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WALLA WALLA CITY COUNCIL
Work Session Agenda
June 22, 2020 - 4:00 p.m.

Due to COVID-19 restrictions, this will be a virtual meeting. Members of the public are invited to view the live video stream of the electronic meeting from the City's website at <https://www.wallawallawa.gov/government/city-council>, may attend by clicking here: <https://us02web.zoom.us/j/81752051977> or may listen to the meeting by calling 253-215-8782 and entering meeting ID 83359677962#

1. CALL TO ORDER

2. ACTIVE AGENDA

- A. **20 Min.** Updates Wastewater Chapters 13.03 and 13.30 of the Walla Walla Municipal Code (WWMC). Presentation by Environmental Engineer Leah Fisk.
- B. **20 Min.** Presentation by the U.S. Forest Service on the proposed Tiger Creek prescribed burn scheduled for this fall.
- C. **15 Min.** Walla Walla County Building Inspection Agreement.
- D. **15 Min.** Virtual Open House. Discussion by Mayor Scribner.
- E. **20 Min.** Amend the City's utility discount program to change the income threshold to at or below 150% of the federal poverty guidelines.

3. OTHER BUSINESS

4. ADJOURNMENT



ar-3723

20 Min.

City Council - Work Session

Meeting Date: 06/22/2020

Item Title: Walla Walla Municipal Code Updates to Wastewater Chapters 13.03 and 13.30

Submitted For: Leah Fisk, Public Works Department, Utility Engineering

Add'l Contributors:

Project No: N/A

Funding/BARS No.: N/A

Financial Comments:

N/A

Information

HISTORY:

WHAT IS THIS?

Wastewater Municipal Code Chapters 13.03 and 13.30 are being revised to reflect new and revised wastewater regulations, add clarifying language, improve uniformity between the two chapters, and correct formatting and grammatical errors.

WHY IS IT NECESSARY?

As a requirement of having a delegated Industrial Pretreatment Program, the City must implement and enforce wastewater discharge regulations published by the USEPA and the Washington State Department of Ecology (Ecology). EPA revised 40 CFR 403 and 40 CFR 266, and created 40 CFR 441; all of which require revisions to Municipal Code to reflect these actions.

BACKGROUND/HISTORY:

On October 14, 2005, EPA published the final rule modifying the Industrial Pretreatment Program regulations, titled "Streamlining the General Pretreatment Regulations for Existing and New Sources of Pollution." This rule revised the General Pretreatment Regulations (40 CFR 403). The Streamlining Rule was designed to reduce the overall regulatory burden on Industrial Users and cities implementing pretreatment programs without adversely affecting environmental protection. An audit of the City's Municipal Code Chapter 13.30 found that not all revisions of this final rule were included in Code. This action will address those gaps.

On June 14, 2017, EPA published the final rule for regulating wastewater discharges from dental facilities titled, "Effluent Limitations Guidelines and Standards for the Dental Category," codified as 40 CFR 441. This rule requires certain dental facilities to capture dental amalgam (which contains mercury) by installing amalgam separators, implementation of best management practices to keep mercury out of the waste stream and requires submittal of compliance reports. These new requirements must be incorporated into Municipal Code Chapter 13.30.

The City hosted two open houses for the Walla Walla dental community on May 21 and 29, 2018, to review the new requirements. The overall feedback from the dental community was that these are practices that they were already implementing and, as a result, should have minimal impact on them.

A final rule banning the sewerage of hazardous waste pharmaceuticals, titled "Management Standards for Hazardous Waste Pharmaceuticals and Amendment to P075 Listing for Nicotine" was published on February 22, 2019, and codified as 40 CFR 266, subpart P. This rule lists hazardous waste pharmaceuticals as being prohibited from being introduced into the sewer system by flushing or pouring down the drain. This language is being added into Municipal Code Chapter 13.30.

Municipal Code Chapter 13.03 was revised to eliminate information that conflicted with Chapter 13.30, correct references to the Uniform Plumbing Code, updated the hours that the wastewater treatment plant will accept septic haulers, added clarifying language, and corrected formatting and grammatical errors.

The proposed changes to Chapters 13.03 and 13.30 were provided to the Water/Wastewater Committee for review and comment. Staff attempted to present the revisions at the September 2019 committee meeting but, due to a lack of a quorum, the meeting was canceled. Staff then presented at the October 2019 meeting but only two members were in attendance and thus, a quorum was not present to approve the revisions. Those members that did attend the meeting approved of the revisions.

POLICY ISSUES:

All changes to Municipal Code require approval by the City Council.

PLAN COMPLIANCE:

STRATEGIC PLAN:

Strategic Initiative 5: Achieve organizational and city resiliency

Objective 3. Environmental resiliency planning and preparation (Long Term)

COMPREHENSIVE PLAN:

Environment and Natural Resources Goal 1 Water, air, and soil resources in Walla Walla are protected.

Environment and Natural Resources Goal 2 Residents of Walla Walla are aware of environmental issues and strategies.

ENR Policy 2.1 Work with partners to develop public awareness and educational programs for the protection and enhancement of natural areas.

ALTERNATIVES:

Council could reject some or all of the code updates.

CITY MANAGER COMMENTS:

Approved for City Council workshop discussion.

Attachments

Chapter 13.03 and 13.30 revisions

ORDINANCE NO. 2020-

AN ORDINANCE AMENDING THE WALLA WALLA MUNICIPAL CODE CHAPTER 13.03 AND CHAPTER 13.30 TO COMPLY WITH NEW AND REVISED U.S. ENVIRONMENTAL PROTECTION AGENCY AND THE WASHINGTON STATE DEPARTMENT OF ECOLOGY REGULATIONS, CLARIFYING CODE LANGUAGE AND IMPROVING AND PROVIDING UNIFORMITY BETWEEN THE TWO CHAPTERS, CORRECT FORMATTING AND GRAMMATICAL ERRORS AND OTHER MATTERS RELATED THERETO

WHEREAS, the City of Walla Walla passed Municipal Ordinance A-2405 on May 13, 1970 which classified the City of Walla Walla as a nonchartered code city under Title 35A of the Revised Code Washington (RCW); and

WHEREAS, on October 14, 2005, EPA published the final rule modifying the Industrial Pretreatment Program regulations, titled "Streamlining the General Pretreatment Regulations for Existing and New Sources of Pollution." This rule revised the General Pretreatment Regulations (40 CFR 403). The Streamlining Rule was designed to reduce the overall regulatory burden on Industrial Users and cities implementing pretreatment programs without adversely affecting environmental protection. An audit of the City's Municipal Code Chapter 13.30 found that not all revisions of this final rule were included in Code. This ordinance will address those gaps; and

WHEREAS, on June 14, 2017, EPA published the final rule for regulating wastewater discharges from dental facilities titled, "Effluent Limitations Guidelines and Standards for the Dental Category," codified as 40 CFR 441. This rule requires certain dental facilities to capture dental amalgam (which contains mercury) by installing amalgam separators, implementation of best management practices to keep mercury out of the waste stream and requires submittal of compliance reports. These new requirements must be incorporated into Municipal Code Chapter 13.30; and

WHEREAS, the City hosted two open houses for the Walla Walla dental community on May 21 and 29, 2018, to review the new requirements. The overall feedback from the dental community was that these are practices that they were already implementing and, as a result, should have minimal impact on them; and

WHEREAS, a final rule banning the sewerage of hazardous waste pharmaceuticals, titled "Management Standards for Hazardous Waste Pharmaceuticals and Amendment to P075 Listing for Nicotine" was published on February 22, 2019, and codified as 40 CFR 266, subpart P. This rule lists hazardous waste pharmaceuticals as being prohibited from being introduced into the sewer system by flushing or pouring down the drain. This language needs to be added into Municipal Code Chapter 13.30 to comply with the final rule; and

WHEREAS, the Walla Walla Municipal Code Chapter 13.03 needs to be revised to eliminate information that conflicted with Walla Walla Municipal Code Chapter 13.30, correct references to the Uniform Plumbing Code, updated the hours that the wastewater treatment plant will accept septic haulers, added clarifying language, and corrected formatting and grammatical errors; and

WHEREAS, the proposed changes to Chapters 13.03 and 13.30 were provided to the Water/Wastewater Committee for review and comment on September and October 2019; and

WHEREAS, the Walla Walla City Council has considered this matter during a regularly and duly called public meeting of said Council, has given this matter careful review and consideration, and find that good government and the best interest of the City of Walla Walla will

be served by the passage of this ordinance,

NOW THEREFORE, the City Council of the City of Walla Walla do ordain as follows:

Section 1: Chapter 13.03 of the Walla Walla Municipal Code is amended as follows (added items are underlined and removed items are stricken):

**Chapter 13.03
SEWER UTILITY – REGULATIONS AND RATES**

Sections:

Article I. Title – Definitions

- 13.03.010 Title.
- 13.03.020 Definitions.
- 13.03.030 Act or “the Act.”
- 13.03.040 BOD (biochemical oxygen demand).
- 13.03.050 Building drain.
- 13.03.060 Building official.
- 13.03.070 Building sewer.
- 13.03.080 City.
- 13.03.090 City engineer.
- 13.03.100 Combined sewer.
- 13.03.110 Compatible pollutant.
- 13.03.120 Cooling water.
- 13.03.130 DOE.
- 13.03.140 Garbage.
- 13.03.150 Health officer.
- 13.03.160 Holding tank waste.
- 13.03.170 Industrial process.
- 13.03.180 Industrial waste.
- 13.03.190 Lateral or lateral sewer.
- 13.03.200 National Categorical Pretreatment Standard or pretreatment standard.
- 13.03.210 National Prohibitive Discharge Standard or prohibitive discharge standard.
- 13.03.220 Natural outlet.
- 13.03.230 NPDES.
- 13.03.240 On-site sewage disposal system.
- 13.03.250 Person.

13.03.260 pH.
13.03.270 Plumbing code.
13.03.280 Private pump station.
13.03.290 Private sewer.
13.03.300 Private storm sewer.
13.03.310 Properly shredded garbage.
13.03.320 Public sewer.
13.03.330 Sanitary sewage.
13.03.340 Sanitary sewer.
13.03.350 Septage.
13.03.360 Service charge.
13.03.370 Sewage.
13.03.380 Sewage works.
13.03.390 Sewer.
13.03.400 Sewer service rates – Commercial.
13.03.405 Sewer services rates – Industrial.
13.03.410 Sewer service rates, multiple dwelling.
13.03.420 Sewer service rates, public.
13.03.425 Sewer service rates, city of Walla Walla.
13.03.430 Sewer service rates, residential.
13.03.440 Side sewer.
13.03.450 Side sewer stub.
13.03.460 Slug load.
13.03.470 Special side sewer.
13.03.480 Standard sewage.
13.03.490 Standard methods.
13.03.500 Storm sewer or storm drain.
13.03.510 Suspended solids.
13.03.520 System of sewerage.
13.03.530 Total solids.
13.03.540 Unpolluted water or liquids.
13.03.550 Wastewater superintendent.
13.03.560 Wastewater treatment ~~plant~~facility.
13.03.570 Watercourse.
13.03.580 Definition of additional terms.
13.03.590 Abbreviations.

Article II. Sewer Service

- 13.03.600 Sewer service charges – Receipts – Collection and disposition.
- 13.03.601 Service – Provided where.
- 13.03.605 Adjustment of sewerage consumption charges for water leaks.
- 13.03.610 Sewer service charges – Meter rates within city limits.
- 13.03.615 Service – Discounts for certain low income senior or disabled citizens.
- 13.03.620 Sewer service charge – Rates outside city limits.
- 13.03.625 Sewer service charges – Large industrial/public customers with independent domestic water supply.
- 13.03.627 Sewer service charges – Customers providing substantial contribution to city sewer system.
- 13.03.630 Sewer receipts – Use restrictions – Self-supporting.
- 13.03.640 Septage or soil/water.
- 13.03.642 Winery waste.
- 13.03.645 Schedule of miscellaneous sewer related fees and charges.

Article III. Mandatory Connection

- 13.03.650 No rights created.
- 13.03.660 On-site sewage disposal systems.
- 13.03.670 Adequate connections.
- 13.03.680 Easement – Agreement to maintain – Private sewer.
- 13.03.690 Prompt repair required for privately maintained system.

Article IV. Nonconforming, Industrial Wastes – Preliminary Treatment

- 13.03.700 Wastes approval.
- 13.03.710 Nonstandard sewage – Preliminary treatment.
- 13.03.720 Preliminary treatment facilities – Owner's expense.
- 13.03.730 Submission of plans.
- 13.03.740 Side sewer manhole.
- 13.03.750 General standards.

Article V. Grease, Oil, Solids, Sand Traps, ~~Interceptors~~Interceptors

- 13.03.760 Grease traps.
- 13.03.770 Grease, oil, solids, sand ~~interceptors~~interceptors – Installation.

- 13.03.780 Grease, oil, solids, and ~~interceptors~~interceptors – Construction.
13.03.790 Grease, oil, solids, and ~~interceptors~~interceptors – Maintenance.

Article VI. Sewer Construction

- 13.03.800 Applicable codes.
13.03.810 Costs of installation – Connection – Indemnity.
13.03.820 Extensions – Risk.
13.03.830 Eligibility – Sewer permits.
13.03.840 Building sewer specifications.
13.03.850 Private pump station – Construction plans required.
13.03.860 Notice and inspection.

Article VII. Prohibitions and Limitations

- 13.03.870 Prohibitions and limitations.
13.03.880 Additional limitations.
13.03.890 Injury, breaking manhole, etc. – Prohibited.
13.03.900 Permit required for extension.

Article VIII. Septage

- 13.03.910 Septage.

Article IX. General Provisions

- 13.03.920 Abatement of public nuisance.
13.03.930 Suspension of service.
13.03.940 Responsibility for sewers – Fixtures.
13.03.950 Penalties.

Article I. Title – Definitions

13.03.010 Title.

This chapter may also be referred to as “The Sewer Utility Regulations and Rates Section.”

13.03.020 Definitions.

Unless the context specifically indicates otherwise, terms and phrases set out in Sections 13.03.030 through 13.03.590, when used in the ordinance codified in this chapter, shall

have the meanings hereinafter set forth in this chapter, whether appearing in capital or lower case form.

