manner according to all appropriate operation and maintenance procedures.

21 C. The discharger has submitted the following information to the city within 24 hours of  
22 discovering the upset:

23 1. A description of the discharge and the cause of noncompliance;

24 2. The period of noncompliance including exact dates and times or, if the  
25 noncompliance has not been corrected, the anticipated time the noncompliance is  
26 expected to continue;

27 3. The steps being taken to reduce, eliminate, and prevent recurrence of the  
28 noncompliance.

29 If this information is provided orally, a written submission must be sent within five (5) days.

30 The discharger has the burden of proof to establish the occurrence of an upset in any  
31 enforcement proceeding.

32 The discharger has the responsibility to control production or cease discharges as necessary to  
33 maintain compliance with pretreatment standards upon reduction, loss, or failure of the facility  
34 until the facility is restored or an alternative method of treatment is provided. This requirement  
35 also applies where the primary source of power of the facility is reduced, lost or fails. (Ord.  
36 2742 § 2, 2008; Ord. 1705, 1989)

37

1 **14.60.633 Bypass.**

2 A. For the purposes of this section:

3 1. "Bypass" means the intentional diversion of waste streams from any portion of a  
4 user's treatment facility.

5 2. "Severe property damage" means substantial physical damage to property, damage  
6 to the treatment facilities which causes them to become inoperable, or substantial and  
7 permanent loss of natural resources which can reasonably be expected to occur in the  
8 absence of a bypass. Severe property damage does not mean economic loss caused by  
9 delays in production.

10 B. A user may allow any bypass to occur which does not cause applicable pretreatment  
11 standards or requirements to be violated, but only if it also is for essential maintenance to  
12 assure efficient operation. These bypasses are not subject to the provisions of subsections (C)  
13 and (D) of this section.

14 C. 1. If a user knows in advance of the need for a bypass, it shall submit prior notice to the  
15 POTW Treatment Plant, at least ten (10) days before the date of the bypass, if possible.

16 2. A user shall submit oral notice to the city of an unanticipated bypass that exceeds  
17 applicable pretreatment standards within twenty four (24) hours from the time it  
18 becomes aware of the bypass. A written submission shall also be provided within five  
19 days of the time the user becomes aware of the bypass. The written submission shall  
20 contain a description of the bypass and its cause; the duration of the bypass, including  
21 exact dates and times, and, if the bypass has not been corrected, the anticipated time it  
22 is expected to continue; and steps taken or planned to reduce, eliminate, and prevent  
23 reoccurrence of the bypass. The POTW Treatment Plant may waive the written report  
24 on a case-by-case basis if the oral report has been received within twenty four (24)  
25 hours.

26 D. 1. Bypass is prohibited, and the City of Lynnwood may take an enforcement action against a  
27 user for a bypass, unless:

28 a. Bypass was unavoidable to prevent loss of life, personal injury, or severe  
29 property damage;

30 b. There were no feasible alternatives to the bypass, such as the use of auxiliary  
31 treatment facilities, retention of untreated wastes, or maintenance during normal  
32 periods of equipment downtime. This condition is not satisfied if adequate backup  
33 equipment should have been installed in the exercise of reasonable engineering  
34 judgment to prevent a bypass which occurred during normal periods of equipment  
35 downtime or preventive maintenance; and

36 c. The user submitted notices as required under subsection (C) of this section.

37 2. The POTW Treatment Plant may approve an anticipated bypass, after considering its  
38 adverse effects, if the POTW Treatment Plant determines that it will meet the three (3)  
39 conditions listed in subsection (D)(1) of this section.

1 **14.60.641 Significant noncompliance**

2 Any violation of pretreatment standards or requirements (limits, sampling, analysis, reporting,  
3 as well as meeting compliance schedules and regulatory deadlines) is an instance of  
4 noncompliance for which the industrial user is liable for enforcement including penalties.  
5 However, the city is required to identify violations or patterns of violations by industrial users  
6 that are deemed to be instances of significant noncompliance. To the extent that a violation or  
7 pattern of violations is determined to be significant noncompliance, the city shall give  
8 additional priority to enforcement actions with regard to that industrial user. Additionally, the  
9 determination of significant noncompliance shall be used as the basis for reporting same to the  
10 regulatory authorities and publishing of the list of those in significant noncompliance as is  
11 required of the city by law.

12 **14.60.645 Criminal penalties.**

13 A user who introduces any substance into the POTW which causes personal injury or property  
14 damage shall, upon conviction, be guilty of a gross misdemeanor and be subject to a penalty of  
15 not more than \$5,000 and/or one (1) year in jail. Each day a violation occurs shall constitute a  
16 separate offense. This penalty shall be in addition to any other cause of action for personal  
17 injury or property damage as provided for in the Enforcement Response Plan and available  
18 under state law.

19 A user who knowingly makes any false statements, representations, or certifications in any  
20 application, record, report, plan, or other documentation filed, or required to be maintained,  
21 pursuant to Chapters [14.60.200](#) through 14.60.900 or order issued thereunder, or who falsifies,  
22 tampers with, or knowingly renders inaccurate any monitoring device or method required  
23 under Chapters [14.60.200](#) through 14.60.900 shall, upon conviction, be guilty of a gross  
24 misdemeanor, and punished by a fine of not more than \$5,000 and/or one (1) year in jail. Each  
25 day a violation occurs shall constitute a separate offense.

26 In addition, the user may be subject to all other applicable laws and regulations, including but  
27 not limited to:

- 28 1. The provisions of the city's Enforcement Response Plan;  
29 2. The provisions of 18 USC Section 1001 relating to fraud and false statements;  
30 3. The provisions of Section 309(c)(4) of the Clean Water Act, as amended, governing false  
31 statements, representation, or certification; and  
32 4. The provisions of Section 309(c)(6) of the Clean Water Act, regarding responsible  
33 corporate officers.

34 **14.60.665 Right to written interpretation of chapter.**

35 Any discharger or any interested party shall have the right to request an interpretation or ruling  
36 by the city on any matter covered by this chapter. The request must be in writing and must be  
37 addressed to the city's director. The city shall provide a written response within ten (10)

1 working days. A request pursuant to this section shall not stay or otherwise affect enforcement  
2 proceedings.

3 **14.60.700 Remedies nonexclusive.**

4 The provisions in LMC [14.60.605](#) through 14.60.645 are not exclusive remedies. The city  
5 reserves the right to take any, all, or any combination of these actions concurrently or  
6 sequentially against a noncompliant user or to take other actions as warranted by the  
7 circumstances.

8 **14.60.900 Severability.**

9 If any section, subsection, sentence, clause, phrase or word of this chapter should be held to be  
10 invalid or unconstitutional by a court of competent jurisdiction, such invalidity or  
11 unconstitutionality thereof shall not affect the validity or constitutionality of any other section,  
12 subsection, sentence, clause, phrase or word of this chapter.

13 Section 3. Severability. If any section, subsection, sentence, clause, phrase or word of this  
14 ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction,  
15 such invalidity or unconstitutionality therefore, shall not affect the validity or constitutionality  
16 of any other section, subsection, sentence, clause, phrase or word of this ordinance.

17 Section 4. Effective Date. This ordinance or a summary thereof consisting of the title shall be  
18 published in the official newspaper of the City, and shall take effect and be in full force five (5)  
19 days after publication.

20 PASSED this 26th day of September, 2016 and sign in authentication of its passage this 17<sup>th</sup> day  
21 of September, 2016.

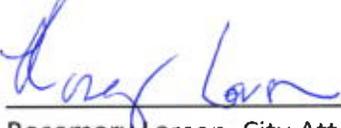
22  
23 APPROVED:

24   
25 \_\_\_\_\_  
26 Nicola Smith, Mayor  
27

28  
29 ATTEST/AUTHENTICATED:

30   
31 \_\_\_\_\_  
32 Sonja Springer, Finance Director  
33

34  
35 APPROVED AS TO FORM:

36   
37 \_\_\_\_\_  
38 Rosemary Larson, City Attorney  
39

40 FILED WITH ADMINISTRATIVE SERVICES: 09/12/2016  
41 PASSED BY THE CITY COUNCIL: 09/26/2016  
PUBLISHED: 09/30/2016  
EFFECTIVE DATE: 10/05/2016  
ORDINANCE NUMBER: 3220