13.03.030 Act or “the Act.”

“Act” or “the Act” means the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 USC 1251, et seq.

13.03.040 BOD (biochemical oxygen demand).

“BOD” means the quantity of oxygen utilized in the biochemical oxidation of organic matter under a standard laboratory procedure in five days at a temperature of twenty degrees Centigrade, expressed in milligrams per liter, or parts per million by weight. Laboratory determinations shall be made in accordance with procedures set forth in Standard Methods.

13.03.050 Building drain.

“Building drain” means that part of the lowest horizontal piping of a building drainage system which receives the discharge from soil, waste, and other drainage pipes within or adjoining the building or structure and conveys the same to the building sewer which begins at a point two feet outside the established line of the building or structure including any structural projection except eaves.

13.03.060 Building official.

The “building official” is defined in the State Building Code adopted by reference in Title 15 of this code.

13.03.070 Building sewer.

See “Side sewer.”

13.03.080 City.

“City” means the city of Walla Walla or its duly authorized representative.

13.03.090 City engineer.

“City engineer” means the public works director of the city of Walla Walla, or his/her duly authorized representative.

13.03.100 Combined sewer.

“Combined sewer” means a sewer which carries both sewage and storm, surface, ground and other unpolluted waters.

13.03.110 Compatible pollutant.

“Compatible pollutant” means biochemical oxygen demand, suspended solids, pH, and fecal coliform bacteria, plus additional pollutants which the Publicly Owned Treatment Works (POTW) is designed to treat.

13.03.120 Cooling water.

“Cooling water” means the water discharged from any use such as air conditioning, cooling or refrigeration, or to which the only pollutant added is heat.

13.03.130 DOE.

“DOE” means the Department of Ecology, which is an agency of the state of Washington which prescribes state standards and requirements relating to the treatment and disposal of wastewater.

13.03.140 Garbage.

“Garbage” means all putrescible material, including animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food; swill and carcasses of dead animals.

“Garbage” does not include sewage, sewage sludge and human body wastes or agricultural waste.

13.03.150 Health officer.

The “health officer” is the Walla Walla county ~~city~~ health department health officer or a representative authorized by and under the direct supervision of the health officer.

13.03.160 Holding tank waste.

“Holding tank waste” means any waste which has been stored in holding tanks, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks.

13.03.170 Industrial process.

“Industrial process” means operations of human or mechanical facilities, engaged in manufacturing or processing articles of trade or commerce.

13.03.180 Industrial waste.

“Industrial waste” means the liquid wastes from industrial processes as distinct from sanitary sewage.

13.03.190 Lateral or lateral sewer.

“Lateral” or “lateral sewer” means a sewer to which service connections or private sewers may be connected, from adjacent or vicinal properties. The service area for a lateral is determined by the city engineer, based on ordinarily accepted engineering practices and subject to ~~Walla~~ WallaCity municipal practice.

13.03.200 National Categorical Pretreatment Standard or pretreatment standard.

“National Categorical Pretreatment Standard” or “pretreatment standard” means any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307(b) and (c) of the Act (33 USC 1347) which applies to a specific category of industrial users.

13.03.210 National Prohibitive Discharge Standard or prohibitive discharge standard.

“National Prohibitive Discharge Standard” or “prohibitive discharge standard” means any regulation developed under the authority of 307(b) of the Act and 40 ~~CFR~~CFR, Section 403.5.

13.03.220 Natural outlet.

“Natural outlet” means any outlet into a watercourse, pond, ditch, lake or other body or surface or ground water. It does not include connections to the city system of sewerage or authorized on-site sewage or storm water disposal systems or other authorized sewage disposal mechanisms or systems.

13.03.230 NPDES.

“National Pollutant Discharge Elimination System” is a permit issued by the Washington State Department of Ecology (~~W~~DOE) which prescribes operating and effluent limitations relating to the treatment of sewage.

13.03.240 On-site sewage disposal system.

“On-site sewage disposal system” means any system or combination of piping, treatment or other facilities that store, treat and/or dispose of sewage and effluent on the property where it originates or an adjacent or nearby property under the ownership of the user of the system or in which the user has a recorded interest for the purpose of maintaining the system on such other property. In general, these include septic tanks and drain fields.

13.03.250 Person.

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

13.03.260 pH.

“pH” means the common logarithm of the reciprocal of the hydrogen ion concentration. pH shall be determined by one of the procedures outlined in Standard Methods. (pH is a measure of acidity or alkalinity.)

13.03.270 Plumbing code.

“Plumbing code” means the Uniform Plumbing Code adopted by the city under Title 15 of this code. Sewer regulations herein shall be in addition to plumbing code regulations.

13.03.280 Private pump station.

“Private pump station” means an appurtenance of a side sewer, private sewer or on-site sewage disposal system which, alone or in conjunction with the side sewer or private sewer, conveys standard sewage or effluent by lifting or pumping to another sewer.

13.03.290 Private sewer.

“Private sewer” means a sewer on private property, not maintained by a public authority, serving two or more buildings, residences or properties, and constructed by private contract. In general, a private sewer differs from a side sewer in that it serves more than one building or structure.

13.03.300 Private storm sewer.

“Private storm sewer” means a private sewer which is also a storm sewer.

13.03.310 Properly shredded garbage.

“Properly shredded garbage” means the wastes from the preparation, cooking, and dispensing of food that has been reduced in size to such degree that all particles will be carried freely under the flow conditions existing in the sewage facility furnished.

13.03.320 Public sewer.

“Public sewer” means a sewer which is controlled and maintained by a public authority.

13.03.330 Sanitary sewage.

“Sanitary sewage” means water-carried human wastes that are derived principally from residences, business buildings, institutions and the like, exclusive of storm, surface, and unpolluted water.

13.03.340 Sanitary sewer.

“Sanitary sewer” means a sewer which conveys sanitary sewage.

13.03.350 Septage.

“Septage” means a slurry of undigested sludges, scum and liquid periodically removed from domestic septic tanks for disposal. Such pumpings are highly toxic, dangerous to public health, and require additional treatment before disposal.

13.03.360 Service charge.

“Service charge” means the charge levied on each class of public sewer system for operation, maintenance, and other purposes as established by the city council.

13.03.370 Sewage.

“Sewage” means a combination of the water-carried wastes from residences, business buildings, institutions and industrial establishments. “Sewage” may also include surface and storm waters.

13.03.380 Sewage works.

“Sewage works” means all facilities to treat, reclaim, and/or dispose of sewage. They do not include on-site sewage disposal systems.

13.03.390 Sewer.

“Sewer” means a pipe, conduit, or structure and appurtenances for conveying sewage.

13.03.400 Sewer service rates – Commercial.

“Commercial” for sewer service charges shall mean Any building or group of buildings where a business or a combined residence and business is practiced, or where such business is advertised by a sign of any type on the premises and/or listed in the telephone directory as the location of a business shall be classified as commercial.

13.03.405 Sewer services rates – Industrial.

“Industrial” for sewer service charges shall mean sewage effluent from industrial uses as defined in Section 13.03.170, as distinctly separate from industrial process waste as defined herein, which requires individual rates for each use in accordance with an agreement for such treatment.

13.03.410 Sewer service rates, multiple dwelling.

“Multiple dwelling” for sewer service charges means multiple dwellings as defined in Title 20 of this code. Charges shall apply to a complex served by one water meter, in accordance with schedules contained herein.

13.03.420 Sewer service rates, public.

Public sewer service charges shall apply to all city, county, state and federal offices and their subagencies, and all other publicly owned connections, with the exception of the city of Walla Walla municipal corporation and its departments.

13.03.425 Sewer service rates, city of Walla Walla.

City of Walla Walla sewer service charges shall apply to the city of Walla Walla municipal corporation and its departments and operations conducted on behalf of the city on property owned by the city.

13.03.430 Sewer service rates, residential.

“Residential” for sewer service charges means one-family and two-family dwelling units as defined in Title 20 of this code. Charges shall apply to each dwelling unit, in accordance with schedules contained herein.

13.03.440 Side sewer.

“Side sewer” means a sewer, not directly controlled or maintained by the city, which begins two feet outside the outer face of a structure wall or foundation conveying sewage from the building drain to a public sewer, private sewer, or on-site sewage disposal system. Side sewers are a maintenance responsibility of the property owner.

13.03.450 Side sewer stub.

“Side sewer stub” means that portion of a side sewer, constructed along with the public sewer, prior to direct connection to the premises to be served which is also maintained by the property owner.

13.03.460 Slug load.

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

13.03.470 Special side sewer.

“Special side sewer” means a side sewer connected to a lateral or other public sewer which is outside the normal service area of said sewer, as determined by the city engineer. Unless otherwise indicated or required by the context, all side sewer requirements shall apply to special side sewers.

13.03.480 Standard sewage.

“Standard sewage” means sewage which complies with specifications designated by the city engineer and this code regarding chemical, physical, and organic content; including but not limited to pH, BOD, dissolved oxygen, suspended solids.

13.03.490 Standard methods.

“Standard methods” means the examination and analytical procedures set forth in the most recent edition of “Standard Methods for the Examination of Water and Wastewater”, published by the American Public Health Association, the American Water Works Association, and the Water Pollution Control Federation and the supplement to this document entitled Selected Analytical Methods Previewed and Cited by U.S. EPA.

13.03.500 Storm sewer or storm drain.

“Storm sewer” or “storm drain” means a sewer which conveys storm surface waters and unpolluted cooling or process waters, but excludes sanitary sewage and polluted industrial wastes.

13.03.510 Suspended solids.

“Suspended solids” means matter in water, sewage, or other liquids, which can be removed by laboratory filtering as described in the manual of “Standard Methods ~~for the Examination of Water and Wastewater.~~”

13.03.520 System of sewerage.

“System of sewerage” means the system of sewers, outfalls, works, public restrooms and sanitary facilities, plants and facilities for sewage collection, treatment and disposal, or any and all such facilities of the city.

13.03.530 Total solids.

“Total solids” means all matter than can be removed by total evaporation as contained in the manual of “Standard Methods” under Total Residue.

13.03.540 Unpolluted water or liquids.

“Unpolluted water or liquids” means any water or liquid containing none of the following: free or emulsified grease or oil; acids or alkalis; chlorine residual; substances that may impart taste-and-odor or color characteristics; toxic or poisonous substances in suspension, colloidal state or solution; odorous or otherwise obnoxious gases. It shall meet the current state standards for water used for recreation. Analytical determinations shall be made in accordance with procedures set forth in “Standard Methods” and other approved EPA methods.

13.03.550 Wastewater superintendent.

Also known as “plant manager” or “wastewater supervisor,” the wastewater superintendent shall be the director of public works or his/her authorized representative and is primarily responsible for inspecting the work of crews engaged in sewer construction activity, including extensions, repairs, maintenance, and new construction. He/she oversees repair, maintenance and cleaning operations for sanitary and storm sewers under public control. He/she also regulates construction, use and maintenance of catch basins and drains. He/she may also inspect on-site sewage disposal facilities in coordination with the health officer.

13.03.560 Wastewater treatment plantfacility.

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

13.03.570 Watercourse.

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

13.03.580 Definition of additional terms.

Words, terms or expressions peculiar to the art or science of sewerage not defined in this chapter shall have the respective meanings given in the Glossary of “Water and Wastewater Control Engineering” published in 1981, prepared by a joint committee representing American Public Health Association, American Society of Civil Engineers, American Water Works Association, and the Water Pollution Control Federation.

13.03.590 Abbreviations.

The following abbreviations shall have the designated meanings:

BOD	– Biochemical Oxygen Demand
CFR	– Code of Federal Regulations
COD	– Chemical Oxygen Demand
<u>DOE</u>	<u>— Department of Ecology</u>
DU	– Dwelling Unit; see Section 20.06.030 of this code
EPA	– U.S. Environmental Protection Agency
l	– Liter
mg	– Milligrams
mg/l	– Milligrams per liter
NPDES	– National Pollutant Discharge Elimination System
POTW	– Publicly Owned Treatment Works
SIC	– Standard Industrial Classification

SWDA – Solid Waste Disposal
Act, 42 USC 6901, et seq.

UGA — Urban Growth Area

USC – United States Code

TSS – Total Suspended Solids.

VOCs — Volatile Organic Compounds

Article II. Sewer Service

13.03.600 Sewer service charges – Receipts – Collection and disposition.

There are established rates to be charged all users of any element of the city sewer system to be known as sewer service rate. This rate and all other charges for sewer service, penalties, connection charges, and interest thereon, shall attach to and be a lien upon all property to which such service has been furnished or is available.

A. The city shall have a lien for all delinquent and unpaid rates and charges for sewer service and all other charges for sewer service, penalties, connection charges, and interest thereon, which lien shall have the superiority established by RCW 35.67.200 and shall be foreclosed in the manner provided in Chapter 35.67 RCW.

B. Delinquent charges shall bear interest at a percentage rate per annum set forth in the city's rate ordinance(s), computed on a monthly basis, and should the city foreclose the lien as authorized by this chapter, the city shall be entitled to its reasonable attorney's fees.

C. As an additional and concurrent method of enforcing its lien, the utility is authorized, in accordance with law and in the manner provided by Sections 13.04.300 and 13.04.420 and RCW 35.67.290, to shut off water service to such premises for so long as any delinquent fees or charges remain unpaid.

D. The remedies and charges imposed by this section are additional and concurrent to other remedies and charges imposed by this chapter.

E. All accounts for sewer service shall be kept in the name of the owner of the property and not in the name of the tenant, and the owner only shall be held responsible for payment of all accounts. Property owners may complete a payment transfer form with tenants transferring payment responsibilities to tenants. However, the agreements do not relieve property owners of the responsibility for payment of accounts.

13.03.601 Service – Provided where.

A. The council will provide sanitary sewer service to all that area within the boundaries of the city where facilities are available and to such other areas as, in its sole discretion, may be in the best interest of the city to serve.

B. Property within the UGA shall annex prior to connection to the city sewer system. It must also be developed in compliance with city development standards, and its utilities must be constructed in compliance with city standards.

C. The city retains discretion, on a case by case basis, to review connection to single-family residences or other approved uses in the UGA in the event the property experiences a failed septic system, and connection to the city sanitary sewer system is necessary to maintain the existing use. In such cases, connection may not be made to the city's system unless the property owner has first executed and recorded an irrevocable agreement in a form acceptable to the city consenting to annex the property to the city of Walla Walla which is binding upon successors and assigns.

D. The city shall not provide service to any property or premises that has been condemned by the city council.

13.03.605 Adjustment of sewerage consumption charges for water leaks.

A. The city manager, deputy city manager, and designees of the city manager or deputy city manager may adjust consumption charges upon receipt of reliable information that the consumption charges are inaccurate as a result of water leaks which were unknown to the customer and not caused by the fault of the customer. Adjustments may be made only after the customer provides satisfactory proof that the leaks have been repaired.

B. Adjustments may be made no more than once in a twelve-month period except in special circumstances.

C. Equitable adjustments may be made. Regular monthly minimum charges shall apply. Consumption charges may be adjusted by reference to historic usage and other factors which reasonably bear upon actual use.

13.03.610 Sewer service charges – Meter rates within city limits.

A sewer service charge shall apply to all water utility customers within the city limits and shall be based upon monthly metered water consumption. Customers are classified as provided in Sections 13.03.400, 13.03.405, 13.03.410, 13.03.420, 13.03.425, and 13.03.430 as either

commercial, industrial, multiple-dwelling, public, residential, or city of Walla Walla. The amount of each charge is established by rate ordinance(s) and shall be applied as follows:

A. There shall be a minimum monthly charge for each class of customers which is imposed upon all consumers connected to the city sewer system based upon the first eight hundred cubic feet or less of monthly metered water consumption.

B. In addition to the monthly minimum charge, there shall be a consumption charge for each class of customers which is imposed upon all consumers based upon each one hundred cubic feet of monthly metered water consumption over the eight hundred cubic foot minimum.

C. Metered sewer service customers under the commercial schedule who have and maintain a lawn and/or parking strip in front of their property, or who have nonconserving air conditioning units using city water which is not discharged into the city sewer system, directly or indirectly, at any point in the city sewer system, except those users who do not have sewer facilities, shall pay a monthly sewer service charge for the months of April, May, June, July, August, and September not greater than the charge produced by applying the rates to the average monthly consumption of water during the preceding months of December, January, and February. During October, November, December, January, February, and March, the users classified in this subsection shall pay the rates provided in the rate schedule herein.

D. In addition to the charges above set forth, there shall be assessed to the customer a charge equal to all pretreatment and/or attenuation costs if the following quality/quantity standards are exceeded:

1. Biochemical oxygen demands (BOD) more than two hundred fifty mg/L, the charge shall be an additional eight percent of the cost for each fifty mg/L over two hundred fifty mg/L; or
2. Total suspended solids ~~less~~more than two hundred fifty mg/L; or
3. The presence of harmful chemicals, greases, VOCs or heavy metals; or
4. A maximum flow within or greater than fifty percent of the average daily flow.
5. A low pH surcharge shall be added to the sewer bill. The surcharge shall be calculated by the equation $(5.5 - \text{Result})^2 \times \text{ten percent} = \text{percent added to the sewer bill}$. The equation reflects the logarithmic nature of the measurement of pH.

The additional charges provided in this subsection shall not apply to customers operating under a special agreement or discharge permit in accordance with Chapter 13.30; however, charges, fees, and penalties provided for in that chapter may apply.

E. The city reserves to itself the authority to classify customers and set rates. No customer may extend or provide its service or rates to another customer.

13.03.615 Service – Discounts for certain low-income senior or disabled citizens.

A. A program for discounts to the billings for sewer utility services for certain low income citizens is established in order to provide necessary support for the disadvantaged.

B. The program provided for in subsection A of this section shall be implemented as provided in Chapter 2.102.

13.03.620 Sewer service charge – Rates outside city limits.

A. The minimum monthly and consumption charges for all sewer services outside the city limits shall be one hundred fifty percent of the charge for the same size service located within the city limits, except, however, the Walla Walla Regional Airport, Walla Walla Fairgrounds and Walla Walla High School monthly charges shall be the same as within city limits.

B. Pretreatment and/or attenuation costs shall be assessed in accordance with Section 13.03.610(D).

13.03.625 Sewer service charges – Large industrial/public customers with independent domestic water supply.

A sewer service charge shall apply to all sewer utility customers having a partial or completely independent domestic water service where provisions of Section 13.03.610 do not otherwise apply, in accordance with the following schedule:

A. There shall be a basic charge for sewage treatment assessed to all such consumers based on the approved annual budget for sewage treatment costs divided by the flow of wastewater treated, computed on an annual average basis. This charge will apply to sewage delivered to the wastewater treatment plant through the customer's sewage transportation system and/or the city ~~of Walla Walla~~'s sewage transportation/collection system. Specific basic charges shall be calculated based upon each million gallons and any portion thereof of sewage delivered at a rate set forth in the city's rate ordinance(s).

B. In addition to the basic charge for sewage treatment, there shall be assessed a charge, if applicable, for delivering sewage to the city sewage transportation/collection system based on the approved annual budget for sewer system costs divided by the flow of wastewater treated, computed on an annual average basis. Where the customer operates a public sewage collection system, the charge will be based on the ratio of the public sewage collection system to the sum of such system plus the connecting city sewer system. Specific charges shall be calculated based upon each million gallons and any portion thereof of sewage delivered at a rate set forth in the city's rate ordinance(s).

C. In addition to the charges above set forth, there shall be assessed to the customer a charge equal to all costs incurred by the city to the point of sewage delivery into the city system, and costs incurred by the city to read, monitor and provide quality assurance and control, together with all laboratory tests and related direct costs to administer the special connection.

D. In addition to the charges above set forth, there shall be assessed to the customer a charge equal to all pretreatment and/or attenuation costs if the following quality/quantity standards are exceeded:

1. Biochemical oxygen demands more than two hundred fifty mg/L, the charge shall be an additional eight percent of the cost for each fifty mg/L over two hundred fifty mg/L; or
2. Total suspended solids ~~lessmore-~~ than two hundred fifty mg/L; or
3. The presence of harmful chemicals, greases, VOCs or heavy metal; or
4. A maximum flow of any duration within or greater than fifty percent of the average daily flow.

The additional charges provided in this subsection shall not apply to customers operating under a special agreement or discharge permit in accordance with Chapter 13.30; however, charges, fees, and penalties provided for in that chapter may apply.

13.03.627 Sewer service charges – Customers providing substantial contribution to city sewer system.

A. Walla Walla city sewer utility customers which provide substantial contribution to the maintenance, operation, repair, or replacement of various parts of the Walla Walla city sewer system, as determined by Walla Walla city council, shall not be subject to the sewer service

charge rates of Section 13.03.625 for the calendar year in which said sewer utility customers provide substantial contribution to the maintenance, operation, repair, or replacement of various parts of the sewer system.

B. A Walla Walla city sewer utility customer which provides substantial contribution to the maintenance, operation, repair, or replacement of various parts of the Walla Walla city sewer system shall be subject to sewer service charges at a rate negotiated between the city and said sewer utility customer for the calendar year in which said sewer utility customer provides substantial contribution to the maintenance, operation, repair, or replacement of various parts of the sewer system, and such other sewer service charges which may apply under Sections 13.03.610, 13.03.620, 13.03.640, and 13.03.645.

C. Under the direction of the Walla Walla city manager, the director of public works for the city may submit to the Walla Walla city council for approval: the name of any sewer utility customer which provides substantial contribution to the maintenance, operation, repair, or replacement of various parts of the Walla Walla city sewer system, together with a proposed negotiated rate applicable to that customer for the calendar year in which said sewer utility customer provides substantial contribution to the maintenance, operation, repair, or replacement of various parts of the sewer system.

D. All sewer receipts collected under this section shall be subject to Section 13.03.630.

13.03.630 Sewer receipts – Use restrictions – Self-supporting.

All sewer receipts shall be deposited to the sewer utility fund and shall be exclusively utilized for maintenance, operation, expansion and debt service of the sewer system of the city. Service charges shall be sufficient to make the city's sewer utility self-supporting. All receipts shall be maintained in accordance with the Budgeting, Accounting, and Reporting System for Cities and Counties and Other Local Governments established by the Washington State Auditor and made applicable to the city of Walla Walla.

All revenue from the system shall be deposited into the wastewater fund as collected and shall be held separate and apart from all other funds of the city. The wastewater fund and the water fund are collectively referred to as the "water and wastewater fund" by Municipal Ordinances 2005-02, 2003-5, 2002-01, and 97-32. The revenue from the system deposited therein shall be used only for the following purposes and in the following order of priority:

First, to pay the costs of maintenance and operation of the system;

Second, to pay the interest on outstanding bonds issued pursuant to Municipal Ordinances 2005-02, 2003-5, 2002-01, and 97-32, and any additional bonds;

Third, to pay the principal of the outstanding bonds and any additional bonds, and to make any mandatory sinking fund deposits required to be made for the payment of the principal of any term bonds;

Fourth, to make all payments required to be made into the reserve account created to secure the payment of outstanding bonds and any additional bonds, and to make any payments required in connection with a surety bond issued by a qualified insurer;

Fifth, to make all payments required to be made into a revenue bond fund or debt service account hereafter created to pay and secure the payment of the principal of and interest on any bonds which have a lien upon the revenue of the system junior and inferior to the lien thereon for the payment of the principal of and interest on the outstanding bonds and any additional bonds; and

Sixth, for any other wastewater utility purpose.

Unless otherwise directed by the city council, a sufficient portion of the sewer receipts shall be allocated at least quarterly to sewer utility accounts established for the purposes of satisfying the payment and other requirements of city bond ordinances, and such allocations shall be reported to council and cannot be reallocated to other accounts without council approval.

The monthly statements from the city shall show, as a separate item, the amount of the sewer service charge to be charged as of the time of the reading of the water meter, and said charge shall be collected at the time payment is made for the water service.

13.03.640 Septage or soil/water.

A. A truck tank septage charge rate will be imposed for each ton of septage and portion thereof, with a ~~four-ton~~four-ton minimum charge, at a rate per ton set forth in the city's rate ordinance(s). In addition, an administrative fee shall be added to each load in an amount set forth in the city's rate ordinance(s).

B. Septic trucks may only discharge septic waste at the septic discharge station located at the ~~Walla Walla City~~ wastewater treatment plant. The hauler must first check in, certify that the waste is domestic and pay fees. All loads must have a pH greater than 5.5, ~~and~~ or must be lime stabilized by the hauler with twenty-five pounds of lime.

C. The wastewater treatment plant will only accept domestic waste from domestic septic tanks and port-a-potties, or their equivalent. No type of industrial, chemical or food waste, to include fats, oils or grease, will be accepted at the wastewater treatment plant.

D. Any private soil/water loads sent to the sand drying beds at the wastewater treatment plant will be charged the same rate as a septic load.

E. The wastewater treatment plant will not accept septage or soil/water which violates any discharge prohibition or standard of Chapter 13.30 or any other requirements established or adopted by the ~~city of Walla Walla~~.

F. Costs of special tests and handling, if required, will be in addition to treatment charge.

G. The charge for septage originating outside Walla Walla County shall be double the rates applicable to septage originating inside Walla Walla County.

13.03.642 Winery waste.

A. The winery waste charge rate will be imposed based on the rated capacity of the truck tank and shall consist of a user charge and an administrative fee in amounts set forth in the city's rate ordinance(s).

B. Winery waste will be accepted at the ~~city's~~ decant facility, located at 55 East Moore Street, or at the city wastewater treatment plant, located at 572 Hatch Street. The wastewater treatment plant operator shall be consulted first as to which location the waste should be hauled to.-

C. Once at the specified facility, the hauler must ~~first~~ check in at the Streets Division if hauling to the city's decant facility, or at the wastewater treatment plant, and complete all manifest and origin paperwork. The wine waste must have a pH between 5.5 and 9.5, and the hauler will be required to test the pH of the waste prior to discharging. Low pH wine waste must be pH adjusted off site by the hauler prior to dumping at the facility. The hauler will then be directed to a manhole or discharge location located at the facility to dispose of the waste.

13.03.645 Schedule of miscellaneous sewer related fees and charges.

The schedule of miscellaneous sewer related fees and charges to be assessed and paid is as follows:

A. Any party desiring or required to connect to the city system of sewerage or to increase the size of its service shall pay sewer capital facilities charges to the city at the rates set forth in the city's rate ordinance(s). The ~~Walla Walla~~ city council has determined that the sewer capital

facilities charges established herein are proper and reasonable connection charges in order that such property owners shall bear their equitable share of the cost of city system of sewerage. Sewer capital facility charges are ordinarily determined with reference to the size and number of water meters at a location, because sewage is not usually measured and there is a rational correlation between water consumption and sewer discharge. If a property or premises is not served by metered water from the city ~~of Walla Walla~~, the city engineer or his/her designees will determine the meter equivalents for the connection.

1. Increases in the size of service are deemed to occur upon increase of the size of a water meter at a location, increase of the number of water meters at a location, subdivision of a property, or addition of occupancies at a location.

- a. "Addition of occupancies" for residential properties does not include addition of accessory dwelling units as defined by Title 20.

2. Duplexes, triplexes and quadriplexes shall be assessed capital facilities charges for each residential unit regardless of the number of water meters installed. Each residential unit shall be assessed the capital facilities charge set forth in the city's rate ordinance(s) for a three-fourths-inch meter size.

3. All parties desiring or required to increase the size of service shall pay prorated capital facilities charges. The amount to be assessed in such instances shall be the difference between the facilities charges that would have been required for the existing size of service and the charges applicable to the increased size of service. In no event shall the total amount of any credits exceed the amount of the capital facilities charges.

4. The sewer capital facilities charges established herein shall apply in addition to the costs of connection and any other applicable charges.

5. No one shall be entitled to a refund, rebate, or rate reduction for any decrease in the size of service at a location.

B. A side sewer charge will be assessed in an amount set forth in the city's rate ordinance(s) for side sewers installed on capital improvement projects by the city.

C. Additional charges may be set forth in the city's rate ordinance(s).

D. Additional sewer connection charges for sewers, pumping stations, disposal plants, or other appurtenances constructed by developers or property owners to serve their own property, but that make sewer service available to intervening property owned by others, shall be established by “latecomer” or “reimbursement” agreements, that reflect the cost of constructing said facilities. These agreements may be effective for twenty years, after which the connection charges shall revert to the normal connection fees in effect at that time; provided, however, that the term of such agreements may be extended as provided by law.