On the, 26th day of September, 2016 the City Council of the City of Lynnwood, Washington, passed ordinance 3220. A summary of the content of this ordinance, consisting of the title, provides as follows:

**ORDINANCE NO. 3220**

**AN ORDINANCE OF THE CITY OF LYNNWOOD, WASHINGTON, RELATING TO THE CITY'S WASTEWATER PRETREATMENT REGULATIONS; AMENDING CHAPTERS 14.06 AND 14.60 OF THE LYNNWOOD MUNICIPAL CODE; PROVIDING FOR SEVERABILITY, AN EFFECTIVE DATE, AND SUMMARY PUBLICATION.**

The full text of this ordinance will be mailed upon request.

A handwritten signature in blue ink, appearing to read 'D. Karber', is written over a horizontal line.

Debbie Karber, Deputy City Clerk

DATED this 30th day of September, 2016.

Affidavit of Publication

State of Washington }
County of Snohomish } ss

Kathleen Landis being first duly sworn, upon oath deposes and says: that he/she is the legal representative of the Everett Daily Herald a daily newspaper. The said newspaper is a legal newspaper by order of the superior court in the county in which it is published and is now and has been for more than six months prior to the date of the first publication of the Notice hereinafter referred to, published in the English language continually as a daily newspaper in Snohomish County, Washington and is and always has been printed in whole or part in the Everett Daily Herald and is of general circulation in said County, and is a legal newspaper, in accordance with the Chapter 99 of the Laws of 1921, as amended by Chapter 213, Laws of 1941, and approved as a legal newspaper by order of the Superior Court of Snohomish County, State of Washington, by order dated June 16, 1941, and that the annexed is a true copy of EDH724566 ORD. 3216-3224 as it was published in the regular and entire issue of said paper and not as a supplement form thereof for a period of 1 issue(s), such publication commencing on 09/30/2016 and ending on 09/30/2016 and that said newspaper was regularly distributed to its subscribers during all of said period.

The amount of the fee for such publication is \$107.74.

Kathleen Landis

Subscribed and sworn before me on this 30 day of Sept 2014.

Debra Ann Grigg

Notary Public in and for the State of Washington.



On the, 26th day of September, 2016 the City Council of the City of Lynnwood, Washington, passed ordinances 3216 through 3224. A summary of the content of these ordinances, consisting of the title, provides as follows:

ORDINANCE NO. 3216
AN ORDINANCE OF THE CITY OF LYNNWOOD, WASHINGTON, RELATING TO THE COLLEGE DISTRICT MIXED USE ZONE AND THE COLLEGE DISTRICT OVERLAY ZONE, AMENDING AND/OR RENUMBERING SECTIONS 21.57.100, 21.57.300, 21.57.400, 21.57.500, AND 21.57.600 OF THE LYNNWOOD MUNICIPAL CODE; REPEALING SECTION 21.57.200 AND CHAPTER 21.58 OF THE LYNNWOOD MUNICIPAL CODE, AND PROVIDING FOR SEVERABILITY, AN EFFECTIVE DATE AND SUMMARY PUBLICATION.

ORDINANCE NO. 3217
AN ORDINANCE OF THE CITY OF LYNNWOOD, WASHINGTON, RELATING TO THE PUBLIC AND SEMI-PUBLIC ZONE AMENDING SECTIONS 21.44.050 AND 21.44.100 OF THE LYNNWOOD MUNICIPAL CODE; AND PROVIDING FOR SEVERABILITY, AN EFFECTIVE DATE AND SUMMARY PUBLICATION.

ORDINANCE NO. 3218
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LYNNWOOD, WASHINGTON, APPROVING AMENDMENTS TO THE CITY OF LYNNWOOD COMPREHENSIVE PLAN AND THE FUTURE LAND USE MAP; AND PROVIDING FOR AN EFFECTIVE DATE, SUBMISSION TO THE STATE, SEVERABILITY AND SUMMARY PUBLICATION.

ORDINANCE NO. 3219
AN ORDINANCE OF THE City of Lynnwood, Washington, AMENDING THE CITY'S OFFICIAL ZONING MAP; AND PROVIDING FOR AN EFFECTIVE DATE, SEVERABILITY AND SUMMARY PUBLICATION.