E. The city public works department is authorized to additionally charge customers for actual costs not otherwise set forth in the Walla Walla Municipal Code or the city’s rate ordinance(s).

Article III. Mandatory Connection

13.03.650 No rights created.

A. No sanitary sewage, industrial or commercial wastes, or other polluted waters shall be discharged into a natural outlet within the city. All such sewage, wastes and waters, except storm waters, must be discharged into the system of sewage works of the city and/or into authorized on-site sewage disposal systems. This obligation applies to the owner of premises and to persons in possession, charge or control of the premises where prohibited discharges either originate or occur.

B. This chapter shall not create rights to require construction of public sewers, connection thereto or otherwise to receive sewer service from the city on the part of any person. The city reserves all rights to deny, limit, or curtail service.

13.03.660 On-site sewage disposal systems.

A. Unless otherwise expressly prohibited, on-site sewage disposal systems are permitted only where public sewer service is unavailable.

B. On-site sewage disposal systems must be approved by the health officer, and be in accordance with the jurisdictional health agency’s regulations in addition to any requirements of the city.

C. As used herein, “unavailable” means not available as determined by the city engineer. Sewer service shall be deemed available where the property line of the served property is located within three hundred feet of a street, highway, alley, or easement in which a public sewer is located, unless otherwise ordered by the city engineer.

D. On-site sewage disposal systems are never permitted if the city engineer or health officer determines they are a danger to or may adversely affect public safety and health and/or they are malfunctioning or improperly constructed or maintained.

E. Notice of noncompliance with the requirements of this section shall be given to the landowner and/or persons in possession, charge or control of the premises, and shall allow thirty days for compliance; provided, a longer or shorter time may be set by the city engineer or health officer as may be deemed necessary to protect the public health and safety.

F. Private systems shall be discontinued when public sewer becomes available. When a public sewer becomes available within three hundred feet of the property served by a private sewage disposal system, a direct connection shall be made to the public sewer within ninety days after official notice to do so, in compliance with this title. As soon as such connection is made, any septic tanks or similar private sewage disposal facilities shall be abandoned and filled with suitable material, subject to the approval of the city engineer and/or health officer.

G. General Requirements. Type, capacities, location and layout of a private sewage or disposal system shall comply with the rules and regulations of the Washington State Board of Health and Walla Walla County ordinances governing on-site sewage disposal systems.

H. Health Requirements, Additional. The requirements of this title are additional to those imposed by the ~~city-county~~ health officer under applicable statutes, regulations and ordinances.

13.03.670 Adequate connections.

A. Every owner of any structures or premises used for human occupancy, employment, recreation or used for other purposes requiring sanitary facilities, or when the city engineer or health officer shall so order, shall construct or cause to be constructed all necessary sanitary facilities and a sufficient sewer or sewer extension for connection to the public sewer in the manner prescribed by city ordinance and regulations unless specifically exempted therefrom in writing by the city engineer.

B. A separate and independent side sewer shall be provided for each and every building or structure or any other premises or property as required by the city engineer. A private sewer may be permitted in cases of engineering necessity, to prevent or correct a health or safety hazard or for other good cause, all as determined by the city engineer or health officer.

C. Separate Sewers Required – Exception. A separate and independent building sewer shall be provided for every building, except where one building stands at the rear of another on an

interim lot or temporary mobile home and it is impracticable to require a separate building sewer, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.

~~CD~~. The sewer shall connect the building, structure or property and all water closets or pipes therein used as receptacle of or conductor of sewage to the public sewer.

~~DE~~. Tampering with Sewers Forbidden. No person not a city employee shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenances thereof without first obtaining a written permit from the city engineer.

~~EF~~. Application and permit for connections with public sewers fee. The owner, his/~~her~~ agent, or his/~~her~~ sewer contractor shall ~~make complete an~~ application on a form furnished by the city, which the applicant shall supplement by any plans, specifications, and other information as is deemed necessary by the city engineer for enforcement of this title, and a permit to perform work in public rights-of-way or easements shall be obtained from the city engineer prior to performing sewer work in such areas or making connections to public sewers.

~~FG~~. City not Responsible for Private Building Sewers. The city assumes no responsibility for the maintenance or replacement of any building sewer lines on private property or in easements or street rights-of-way or building sewer connections to the public sewer system.

~~GH~~. Cost to be Borne by Owners. All costs and expenses incident to the installation and connection of the building sewer shall be borne by the owner. The owner or applicant of the premises in question shall indemnify the city against any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

~~HI~~. Old Side Sewers Must Conform. Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the city engineer, to meet all requirements of this title.

~~IJ~~. Notice of noncompliance with the requirements of this section shall be given to the landowner, or person in possession, charge or control of the premises, and shall allow thirty days for compliance; provided, a longer or shorter time may be set by the city engineer or health officer as may be deemed necessary to protect the public health and safety.

13.03.680 Easement – Agreement to maintain – Private sewer.

A. As an additional condition of allowing connection of a private sewer, the property owner may be required to execute and record an easement appurtenant to and for the benefit of premises connected to the private sewer, allowing perpetual access to the sewer by all premises connected and mutually covenanting to maintain the sewer for the enjoyment of all such premises.

B. The easement shall not be subject to revocation without the concurrence of all interested parties and the written approval of the city engineer. The city shall have no maintenance, repair, or replacement obligations for private property sewers.

13.03.690 Prompt repair required for privately maintained system.

A. When any sewer, pipe, drain or on-site sewage disposal system located on private premises becomes obstructed, broken, out of order, or otherwise inoperative, the health officer, building official, or the city engineer shall, if the owner of such premises or the owner's agent fails to correct the problem after two days' notice to do so, and upon a determination that the public health and safety is or could be endangered thereby, cause such sewer to be removed, reconstructed, repaired, pumped, altered or cleansed, as the city engineer may deem expedient, at the expense of the owner of such premises as aforesaid. No notice is necessary in cases of imminent danger to the public health and safety.

B. The broken, obstructed, out of order or otherwise inoperative sewers, pipes, or on-site sewage disposal systems, are declared public nuisances which may be summarily abated at the sole expense of the owner(s) of the premises and/or responsible persons, notwithstanding any other provision of this chapter.

Article IV. Nonconforming, Industrial Wastes – Preliminary Treatment

13.03.700 Wastes approval.

The admission into the sewer system of any waters or wastes having any of the following characteristics shall be deemed nonstandard sewage and shall be subject to the review and approval of the wastewater superintendent prior to discharge into the sewer system:

A. A five-day biochemical oxygen demand greater than two hundred ~~sixty~~ fifty milligrams per liter; or

B. Containing more than two hundred ~~fifteen~~ fifty milligrams per liter of suspended solids, or six hundred milligrams per liter of total solids; or

C. Containing any quantity of substances having the characteristics described in Section 13.03.870; or

D. Having an average daily flow greater than two percent of the average daily sewage flow of the city; or

E. Containing more than seven milligrams per liter per day of total phosphorous.

13.03.710 Nonstandard sewage – Preliminary treatment.

A. Nonstandard sewage or wastes shall be made compatible with sanitary sewerage through a system of pretreatment by the persons using the sewer system prior to discharge of the waste.

B. Provided, however, a special agreement or arrangement between the city and any industrial or commercial concern whereby an industrial or commercial sewage or waste of unusual strength or character may be accepted by the city for treatment, subject to special payment therefore by the industrial or commercial concern.

13.03.720 Preliminary treatment facilities – Owner’s expense.

Where preliminary treatment facilities are provided for any sewage or wastes, they shall be maintained continuously in satisfactory and effective operation at the sole expense and liability of the owner. See Section 13.30.060 through Section 13.30.140 regarding additional requirements.

13.03.730 Submission of plans.

Plans, specifications and other pertinent information relating to proposed preliminary treatment facilities shall be submitted to the city engineer ~~and the Department of Ecology of the state of Washington~~ for approval, and no construction of such facilities shall be commenced until such approvals are obtained in writing.

13.03.740 Side sewer manhole.

When required by the wastewater superintendent, the owner of any property served by a side sewer carrying industrial wastes shall, within ninety days of notification, install a suitable manhole in the side sewer to facilitate observation, sampling and measuring the wastes. Such manhole shall be accessibly and safely located and shall be constructed in accordance with plans approved by the city engineer. The manhole shall be installed at the sole expense and liability of the owner(s) and shall be maintained so as to be safe and accessible at all times.

13.03.750 General standards.

All measurements, tests and analyses of the characteristics of sewage and wastes shall be determined in accordance with the current edition of ~~“Standard Methods,” for the Examination of Water and Sewage, a publication of the American Public Health Association, Inc.,~~ and/or current EPA recommendations, and shall be taken at the access manhole provided for in Section 13.03.740 or based upon suitable samples taken at the control manhole. In the event that no special access manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer from the point at which the side sewer is connected.

Article V. Grease, Oil, Sand Traps, ~~Interceptors~~Interceptors

13.03.760 Grease traps.

The following conditions shall be in addition to the requirements of ~~Chapter 7 and Appendix H of the~~ Uniform Plumbing Code ~~adopted under Chapter 15.04, Technical Building Codes.~~ In all cases where a structure is used as a hotel, boardinghouse or restaurant, or where required by the wastewater superintendent, building official, or the health officer, the owner shall provide a properly constructed grease trap or interceptor through which all wastes of a greasy nature shall be drained. All grease traps and interceptors shall be of a type, capacity and design approved by the wastewater superintendent or building official.

Traps or interceptors shall be required when the sewage or waste contains any of the following:

- A. Any liquid or vapor having a temperature higher than one hundred forty degrees Fahrenheit (one hundred forty degrees Fahrenheit = sixty degrees Celsius);
- B. Any water or waste which may contain more than forty milligrams per liter by weight of animal or vegetable fat, oil or grease;
- C. Any gasoline, benzene naphtha, fuel oil, or other flammable liquid, solid or gas, or other petroleum products and derivatives;
- D. Any garbage that has not been properly shredded;
- E. Any ashes, cinders, sand, plaster, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch manure, hair, bristles or any other solid or viscous substance capable of causing obstruction to the flow in sewers or other interference with the proper operations of the sewage work.

Grease traps to collect emulsified cooking grease from commercial establishments shall be located downstream from cooking and washing facilities a sufficient distance or be sufficiently large to cool the waste to a lower temperature than one hundred forty degrees Fahrenheit before leaving trap.

13.03.770 Grease, oil, solids, sand ~~interceptors~~interceptors – Installation.

Grease, oil, solids, and sand ~~interceptors~~interceptors or other necessary removal facilities shall be installed on premises at the owner's expense and liability when, in the opinion of the wastewater superintendent of the city, they are necessary for the proper handling of sewage from the premises or point of origin. All interceptors shall be of a type and capacity approved by the wastewater superintendent and shall be located as to be readily accessible for inspection and maintenance such as cleaning and repair and inspection.

13.03.780 Grease, oil, solids, sand ~~interceptors~~interceptors – Construction.

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

13.03.790 Grease, oil, solids sand ~~interceptors~~interceptors – Maintenance.

Where installed, all grease, oil, solids and sand ~~interceptors~~interceptors shall be maintained by the owner, at the owner's expense and liability, in continuously efficient operation at all times. These devices shall be maintained in accordance with the manufacturer's recommendations and as needed to maintain efficient operating condition by periodic removal of accumulated grease, scum, oil or other floating substances and solids deposited in the interceptor.

Article VI. Sewer Construction

13.03.800 Applicable codes.

A. All building sewers shall be constructed in accordance with ~~Chapters 2, 4, and 11 of the~~ Uniform Plumbing Code adopted under Chapter 15.04, Technical Building Codes, except as amended in this chapter.

B. Construction in Public Rights-of-Way. All work in public rights-of-way shall conform to the provisions of Title 12 and the City's standard plans.

C. Construction of sewers shall conform to plans and specifications prepared by a professional engineer licensed by the state of Washington in conformance with the city's standard plans and approved by the city engineer.

13.03.810 Costs of installation – Connection – Indemnity.

A. All costs incident to the installation, connection, and maintenance of a side sewer, special side sewer or private sewer, including connection to public sewers, shall be paid by the owner(s).

B. The owner shall indemnify the city from any loss, liability or damage that may directly or indirectly be occasioned by the installation of the side sewer, special side sewer or private sewer for a period of two years from the date of inspection by the city engineer and shall be responsible for said construction, in addition to perpetual operation and maintenance of the sewer line and its connection with a public sewer. A bond or other adequate security to insure this obligation may be required by the city engineer based on the nature and size of the construction.

13.03.820 Extensions – Risk.

In cases of extension, construction or reconstruction of all or any portion of side sewer, special side sewer, or private sewer, the owner is responsible for the proper functioning of the entire side sewer up to the public sewer connection, and shall indemnify and hold harmless the city for any cost or expense, loss liability or damage that may directly or indirectly be occasioned by any malfunction of said sewer.

13.03.830 Eligibility – Sewer permits.

A. A sewer permit shall be issued only to a person or business having a current general state contractor's license or a specialty contractor's license.

B. This section shall not be construed to require a contractor's license for a property owner to construct a side sewer on the owner's property or place of residence.

13.03.840 Building sewer specifications.

A. Special Basement Requirements. Additional standards for protection of health, safety and welfare of users and equitable distribution of service charges are required for habitable or sewer elements of structures where backwater valves are required by ~~Sections 209 and 409 of~~ the Uniform Plumbing Code adopted under Chapter 15.04, Technical Building Codes. These additional standards are:

1. Side sewer must slope one-fourth inch per foot minimum, no exceptions;

2. Approved backwater valves are required, and must be maintainable by the property owner;
3. As a condition of permit, the property owner must execute an agreement running with the land holding the city harmless from any damages resulting from public sewer stoppage; and
4. Install a private pump station when required.

B. Pump Stations. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sewage shall be lifted by a private pump station approved by the building official and discharged into the building sewer. Maintenance and operation of such pump stations are a responsibility of the property owner.

13.03.850 Private pump station – Construction plans required.

Any person desiring to construct a private pump station intended to be connected with or discharged into any sewer, he/she shall, before beginning work upon the same, file with the building official or the city engineer two sets of plans, specifications, design calculations and any other applicable information as deemed necessary by the building official or the city engineer. The plans, specifications and design calculations, or copies thereof, shall be left on file at the office of the building official or the city engineer.

13.03.860 Notice and inspection.

Any person desiring to construct or repair any sewer in any street, alley or easement in which the sewer is located, shall first obtain permits as required under Section 13.03.800, and shall give at least twenty-four hours notice before actually commencing work to the city engineer.

A. Sewers must be inspected and found satisfactory before covering the pipe. Cost of reinspection occasioned by faulty or improper work or failure to comply with these provisions may be charged to the contractor or owner.

B. The wastewater superintendent, the health officer or the city engineer shall have the right to enter upon the premises served by any on-site disposal system, or served by a side sewer, special side sewer, private sewer or otherwise connected with any public sewer at all reasonable hours to ascertain whether the provisions of the ordinance codified in this chapter or any other ordinance relative to sewers have been followed.

C. The owner or occupant of any house, building or property shall allow authorized persons to inspect on site the nature of wastes intended to be discharged into a public sewer and/or an on-site sewage disposal system.

If said facilities, sewers or attachments are in conflict with the provisions of any law or ordinance in regard thereto, the owner of said premises shall be notified to cause said sewers or attachments to be altered, repaired or reconstructed as to make them conform to the requirements of the law and ordinances within thirty days from the date of such notice, except as otherwise specifically provided.

Article VII. Prohibitions and Limitations

13.03.870 Prohibitions and limitations.

Except as hereinafter provided, no person shall discharge the following substances into the sanitary sewers:

A. Any flammable or explosive liquid, solid, or gas which may, by themselves or by interaction with other substances, cause fire or explosion or injury to persons, property, or the operation of the sewer system. At no time shall two successive readings on an explosion hazard meter at the point of discharge into the system (or at any point in the system) be more than five percent nor any single reading over ten percent of the lower explosive limit (LEL) of the meter. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfides and any other substances which the wastewater superintendent, the state, or EPA has not notified the user is a fire hazard or a hazard to the system.

B. Any wastes, waste waters or substances having a pH less than 5.5 or more than 9.5, or having any other corrosive property capable of causing damage or hazard to structures, equipment, or personnel of the sewer system. This includes, but is not limited to, battery or plating acids or wastes, copper sulfate, chromium salts and compounds, or salt brine.

When pH correction is required, and automatic feeders for neutralizing agents are used, spikes or excursions outside the 5.5 or 9.5 range caused by overcorrection or system failure not to exceed ten minutes duration, shall not be cause for rate increase provided other prohibited discharges did not occur simultaneously.

C. Solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment facilities such as, but not limited to:

grease, garbage with particles greater than one quarter inch in any dimension, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone hops, waste paper, wood, plastics, gas, tar, asphalt residues, residues from refining or processing of fuel or lubricating oil, mud, or glass grinding or polishing wastes. The basis for determination of excess amounts of the above will be judged on standard levels found in normal domestic wastewater.

D. Any waste containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect in the receiving waters of the water system, or to exceed the limitation set forth in a Federal Categorical Pretreatment Standard.

E. Any noxious or malodorous liquids, gases, or solids which either singly or by interaction with other wastes are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for maintenance and repair.

F. Any water or waste which contains in excess of ~~forty-one-hundred~~ milligrams per liter of fat, wax, oil or grease, whether or not emulsified, ether-soluble or n-hexane soluble matter or any substance which may solidify or become discernibly viscous at temperatures above zero degrees Celsius (thirty-two degrees Fahrenheit). (See additionally Section 13.30.050.)

13.03.880 Additional limitations.

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

A. Any liquid or vapor having a temperature higher than one hundred forty degrees Fahrenheit;

B. Large quantities of shredded garbage or garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths

horsepower (five hundred sixty watts) or greater shall be subject to the review and approval of the wastewater superintendent;

C. Any waters or wastes as discharged to the public sewer containing iron, chromium, copper, zinc, and similar objectionable or toxic substances exceeding a concentration defined in Section 13.03.870 or such other limits as may be established in compliance with applicable state or federal regulations;

D. Any waters or wastes containing phenols or other taste or odor producing substances in concentrations exceeding limits set by USEPA Standards or may be established as necessary, after treatment of the composite sewage, to meet the requirements of the state, federal, or other public agencies of jurisdiction for such discharge to the receiving waters;

E. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established in compliance with applicable state or federal regulations;

F. Materials which exert or cause:

1. Unusual concentrations of inert suspended solids (such as, but not limited to, Fullers earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate),
2. Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions),
3. Unusual chlorine requirements in such quantities as to constitute a significant load on the plant,
4. Unusual volume of flow or concentration of wastes constituting a slug load which can be demonstrated to cause interference to the collection or treatment facilities.

In circumstances requiring a numerical value for “unusual” or “excessive,” the city shall fix the value on a case by case basis;

G. Any waters or wastes containing a total of sixty or more pounds of either suspended solids or BOD in any one day;

H. Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that

the sewage treatment plant effluent cannot meet the requirement of the NPDES permit or those of other agencies having jurisdiction over discharge to the receiving waters. (See additionally Section 13.30.060.)

13.03.890 Injury, breaking manhole, etc. – Prohibited.

It is unlawful for any person to injure, break or remove any portion of any manhole, lamphole, flush tank or any part of a public sewer.

13.03.900 Permit required for extension.

It is unlawful for any person to extend any private or side sewer beyond the limits of the property for which a permit has been given or into a utility easement, wherever located, without obtaining an additional permit for the desired extension.

Article VIII. Septage

13.03.910 Septage.

A. Authority to Accept at Plant. The wastewater superintendent is authorized to accept domestic septic tank sludge at the sewage-wastewater treatment plant ~~between the hours of eight a.m. and five p.m. daily~~during normal hours of operation, subject to the restrictions hereinafter contained. The administrative functions hereof shall be carried out by the wastewater superintendent.

B. Permit Required. No person shall be permitted to dump domestic septic tank sludge at the sewage-wastewater treatment plant without first securing a permit to do so from the wastewater superintendent. All such permits shall be issued for a period expiring December thirty-first ~~next~~ following the issuance of the permit, and shall be subject to general termination or suspension by the wastewater superintendent on a finding that the plant is not functioning adequately or its capacity is otherwise committed, and subject to revocation by the wastewater superintendent upon breach of any of the conditions found in subsection C of this section. The application for the permit shall be on a form prescribed by the wastewater superintendent and must include a description of the equipment to be used by the permittee, the names and addresses of the owners of such equipment, and of all persons who will be operating the same, and a specific undertaking, signed by the owners of the equipment that they, and all their agents and employees, shall keep and perform the conditions set forth herein. The wastewater superintendent may refuse to issue, re-issue, or renew a permit to any applicant who has had a previous permit hereunder revoked.

C. Required Conditions. Violation of any of the following by a permittee shall be grounds for revocation of a permit and for the recovery from the sureties on the permittee's land for any loss to, or amount due, the city by reason thereof:

1. The discharge of any sewage or sludge into any sewer system within the jurisdiction of the city other than at a dumping facility specifically designated by the wastewater superintendent for such purpose;
2. The dumping or discharge, or the attempted dumping or discharge, of any sewage or sludge of the following character: caustic, acid, oil tank bottom contents, grease or oil trap sludges, plating or metal finishing waste, digested sewage sludge, animal manure, food processing wastes, including skins, shells, seeds, blood, hair, bones, grease, or feathers, industrial sumps, or holding tanks for other domestic wastes;
3. The dumping or discharge of any sludge or sewage which is known to the permittee, or to his/hers employer or agent, to contain waste other than domestic septic tank sludge, whether or not such material is described in subsection (C)(2) of this section;
4. The failure to accurately certify the source of the load of sewage or sludge prior to dumping, in the form required by the wastewater superintendent;
5. The failure to pay all charges for dumping ~~sewage-sludges~~septage within thirty days after the end of the calendar month during which such ~~sludge-septage~~ was dumped;
6. The failure to clean the immediate area of the dumping facility after dumping so as to leave the area in a clean and sanitary condition;
7. The failure to conform with the load-handling procedures established by the operator in charge of the plant, approved by the wastewater superintendent and posted at the plant.

D. Dumping Fees. The wastewater superintendent shall establish the procedure for controlling the dumping process and shall collect from the permittees, on monthly statements, fees for the dumping of ~~septic tank sludge~~septage in accordance with such fee schedule as may be approved by the city council.

Atypical or extra-strength ~~septic tank sludge-septage~~ may be received for treatment, at the discretion of the operator in charge of the plant, and fees computed in ratio of strength of a

typical domestic septic tank sludge under service charge schedule to the atypical or extra-strength sludge as determined by standard tests generally accepted by treatment plant operators. Any misrepresentation of the character or amount of such material shall be basis for revocation of permit. (See additionally Section 13.30.160.)

Article IX. General Provisions

13.03.920 Abatement of public nuisance.

A. Notwithstanding any other provision of this chapter, and in addition thereto, the maintenance of any condition adverse to the public health and safety or creating or tending to create a risk to the public health or safety, specifically including accumulations of raw or treated sewage or sludge of any nature or danger ~~or possibility thereof, or contamination of any public or domestic water supply system or well or a danger~~ or possibility thereof, or contamination of any public or domestic water supply system or well or a danger or possibility thereof, shall constitute a public nuisance and, in the discretion of the city engineer or health officer shall be subject to immediate abatement by the city at the premises owner's and/or other responsible person's expense and liability.

B. Abatement of any nuisance as defined in subsection A of this section may be billable as a utility service furnished to the premises wherein the condition arose or exists.

C. This section shall not limit the premises owners' or other parties' rights to seek recovery against other responsible persons.

D. The city engineer, wastewater superintendent, and other duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter at reasonable times all properties for the purpose of inspection, observation, measurement, sampling and testing, in accordance with the provisions of this code.

13.03.930 Suspension of service.

A. In case of emergency, equipment failure, inaccessibility or for other reasons as directed by the city engineer in the interests of the public health and safety, sewer or water service may be temporarily or permanently suspended to one or more premises or locations within the city, with or without notice.

B. The city may refuse to furnish sewer service and discontinue service to any premises that has been designated by the city as dangerous or unfit for human habitation. Sewer service to such

premises shall not be restored until the city has withdrawn the dangerous or unfit designation for the premises.

C. Service to any premises may be suspended for nonpayment of accounts. Such suspension shall not relieve the person owing such account from the duty of complying with the provisions of this title. Such suspension shall render the premises where such service is suspended, subject to condemnation for sanitary reasons and/or exercise of municipal power to abate a public nuisance at the risk and expense of the owner of the premises and/or other responsible persons.

13.03.940 Responsibility for sewers – Fixtures.

A. The city assumes no responsibility whatsoever for any side sewers, special side sewers, private sewers, other nonpublic sewers or other such pipes, fixtures or appurtenances. This includes responsibility for costs of construction, repair and/or maintenance. It includes liability for losses, claims, damages or injuries arising directly or indirectly from the use or existence of said nonpublic pipes and fixtures.

B. Except as required by the general law of this state, the city assumes no additional responsibilities for public sewer service or wastewater disposal or treatment or as to the construction, repair or maintenance of public sewers.

This code shall not be construed to expand such responsibilities.

C. Any expenses incurred by the city for excavation, cleaning or inspecting public sewers by demand of the sewer user shall be the responsibility of the sewer user unless the inspector determines the problem was caused by a public sewer. Such costs will be in addition to any general penalties under Chapter 1.24 of this code.

D. All expense and liability for loss or damage for cleaning, repairing and maintenance of a side sewer or a private sewer from the building drain to and including connection with the public sewer shall be the responsibility of the property owner.

13.03.950 Penalties.

Any person who is convicted of violating or failing to comply with any of the provisions of this chapter shall be guilty of an infraction and shall be punished by a fine of not more than five hundred dollars. In addition, actual damages and expenses incurred as required to effect repairs to public sewers shall be assessed in addition to the monetary fine.

Section 2: Chapter 13.30 of the Walla Walla Municipal Code is amended as follows (added items are underlined and removed items are stricken):

Chapter 13.30 WASTEWATER STANDARDS

Sections:

Article I. General Provisions

- 13.30.010 Purpose and policy.
- 13.30.020 Administration.
- 13.30.030 Abbreviations.
- 13.30.040 Definitions.

Article II. General Sewer Use Requirements

- 13.30.050 Prohibited discharge standards.
- 13.30.060 National categorical pretreatment standards.
- 13.30.070 State pretreatment standards.
- 13.30.080 Local limits.
- 13.30.090 City of Walla Walla right of revision.
- 13.30.100 Special agreement.
- 13.30.110 Dilution.

Article III. Pretreatment of Wastewater

- 13.30.120 Pretreatment facilities.
- 13.30.130 Deadline for compliance with applicable pretreatment requirements.
- 13.30.140 Additional pretreatment measures.
- 13.30.150 Accidental discharge/slug discharge control plans.
- 13.30.160 Septage and hauled wastewater.

13.30.165 Dental Discharger

Article IV. Wastewater Discharge Permits

- 13.30.170 Requirements to complete industrial user survey.
- 13.30.180 Wastewater discharge permit requirement.
- 13.30.190 Wastewater discharge permitting – Existing connections.

- 13.30.200 Wastewater discharge permitting – New connections.
- 13.30.210 Wastewater discharge permit application contents.
- 13.30.220 Wastewater discharge permitting – General permits.
- 13.30.230 Application signatories and certifications.
- 13.30.240 Wastewater discharge permit decisions.

Article V. Wastewater Discharge Permits

- 13.30.250 Wastewater discharge permit duration.
- 13.30.260 Wastewater discharge permit contents.
- 13.30.270 Permit issuance process.
- 13.30.280 Wastewater discharge permit modification.
- 13.30.290 Wastewater discharge permit transfer.
- 13.30.300 Wastewater discharge permit revocation.
- 13.30.310 Wastewater discharge permit reissuance.
- 13.30.320 Regulation of waste received from other jurisdictions.