ORDINANCE NO. 3220
AN ORDINANCE OF THE CITY OF LYNNWOOD, WASHINGTON, RELATING TO THE CITY'S WASTEWATER PRETREATMENT REGULATIONS; AMENDING CHAPTERS 14.06 AND 14.60 OF THE LYNNWOOD MUNICIPAL CODE; PROVIDING FOR SEVERABILITY, AN EFFECTIVE DATE, AND SUMMARY PUBLICATION.

ORDINANCE NO. 3221
AN ORDINANCE OF THE CITY OF LYNNWOOD, WASHINGTON, RELATING TO CLASSIFICATION FOR CITY EMPLOYEES; AMENDING SECTION 2.48.185 OF THE LYNNWOOD MUNICIPAL CODE AND PROVIDING FOR SEVERABILITY, AN EFFECTIVE DATE AND SUMMARY PUBLICATION.

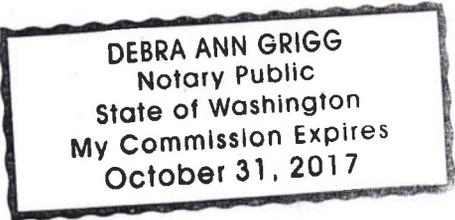
ORDINANCE NO. 3222
AN ORDINANCE OF THE CITY OF LYNNWOOD, WASHINGTON, RELATING TO CLASSIFICATION FOR CITY EMPLOYEES; AMENDING SECTION 2.48.185 OF THE LYNNWOOD MUNICIPAL CODE AND PROVIDING FOR SEVERABILITY, AN EFFECTIVE DATE AND SUMMARY PUBLICATION.

ORDINANCE NO. 3223
AN ORDINANCE AMENDING THE RATES AND FEES CHARGED FOR WATER, SEWER, AND SURFACE WATER SERVICES; AMENDING UTILITY SERVICE REGULATIONS; AMENDING SECTIONS 13.20.010, 13.20.080, 13.34.030, 13.34.060, 13.35.070, 14.40.035, AND 14.40.040; AND REPEALING SECTION 13.20.085 OF THE LYNNWOOD MUNICIPAL CODE; PROVIDING FOR SEVERABILITY, AN EFFECTIVE DATE, AND SUMMARY PUBLICATION.

ORDINANCE NO. 3224
AN ORDINANCE OF THE CITY OF LYNNWOOD, WASHINGTON, SUPERSEDING ORDINANCE 3212, ESTABLISHING FUNDING FOR THE 196TH STREET SW IMPROVEMENT PROJECT; AND AUTHORIZING EXPENDITURES IN FUND 316; AND CONSISTENT WITH THE PROJECT FINANCIAL PLAN; AND PROVIDING FOR SEVERABILITY, AN EFFECTIVE DATE AND SUMMARY PUBLICATION.

The full text of these ordinances will be mailed upon request.
DATED this 30th day of September, 2016.

Debbie Karber, Deputy City Clerk
Published: September 30, 2016. EDH724566





**LYNNWOOD**  
WASHINGTON

## **CERTIFICATE**

I, the undersigned, Debra Karber, the duly appointed Deputy City Clerk of the City of Lynnwood, Washington, hereby certify that the Ordinance hereto attached is a full, true and correct copy of Ordinance No. 3220 of the City of Lynnwood, Washington, entitled as follows:

### **ORDINANCE NO. 3220**

**AN ORDINANCE OF THE CITY OF LYNNWOOD, WASHINGTON, RELATING TO THE CITY'S WASTEWATER PRETREATMENT REGULATIONS; AMENDING CHAPTERS 14.06 AND 14.60 OF THE LYNNWOOD MUNICIPAL CODE; PROVIDING FOR SEVERABILITY, AN EFFECTIVE DATE, AND SUMMARY PUBLICATION.**

That said ordinance was passed by the Council on September 26, 2016 of said City and was published and posted according to law; that said ordinance was duly published in the official newspaper of said City on September 30, 2016.

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Debra Karber, Deputy City Clerk