Article VI. Reporting Requirements

- 13.30.330 Disclosure of records.
- 13.30.340 Baseline monitoring reports.
- 13.30.350 Compliance schedule progress reports.
- 13.30.360 Reports on compliance with categorical pretreatment standard deadline.
- 13.30.370 Periodic compliance reports.
- 13.30.380 Reports of changed conditions.
- 13.30.390 Reports of potential problems.
- 13.30.400 Reports from unpermitted users.
- 13.30.410 Notice of violation – Repeat sampling and reporting.
- 13.30.420 Notification of the discharge of hazardous waste.
- 13.30.430 Analytical requirements.
- 13.30.440 Sample collection.
- 13.30.450 Date of receipt of reports.
- 13.30.460 Record keeping.
- 13.30.470 Certification statements.

Article VII. Compliance Monitoring

- 13.30.480 Right of entry – Inspection and sampling.

- 13.30.490 Search warrants.
- 13.30.500 Vandalism.

Article VIII. Confidential Information

- 13.30.502 When permitted – Procedure.

Article IX. Publication of Users in Significant Noncompliance

- 13.30.505 Procedure.

Article X. Administrative Enforcement Remedies

- 13.30.510 Notification of violation.
- 13.30.520 Consent orders.
- 13.30.530 Show cause hearing.
- 13.30.540 Compliance orders.
- 13.30.550 Cease and desist orders.
- 13.30.560 Administrative fines.
- 13.30.570 Emergency suspensions.
- 13.30.580 Termination of discharge.

Article XI. Judicial Enforcement Remedies

- 13.30.590 Injunctive relief.
- 13.30.600 Civil penalties.
- 13.30.610 Criminal prosecution.
- 13.30.620 Remedies nonexclusive.

Article XII. Supplemental Enforcement Action

- 13.30.630 Penalties for late reports.
- 13.30.640 Performance bonds.
- 13.30.650 Liability insurance.
- 13.30.660 Payment of outstanding fees and penalties.
- 13.30.670 Innovative settlements and supplemental environmental projects.
- 13.30.680 Water supply severance.
- 13.30.690 Public nuisances.
- 13.30.710 Contractor listing.

Article XIII. Affirmative Defenses to Discharge Violations

- 13.30.720 Upset.
- 13.30.730 Prohibited discharge standards.
- 13.30.740 Bypass.

Article XIV. Wastewater Treatment Rates and Surcharges

Article XV. Miscellaneous Provisions

- 13.30.750 Pretreatment charges and fees.
- 13.30.760 Severability.
- 13.30.770 Regulatory conflicts.

Article I. General Provisions

13.30.010 Purpose and policy.

This chapter sets forth uniform requirements for users of the publicly owned treatment works (POTW) for the city of Walla Walla (city) and enables the city ~~of Walla Walla~~ to comply with all applicable state and federal laws, including the Clean Water Act (33 U.S.C. Section 1251 et seq.) and the General Pretreatment Regulations (40 CFR Part 403). The objectives of this chapter are:

- A. To protect the POTW from potential harm by establishing clear standards and requirements for pretreatment of nondomestic waste. Harm to be prevented includes: causing interference or otherwise harming the collection system; causing pass through, or otherwise harming the receiving environment; or causing the POTW to respond to a discharge based on a real or perceived threat.
- B. To protect POTW staff who may be affected by wastewater and sludge in the course of their employment and to protect the general public.
- C. To promote reuse and recycling of industrial wastewater and sludge from the POTW.
- D. To provide for fees for the equitable distribution of the cost of operation, maintenance, and improvement of the POTW.
- E. To enable the city ~~of Walla Walla~~ to comply with its national pollutant discharge elimination system permit conditions, sludge use and disposal requirements, and any other federal or state laws to which the POTW is subject.

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

13.30.020 Administration.

Except as otherwise provided herein, the public works director/~~designated designee~~ shall administer, implement, and enforce the provisions of this chapter. Any powers granted to or duties imposed upon the public works director/~~designated designee~~ may be delegated by the public works director/~~designated designee~~ to other city ~~of Walla Walla~~ personnel.

13.30.030 Abbreviations.

The following abbreviations, when used in this chapter, shall have the designated meanings:

BMP - Best Management Practice

BOD - Biochemical Oxygen Demand

BMP - Best Management Practice

CFR - Code of Federal Regulations

CIU - Categorical Industrial User

Ecology - Washington State Department of Ecology

EPA - U.S. Environmental Protection Agency

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gpd - gallons per day

HWP - Hazardous Waste Pharmaceutical

mg/l - milligrams per liter

NPDES - National Pollutant Discharge Elimination System

NSCIU - Nonsignificant Categorical Industrial User

POTW - Publicly Owned Treatment Works

RCRA - Resource Conservation and Recovery Act

SIU - Significant Industrial User

TSS - Total Suspended Solids

U.S.C. - United States Code

13.30.040 Definitions.

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

A. “Act” or “the Act”: ~~means~~ ~~T~~ the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. Section 1251 et seq.

B. “Approval Authority” ~~means~~ ~~T~~ the Washington State Department of Ecology, Water Quality Program Manager.

C. “Authorized or Duly Authorized Representative of the User” ~~means~~ ~~:~~

1. If the user is a corporation:

a. The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or

b. The manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for control mechanism requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

2. If the user is a partnership or sole proprietorship: a general partner or proprietor, respectively.

3. If the user is a federal, state, or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.

4. The individuals described in subsections (C)(1) through (3) of this section may designate another authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from

which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the city ~~of Walla Walla~~.

D. “Best management practices” or “BMPs” means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in Section 13.30.050(A) and (B) (40 CFR 403.5(a)(1) and (b)). BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.

~~E. D.~~ “Biochemical oxygen demand” or “BOD” means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five days at twenty degrees centigrade, usually expressed as a concentration (e.g., mg/l).

~~F. E. “Best management practices” or “BMPs” means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in Section 13.30.050(A) and (B) (40 CFR 403.5(a)(1) and (b)). BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.~~

~~F. “Categorical pretreatment standard” or “categorical standard” means any regulation containing pollutant discharge limits promulgated by EPA in accordance with sections 307(b) and (c) of the Act (33 U.S.C. Section 1317) which apply to a specific category of users and which appear in 40 CFR Chapter I, Subchapter N, Parts 405 – 471.~~

~~G.~~ “Categorical industrial user” means an industrial user subject to a categorical pretreatment standard or categorical standard.

G. “Categorical pretreatment standard” or “categorical standard” means any regulation containing pollutant discharge limits promulgated by EPA in accordance with sections 307(b) and (c) of the Act (33 U.S.C. Section 1317) which apply to a specific category of users and which appear in 40 CFR Chapter I, Subchapter N, Parts 405 – 471.

~~H. “H-City” means. T he city of Walla Walla is~~ a municipal government represented by the city council, city manager, or public works director/designee.

~~I. I.~~ “Composite sample” means a composite of several samples taken throughout the period of a day when a regulated discharge is occurring. Several brands of electric samplers, some with a refrigerated sample collection area, may be used. Approvable composite samplers may either use

a flow paced or time paced algorithm. For example, collecting a same size aliquot every one thousand gallons (flow paced), or a variable sized aliquot every hour (time paced). In both cases, they must interface with a device which senses the effluent flow volume to collect a representative sample unless the public works director/~~designated designee~~ has determined that a flow-proportionate sample is not required.

~~J. J.~~ “Daily limit” or “daily maximum limit” means the maximum allowable discharge of a pollutant over a calendar day or equivalent representative twenty-four-hour period. Where daily maximum limits are expressed in units of mass, the daily discharge is calculated by multiplying the daily average concentration and total flow volumes in the same twenty-four-hour period by a conversion factor to get the desired units. Where daily limits are expressed in terms of a concentration, the daily discharge is the composite sample value, or flow weighted average if more than one discrete sample was collected. Where flow weighting is infeasible, the daily average is the arithmetic average of all samples if analyzed separately, or the sample value if samples are composited prior to analysis.

~~K.~~ “Dental dischargers” means a facility where the practice of dentistry is performed, including, but not limited to, institutions, permanent or temporary offices, clinics, home offices, and facilities owned and operated by Federal, state or local governments, that discharges wastewater to a publicly owned treatment works. This definition does not apply to dental dischargers that exclusively practice one or more of the following dental specialties: Oral pathology, oral and maxillofacial radiology, oral and maxillofacial surgery, orthodontics, periodontics, or prosthodontics. This definition also does not apply to wastewater discharges from a mobile unit operated by a dental discharger, dental dischargers that do not discharge any amalgam process wastewater to a publicly owned treatment works and are willing to certify to such, and dental dischargers that do not place dental amalgam, and do not remove amalgam except in limited emergency or unplanned, unanticipated circumstances, and that certify to such.

~~L. K.~~ “Environmental Protection Agency” means the U.S. Environmental Protection Agency, ~~or, where appropriate, the Regional Water Management Division Director, the Regional Administrator, or other duly authorized official.~~

~~M. L.~~ “Existing source” means any source of discharge subject to categorical standards that does not meet the definition of a “new source.”

~~N. M.~~ “Grab sample” means a sample which is taken from a waste stream without regard to the flow in the waste stream and over a period of time not to exceed fifteen minutes.

O. “Hazardous waste pharmaceutical” means a pharmaceutical that is a solid waste, as defined in 40 CFR 261.2, and exhibits one or more characteristics identified in part 261 subpart C or is listed in part 261 subpart D. A pharmaceutical is not a solid waste, as defined in 40 CFR 261.2, and therefore not a hazardous waste pharmaceutical, if it is legitimately used/reused (e.g., lawfully donated for its intended purpose) or reclaimed. An over-the-counter pharmaceutical, dietary supplement, or homeopathic drug is not a solid waste, as defined in 40 CFR 261.2, and therefore not a hazardous waste pharmaceutical, if it has a reasonable expectation of being legitimately used/reused (e.g., lawfully redistributed for its intended purpose) or reclaimed.

P. N. “Indirect discharge” or “discharge” means the introduction of pollutants into the POTW from any nondomestic source regulated under Section 307(b), (c), or (d) of the Act.

Q. Q. “Instantaneous maximum discharge limit” or “instantaneous limit” means the maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of a discrete sample. Where a user is required to take a grab sample for purposes of determining compliance with local limits, this standard is the same as the daily maximum standard. For pollutants for which users are required to take composite samples (or for metals if no permit has been issued), the instantaneous limit shall be twice the daily limit.

R. P. “Interference” means a discharge which causes (either by itself or in combination with other discharges) a violation of the city ~~of Walla Walla~~’s NPDES permit or prevents the intended sewage sludge use or disposal by inhibiting or disrupting the POTW, including its collection systems, pump stations, and wastewater and sludge treatment processes. For example, a discharge from a user which causes a blockage resulting in a discharge at a point not authorized under the city ~~of Walla Walla~~’s NPDES permit.

S. Q. “Local limits” means effluent limitation developed for users by the public works director/~~designated designee~~ to specifically protect the POTW from the potential of pass through, interference, vapor toxicity, explosions, sewer corrosion, and intended biosolids uses. Such limits shall be based on the POTW’s site-specific flow and loading capacities, receiving water considerations, and reasonable treatment expectations for nondomestic wastewater. See Section 13.30.080 for a full list of local limits.

T. R. “Medical waste” means isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.

U. S. “Monthly average” means the arithmetic mean of the effluent samples collected during a calendar month or specified thirty-day period. Where the control authority has taken a sample during the period, it must be included in the monthly average if provided in time. However, where composite samples are required, grab samples taken for process control or by the control authority are not to be included in a monthly average.

V. T. “Monthly average limit” means the limit to be applied to the monthly average to determine compliance with the requirements of this chapter (see Section 13.30.080 for listing).

W. “National Pretreatment Standard, Pretreatment Standard, or Standard” means discharge prohibitions (Section 13.30.050), categorical pretreatment standards (Section 13.30.060), state pretreatment standards (Section 13.30.070) and local limits (Section 13.30.080).

X. U. “New Source”: means:

1. Any building, structure, facility, or installation from which there is ~~(or may be)~~ a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under Section 307(c) of the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that section; provided, that:

- a. The building, structure, facility, or installation is constructed at a site at which no other source is located; or
- b. The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
- c. The production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source, should be considered.

2. Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility, or installation meeting the criteria of subsection (U)(1)(b) or (c) of this section but otherwise alters, replaces, or adds to existing process or production equipment.

3. Construction of a new source as defined under this section has commenced if the owner or operator has:

a. Begun, or caused to begin, as part of a continuous on-site construction program:

- i. Any placement, assembly, or installation of facilities or equipment; or
- ii. Significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or

b. Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this section.

4. A dental discharger whose first discharge to a publicly owned treatment works occurred after July 14, 2017.

Y. V. “Noncontact cooling water” means water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product, or finished product.

Z. W. “Pass through” means a discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the city ~~of Walla Walla~~’s NPDES permit, including an increase in the magnitude or duration of a violation.

AA. X. “Person” means any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity; or their legal representatives, agents, or assigns. This definition includes all federal, state, and local governmental entities.

BB. Y. “pH” means a measure of the acidity or alkalinity of a solution, expressed in standard units.

CC. Z. “Pollutant” means dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt,

municipal, agricultural and industrial wastes, and certain characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, carbonaceous oxygen demand, toxicity, or odor).

~~DD. AA.~~ “Pretreatment” means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to, or in lieu of, discharging or otherwise introducing such pollutants into the POTW. ~~This~~ The reduction or alteration can be obtained by physical, chemical, or biological processes; by process changes; or by other means, except by diluting the concentration of the pollutants unless allowed by an applicable pretreatment standard.

~~EE. BB.~~ “Pretreatment requirements” means any substantive or procedural requirement related to pretreatment, other than a National Pretreatment Standard, imposed on an industrial user, ~~other than a pretreatment standard~~.

~~FF. CC.~~ ~~“National Pretreatment Standard, Pretreatment Standards, or Standards.”~~ “Pretreatment standards” ~~shall mean discharge prohibitions (Section 13.30.050), categorical pretreatment standards (Section 13.30.060), state pretreatment standards (Section 13.30.070) and local limits (Section 13.30.080).~~

~~DD.~~ “Publicly owned treatment works” means a treatment works, as defined by Section 212 of the Act (33 U.S.C. Section 1292), which is owned by the city ~~of Walla Walla~~. This definition includes any devices and/or systems used in the ~~collection~~, storage, treatment, recycling, and reclamation of municipal sewage or industrial wastes of a liquid nature. It also includes sewers, pipes and other conveyances only if they convey wastewater to a POTW Treatment Plant. The term also means the municipality as defined in section 502(4) of the Act, which has jurisdiction over the Indirect Discharges to and the discharges from such a treatment works and any conveyances which convey wastewater to a treatment plant.

GG. “Public works director/designee” means the person charged with certain duties and responsibilities by this chapter. The daily operations of the industrial pretreatment program shall be designated by the public works director to Jacobs, the contract operators of the POTW. Rate setting, enforcement, contract administration and program accountability shall be the responsibility of the city staff, specifically the public works director/designee.

~~HH. EE.~~ “Septic tank waste” means sewage and typically associated solids from domestic activities pumped from a septic tank serving one or more private residences. The public works director/~~designated~~ designee may also consider wastes from other holding tanks such as boat

blackwater, bilge water, cesspools, and treatment lagoons to be septic tank waste so long as they are absent chemicals which might inhibit biological activity.

~~II. FF.~~ “Sewage” means human excrement and gray water (from household showers, toilets, kitchens, clothes and dish washing, and related domestic activities).

~~JJ. GG.~~ “Significant Industrial User” (SIU). ~~means, e-Except as provided in subsections (GG)(3) and (4) of this section definition, a “significant industrial user” is~~means:

1. An industrial user subject to categorical pretreatment standards under 40 CFR 403.6 and 40 CFR chapter I, subchapter N; and; or
2. An industrial user that:
 - a. Discharges an average of twenty-five thousand (25,000) gallons per day (gpd) or more of process wastewater to the POTW (excluding sanitary, noncontact cooling, and boiler blowdown wastewater);
 - b. Contributes a process waste stream which makes up five percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or
 - c. Is designated as such by the city ~~of Walla Walla~~ on the basis that ~~it the industrial~~ user has a reasonable potential for adversely affecting the POTW’s operation or for violating any pretreatment standard or requirement.
3. The city ~~of Walla Walla~~ may determine that an industrial user subject to categorical pretreatment standards is a non-significant categorical industrial user (NSCIU) rather than a significant industrial user on a finding that the industrial user never discharges more than one hundred gallons per day (gpd) of total categorical wastewater (excluding sanitary, noncontact cooling, and boiler blowdown wastewater, unless specifically included in the pretreatment standard) and the following conditions are met:
 - a. The industrial -user, prior to ~~the city of Walla Walla~~’s finding, has consistently complied with all applicable categorical pretreatment standards and requirements;
 - b. The industrial user annually submits the certification statement required in Section 13.30.470(B) (see 40 CFR 403.12(q)), together with any additional information necessary to support the certification statement; and

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

4. Upon a finding that an industrial user meeting the criteria in subsection (GG)(2) of this section has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the city ~~of Walla Walla~~ may at any time, on its own initiative or in response to a petition received from an industrial user, and in accordance with procedures in 40 CFR 403.8(f)(6), determine that such industrial user should not be considered a significant industrial user.

~~KK. HH.~~ "Slug load" or "slug discharge" means any discharge of a nonroutine, episodic nature, including but not limited to an accidental spill or a noncustomary batch discharge, which has a reasonable potential to cause interference or pass through, or in any other way violate the ~~POTW's city's~~ regulations, local limits or permit conditions. This includes discharges at a flow rate or concentration which could cause a violation of the prohibited discharge standards of Section 13.30.050.

~~LL. H.~~ "Storm water" means any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.

~~MM. JJ.~~ ~~"Public works director/designate" means the person charged with certain duties and responsibilities by this chapter. The daily operations of the program shall be designated by the public works director to OMI CH2M HILL Jacobs, the contract operators of the POTW. Rate setting, enforcement, contract administration and program accountability shall be the responsibility of the city staff, specifically the public works director/designate.~~

~~KK.~~ "Suspended solids" means the total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquid, and which is removable by laboratory filtering.

~~NN. LL.~~ "User" or "industrial user" means a source of indirect discharge.

~~OO. MM.~~ "Wastewater" means liquid and water-carried industrial wastes and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to the POTW.

~~PP. NN.~~ "Wastewater treatment plant" or "treatment plant" means that portion of the POTW which is designed to provide treatment of municipal sewage and industrial waste.

Article II. General Sewer Use Requirements

13.30.050 Prohibited discharge standards.

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

B. Specific Prohibitions. No user shall introduce or cause to be introduced into the POTW the following pollutants, substances, or wastewater:

1. Pollutants which either alone or by interaction may create a fire or explosive hazard in the POTW, a public nuisance or hazard to life, or prevent entry into the sewers for their maintenance and repair or are in any way injurious to the operation of the system or operating personnel. This includes waste streams with a closed-cup flashpoint of less than one hundred forty degrees Fahrenheit (sixty degrees Celsius) using the test methods specified in 40 CFR 261.21.
2. Wastewater having a pH less than 5.5 or more than 9.5, or otherwise having any other corrosive property capable of causing damage or hazard to structures, equipment, or personnel. Discharges outside this pH range may be authorized by a permit issued by the city ~~of Walla Walla~~ pursuant to a finding that the system is specifically designed to accommodate a discharge of that pH.
3. Solid or viscous substances in amounts which may cause obstruction to the flow in the sewer or other interference with the operation of the system. In no case shall solids greater than one ~~quarter-eighth~~ inch (0. ~~64~~ 32 cm) in any dimension be discharged.
4. Pollutants, including oxygen-demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with the POTW.
5. Wastewater having a temperature which will interfere with the biological activity in the system, has detrimental effects on the collection system, or prevents entry into the sewer. In no case shall wastewater be discharged which causes the wastewater temperature at the treatment plant to exceed one hundred four degrees Fahrenheit (forty degrees Celsius).
6. Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass through.

7. Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems.
8. Trucked or hauled pollutants, except at discharge points designated by the public works director/~~designated~~designee in accordance with Section 13.30.160.
9. The following are prohibited unless approved by the public works director/~~designated~~designee under extraordinary circumstances, such as lack of direct discharge alternatives due to combined sewer service or need to augment sewage flows due to septic conditions (as required under WAC 173-216-050):
 - a. Contact cooling water in significant volumes.
 - b. Stormwater, or other direct inflow sources.
 - c. Wastewaters significantly affecting system hydraulic loading, which do not require treatment or would not be afforded a significant degree of treatment by the system.
10. Noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life, or to prevent entry into the sewers for maintenance or repair.
11. Wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent, thereby violating the city-~~of Walla Walla~~'s NPDES permit.
12. Wastewater containing any radioactive wastes or isotopes except in compliance with applicable state or federal regulations.
13. Storm water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, noncontact cooling water, and unpolluted wastewater, unless specifically authorized by the public works director/~~designated~~designee.
14. Sludges, screenings, or other residues from the pretreatment of industrial wastes.
15. Medical wastes, except as specifically authorized by the public works director/~~designated~~designee -in a wastewater discharge permit.

16. Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail toxicity test.

17. Detergents, surface-active agents, or other substances which may cause excessive foaming in the POTW.

18. Fats, oils, or greases of animal or vegetable origin in concentrations greater than three hundred mg/l, or total petroleum hydrocarbon concentrations of no more than one hundred mg/l.

19. Wastewater causing two readings on an explosion hazard meter at the point of discharge into the POTW, or at any point in the POTW, of more than ten percent or any single reading over twenty percent of the lower explosive limit based on an explosivity meter reading.

20. Pharmaceuticals, either listed or exhibiting hazardous waste characteristics, as defined in Subparts C, D, and Appendices in 40 CFR 261 generated from healthcare facilities or reverse distributors.

Pollutants, substances, or wastewater prohibited by this section shall not be processed or stored in such a manner that they could be discharged to the POTW.

13.30.060 National categorical pretreatment standards.

The categorical pretreatment standards found at 40 CFR Chapter I, Subchapter N, Parts 405 – 471 are hereby incorporated.

A. Where a categorical pretreatment standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the public works director/~~designated~~designee may impose equivalent concentration or mass limits in accordance with subsections E and F of this section (see 40 CFR 403.6(c)).

B. When categorical pretreatment standards are expressed in terms of a mass of pollutant which may be discharged per unit of production, the public works director/~~designated~~designee may either impose limits based on mass or equivalent effluent concentrations. The user must supply appropriate actual or projected long-term production rates for the unit of production specified in order to facilitate this process (see 40 CFR 403.6(c)(2)).

C. The public works director/~~designated~~designee may allow wastewater subject to a categorical pretreatment standard to be mixed with other wastewaters prior to treatment. In such cases, the

user shall identify all categorical waste streams and provide sufficient information on each noncategorical waste stream to determine whether it should be considered dilute for each pollutant. Absent information showing that noncategorical waste streams contain the pollutant in question at levels above that of the supply water, such waste streams shall be considered dilute. In such situations, the public works director/~~designated designee~~ shall apply the combined waste stream formula as found at 40 CFR 403.6(e) to determine appropriate limits.

D. A CIU may request an adjustment to a categorical standard to reflect the presence of pollutants in the industrial user's intake water when its water source is from the same body of water that the POTW discharges into.

1. Any CIU wishing to obtain credit for intake pollutants must include, in their permit application, sample data showing influent water pollutant levels which form the basis for the credit requested in their permit application.
2. Unless the categorical standard was written to be applied on a net basis, the information supplied by the CIU must also demonstrate that the treatment system it proposes or uses to meet the categorical standards would, if properly installed and operated, meet the standards in the absence of pollutants in the intake waters.
3. In response to an acceptable application, the public works director/~~designated designee~~ may adjust the categorical standards to the extent necessary to meet the applicable categorical pretreatment standard(s), up to a maximum value equal to the influent pollutant concentration.
4. The public works director/~~designated designee~~ may waive the requirement for the intake water to be drawn from the same body of water the POTW discharges to if the public works director/~~designated designee~~ determines that no environmental degradation will result.

E. When a categorical pretreatment standard is expressed only in terms of pollutant concentrations, an industrial user may request that the city ~~of Walla Walla~~ convert the limits to equivalent mass limits. The city ~~of Walla Walla~~ may establish equivalent mass limits if the industrial user meets all of the conditions set forth below.

1. To be eligible for equivalent mass limits, the industrial user must submit information with its permit application or permit modification request which:

- a. Shows it has a pretreatment system which has consistently met all applicable pretreatment standards and maintained compliance without using dilution.
- b. Describes the water conserving practices and technologies it employs, or will employ, to substantially reduce water use during the term of its permit.
- c. Includes the facility's actual average daily flow rate for all waste streams from continuous effluent flow metering.
- d. Determines an appropriate unit of production, and provides the present and long-term average production rates for this unit of production.
- e. Shows that long-term average flow and production are representative of current operating conditions.
- f. Shows that its daily flow rates, production levels, or pollutant levels do not vary so much that equivalent mass limits would be inappropriate.
- g. Shows the daily and monthly average pollutant allocations currently provided based on the proposed unit of production.

2. An industrial user subject to equivalent mass limits must:

- a. Maintain and effectively operate control and treatment technologies adequate to achieve compliance with the equivalent mass limits.
- b. Continue to record the facility's flow by continuous effluent flow monitoring.
- c. Continue to record the facility's production rates.
- d. Notify the public works director/~~designated~~designee if production rates are expected to vary by more than twenty percent from the baseline production rates submitted according to subsection (E)(1)(d) of this section. The public works director/~~designated~~designee may reassess and revise equivalent limits as necessary to reflect changed conditions.
- e. Continue to employ the same or comparable water conservation methods and technologies as those implemented pursuant to subsection (E)(1)(b) of this section so long as it discharges under an equivalent mass limit.

3. Equivalent mass limits:

- a. Will not exceed the product of the actual average daily flow from regulated process(es) of the user and the applicable concentration-based daily maximum and monthly average standards (and the appropriate unit conversion factor);
- b. May be reassessed and the permit revised upon notification of a revised production rate, as necessary to reflect changed conditions at the facility; and
- c. May be retained in subsequent permits if the user's production basis and other information submitted in subsection (E)(1) of this section is verified in their reapplication. The user must also be in compliance with Section 13.30.740 regarding the prohibition of bypass.

F. The public works director/~~designated designee~~ may convert the mass limits of the categorical pretreatment standards of 40 CFR Parts 414 (organic chemicals), 419 (petroleum refining), and 455 (pesticide formulating, packaging and repackaging) to concentration limits in permits for such users. In such cases, the public works director/~~designated designee~~ will document the basis and the determination that dilution is not being substituted for treatment in the permit fact sheet.

G. The public works director/~~designated designee~~ is obliged under federal regulations to make the documentation of how any equivalent limits were derived (concentration to mass limits or vice versa) publicly available.

H. Once incorporated into its permit, the user must comply with the equivalent limits in lieu of the categorical standards from which they were derived.

I. The same production and flow estimates shall be used in calculating equivalent limits for the monthly (or multiple day average) and the maximum day.

J. Users subject to permits with equivalent mass or concentration limits calculated from a production based standard shall notify the public works director/~~designated designee~~ if production will significantly change. This notification is required within two business days after the user has a reasonable basis to know that that production will significantly change in the next calendar month. Users who fail to notify the public works director/~~designated designee~~ of such anticipated changes must meet the more stringent of the equivalent limits or the user's prior limits.

13.30.070 State pretreatment standards.

Washington State pretreatment standards and requirements, located at Chapter 173-216 WAC, were developed under authority of the Water Pollution Control Act, Chapter 90.48 RCW and are hereby incorporated. The version incorporated is the version current as of the date of the latest revision or version of this chapter. All waste materials discharged from a commercial or industrial operation into the POTW must satisfy the provisions of Chapter 173-216 WAC. In addition to some slightly more stringent prohibitions (merged with Section 13.30.050), the following provisions unique to Washington State are required by this chapter for discharges to a POTW:

A. Any person who constructs or modifies or proposes to construct or modify wastewater treatment facilities must first comply with the regulations for submission of plans and reports for construction of wastewater facilities, Chapter 173-240 WAC. Until the ~~ecity~~ of Walla Walla is delegated the authority to review and approve such plans under RCW 90.48.110, Sources of nondomestic discharges, shall request approval for such plans through the Department of Ecology. To ensure conformance with this requirement, proof of the approval of such plans and one copy of each approved plan shall be provided to the public works director/~~designated~~designee before commencing any such construction or modification.

B. Users shall apply to the public works director/~~designated~~designee for a permit at least sixty days prior to the intended discharge of any pollutants other than domestic wastewater or wastewater which the public works director/~~designated~~designee has determined is similar in character and strength to normal domestic wastewater with no potential to adversely affect the POTW (WAC 173-216-050(1)).

C. All significant industrial users must apply for and obtain a permit prior to discharge.

D. All users shall apply all known, available, and reasonable methods to prevent and control waste discharges to the waters of the state (AKART) (WAC 173-216-050(3)).

E. Discharge restrictions of Chapter 173-303 WAC (Dangerous Waste) shall apply to all users. (Prohibited discharge standards have been merged with federal prohibitions in Section 13.30.050.)

F. Claims of confidentiality shall be submitted according to WAC 173-216-080. Information which may not be held confidential includes the name and address of applicant, description of proposal, the proposed receiving water, receiving water quality, and effluent data. Claims shall be reviewed based on the standards of WAC 173-216-080, Chapter 42.17 RCW, Chapter 173-03 WAC, and RCW 43.21A.160.

G. Persons applying for a new permit or a permit renewal or modification which allows a new or increased pollutant loading shall publish notice for each application in the format provided by the city ~~of Walla Walla~~. Such notices shall fulfill the requirements of WAC 173-216-090. These requirements include publishing:

1. The name and address of the applicant and facility/activity to be permitted.
2. A brief description of the activities or operations which result in the discharge.
3. Whether any tentative determination which has been reached with respect to allowing the discharge.
4. The address and phone number of the office of the public works director/~~designated designee~~ where persons can obtain additional information.
5. The dates of the comment period (which shall be at least thirty days).
6. How and where to submit comments or have any other input into the permitting process, including requesting a public hearing.

H. The public works director/~~designated designee~~ may require the applicant to also mail this notice to persons who have expressed an interest in being notified, to state agencies and local governments with a regulatory interest, and to post the notice on the premises. If the public works director/~~designated designee~~ determined there is sufficient public interest the city ~~of Walla Walla~~ shall hold a public meeting following the rules of WAC 173-216-100. The public works director/~~designated designee~~ may assume responsibility for public notice requirements for any person.

I. Permit terms shall include, wherever applicable, the requirement to apply all known, available, and reasonable methods of prevention, control, and treatment.

J. All required monitoring data shall be analyzed by a laboratory registered or accredited under the provisions of Chapter 173-50 WAC, except for flow, temperature, settleable solids, conductivity, pH, turbidity, and internal process control parameters. However, if the laboratory analyzing samples for conductivity, pH, and turbidity must otherwise be accredited, it shall be accredited for these parameters as well.

13.30.080 Local limits.

A. The public works director/~~designated designee~~ may establish local limits pursuant to 40 CFR 403.5(c).

B. The following pollutant limits are established to protect against pass through and interference and reflect the application of reasonable treatment technology. No person shall discharge wastewater in excess of the following daily maximum limits if the total mass discharged would exceed that contained in one thousand gallons at the below limit (see column to the right of each pollutant concentration limit).

C. The below limits apply at the point where the wastewater is discharged to the POTW. All concentrations for metallic substances are for total metal unless indicated otherwise. The public works director/~~designated designee~~ may impose mass limits in addition to concentration based limits.

D. Users discharging BOD or TSS in excess of the concentration limits by more than the threshold amount must apply for a permit. For example, a user discharging two thousand gallons per day of BOD at four hundred fifty mg/L. The surchargeable concentration would be four hundred fifty minus three hundred, or one hundred fifty, mg/L, which when multiplied by two thousand gpd (and 8.34 lb/g) yields 2.5 lb/d. Such users shall be subject to surcharges as established by the public works director/~~designated designee~~ under the authority of this chapter up to the “ceiling” loading limit established by permit.

E. Users shall be subject to “instantaneous limits” (as determined by a grab sample) of equal to twice the below “daily maximum” concentrations for any pollutant for which a composite sample is required in a permit. This provision is inapplicable to users without permits, or without the permit requirement to collect a composite sample for the analyte in question. The following pollutant limits are established to protect against pass through and interference. No person shall discharge wastewater containing in excess of the following daily maximum allowable discharge limits:

Pollutant Concentration

TOXIC METALS

[0.073] mg/L arsenic (T)

[0.017] mg/L cadmium (T)

[5.00] mg/L chromium (T)

[0.67] mg/L copper (T)

Pollutant Concentration

[0.33] mg/L cyanide (T)

[0.199] mg/L lead (T)

[0.005] mg/L mercury (T)

[0.137] mg/L molybdenum (T)

[0.549] mg/L nickel (T)

[0.077] mg/L selenium (T)

[0.074] mg/L silver (T)

[1.552] mg/L zinc (T)

[5876] pg/L total PCBs (limits for PCBs
become effective Jan. 1, 2016)

CONVENTIONAL SURCHARGE POLLUTANTS

250 mg/L BOD₅

250 mg/L total suspended solids

FATS, OILS AND GREASE

100 mg/L total FOG

pH

5.5 – 9.5 SU

TEMPERATURE

104°F at POTW

150°F at SIU

FLAMMABILITY

9 minutes per day at 5% LEL, and no reading
of 10% LEL allowed

PROTECTION AGAINST CORROSION, PASS THROUGH, AND INTERFERENCE

25 mg/L petroleum based on FOG

F. The public works director/~~designated designee~~ shall use the individual permit process to establish ceiling limits for compatible pollutants and appropriate discharge limits for all other pollutants not listed under this section. This includes pollutants subject to regulation under RCRA, volatile or semi-volatile organics, halogenated or brominated compounds, poly-aromatic hydrocarbons, polymers, surfactants, pesticide active ingredients, etc.

G. The public works director/~~designated designee~~ may establish and require best management practices for any category of user or type of industrial process which creates a nondomestic waste stream. Such requirements may be applied either in lieu of or in addition to the local limits of this section. BMPs may also include alternative limits which may be applied at the end of a specific process or treatment step instead of at the combined effluent.

13.30.090 City ~~of Walla Walla~~ right of revision.

The city ~~of Walla Walla~~ reserves the right to establish, by ordinance or in wastewater discharge permits, more stringent standards or requirements on discharges to the POTW.

13.30.100 Special agreement.

A. The city ~~of Walla Walla~~ may enter into agreements with users to accept pollutants compatible with the treatment system at concentrations greater than those typical of domestic wastewater. Users with BOD or TSS levels higher than two hundred fifty mg/l must have such an agreement before commencing discharge. Within such agreements, the city ~~of Walla Walla~~ may establish terms of the user's discharge to the POTW including maximum flow rates, and concentrations. The city ~~of Walla Walla~~ may also establish fees to recover costs associated with treating such wastes and monitoring schedules in such agreements. In no case will a special agreement waive compliance with a state or federal pretreatment standard or requirement including categorical standards.

B. Users discharging or intending to discharge pollutants other than BOD and TSS, and claiming compatibility, must prove to the satisfaction of the public works director/~~designated designee~~, that such pollutants are compatible with the POTW. The public works director/~~designated designee~~ may require any claim of compatibility to be endorsed by the department.

C. The city ~~of Walla Walla~~ may assist, by arrangement or formal agreement, any agencies that regulate hazardous wastes and materials, and air emissions from users in order to maximize state, county, and city resources.

D. The city ~~of Walla Walla~~ may specifically arrange to act as an agent of the department to determine compliance with treatment or disposal requirements and inspect on-site disposal activities and shipping documents.

E. The city ~~of Walla Walla~~ may facilitate compliance by arranging or providing pollution prevention technical assistance for users, especially those in violation of pretreatment standards. The public works director/designated designee intends to provide such assistance in coordination and cooperation with the appropriate local, county, and state authority(ies).

13.30.110 Dilution.

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

Article III. Pretreatment of Wastewater

13.30.120 Pretreatment facilities.

Users shall provide wastewater treatment as necessary to comply with this chapter and shall achieve compliance with all categorical pretreatment standards, local limits, and the prohibitions set out in Section 13.30.050 within the time limitations specified by EPA, the state, or the public works director/designated designee, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated, and maintained at the user's expense, and satisfy state requirements for review and approval of plans for wastewater facilities as described in Section 13.30.070. Such plans (engineering reports, plans and specifications, and operation and maintenance manuals) shall be submitted as required by Chapter 173-240 WAC to either the public works director/designated designee or the Department of Ecology for review, and users shall obtain approval prior to construction. The review of such plans and operating procedures shall in no way relieve the user from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to the city ~~of Walla Walla~~ under the provisions of this chapter.

13.30.130 Deadline for compliance with applicable pretreatment requirements.

A. Existing sources (as defined herein) to which one or more categorical pretreatment standard is applicable shall comply with all applicable standards within three years of the date the standard is effective unless the pretreatment standard includes a more stringent compliance schedule. The

department shall establish a final compliance deadline date for any existing user (as defined herein) or any categorical user when the local limits for said user are more restrictive than EPA's categorical pretreatment standards.

B. New sources and new users as defined herein shall comply with applicable pretreatment standards within the shortest feasible time. In no case shall such time exceed ninety days from beginning a discharge. Prior to commencing discharge, such users shall have all pollution control equipment required to meet applicable pretreatment standards installed and in proper operation.

13.30.140 Additional pretreatment measures.

A. The public works director/~~designated designee~~ may immediately and effectively halt or prevent any discharge of pollutants to the POTW which reasonably appear to present an imminent endangerment to the health or welfare of persons. In such cases, the public works director/~~designated designee~~ will provide the user advance notice if possible, but shall not delay a response to imminent endangerment.

B. The public works director/~~designated designee~~ may halt or prevent any discharge to the POTW which presents or may present an endangerment to the environment or which threatens to interfere with the operation of the POTW (including the collection system and pump stations). In such cases, the public works director/~~designated designee~~ shall attempt to provide not only notice to the affected user(s), but the opportunity to respond.

C. Any user causing the public works director/~~designated designee~~ to exercise the emergency authorities provided for under subsections A and B of this section shall be responsible for reimbursement of all related costs to the city ~~of Walla Walla~~.

D. The public works director/~~designated designee~~ may require users to reduce or curtail certain discharges to the sewer, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage waste streams from industrial waste streams, and take all other measures to protect the POTW and determine the user's compliance with the requirements of this chapter.

E. The public works director/~~designated designee~~, based on the determination that such devices are necessary for implementation of pretreatment requirements, may require any user to install and maintain, on their property and at their expense, the following devices:

1. A sample-taking facility accessible to the public works director/~~designated designee~~.

2. A suitable storage and/or flow equalization tank.

3. Grease, oil, and/or grit interceptors.

4. An approved combustible gas detection meter.

F. Users installing any of the above devices shall ensure they are of the type and capacity approved by the public works director/~~designated designee~~, meet applicable building and plumbing codes, and conform to any separate requirements established by the city ~~of Walla Walla~~. Users shall locate units in areas easily accessible for cleaning and inspection by representatives of the public works director/~~designated designee~~. Users shall be responsible for all periodic inspection, cleaning, and repair of such devices.

13.30.150 Accidental discharge/slug discharge control plans.

The public works director/~~designated designee shall evaluate whether each SIU needs an accidental discharge/slug discharge control plan or other action to control slug discharges. The public works director/designee~~ may require any user to develop, submit for approval, and implement ~~an accidental discharge/slug discharge control~~such a plan and take other actions the public works director/~~designated designee~~ believes are necessary to control discharges which may be caused by spills or periodic nonroutine activities. Accidental discharge/slug discharge control plans shall include at least the following:

A. A description of all discharge practices, including any nonroutine batch discharges such as from cleaning, replenishment, or disposal;

B. A description of all stored chemicals, disclosing all ingredients in formulations which could violate a discharge prohibition if discharged to the sewer;

C. The procedures for immediately notifying the public works director/~~designated designee~~ of any accidental or slug discharge, as required by Section 13.30.390; and

D. The procedures that will be taken to prevent the occurrence or adverse impact from any accidental or slug discharge. Such procedures shall address the inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency response.

13.30.160 Septage and hauled wastewater.

A. Residential wastes meeting the definition of “septage” may be introduced into the POTW at locations designated by the public works director/~~designated designee~~, and at such times as are established by the public works director/~~designated designee~~. The hauler of such wastes shall be responsible for ensuring such wastes comply with all discharge prohibitions (Article II of this chapter) and other applicable requirements of the city-of Walla Walla. The public works director/~~designated designee~~ may require septic tank waste haulers to obtain wastewater discharge permits or provide a manifest at the time of discharge identifying the customer name, address, and volume from each residence.

B. The public works director/~~designated designee~~ may require the hauler, and may also require the generator, of nondomestic waste to obtain a wastewater discharge permit. The public works director/~~designated designee~~ also may prohibit the disposal of any or all hauled industrial waste. The discharge of hauled industrial waste is subject to all relevant requirements of this chapter.

C. Industrial waste haulers may discharge loads only at locations designated by the public works director/~~designated designee~~ and with the prior consent of the public works director/~~designated designee~~. The public works director/~~designated designee~~ may collect samples of each hauled load to ensure compliance with applicable standards, and halt the discharge at any point in order to take additional samples or hold the load pending analysis. The public works director/~~designated designee~~ may require the industrial waste hauler to provide a waste analysis of any load prior to discharge, to characterize the waste, or to certify that the waste does not meet the definition of a “hazardous waste” under Chapter 173-303 WAC.

D. Industrial waste haulers must provide a waste-tracking form for every load. This form shall include at least:

1. The name and address of the industrial waste hauler;
2. Truck and driver identification;
3. The names and addresses of the sources of waste;
4. For each pickup, the type of industry, volume, brief description, known characteristics and presumed constituents of waste; and
5. Any wastes which are “hazardous wastes” under RCRA.

13.30.165 Dental Dischargers

A. All dental dischargers must achieve the following pretreatment standards:

1. Removal of dental amalgam solids from all amalgam process wastewater by one of the methods identified in 40 CFR 441.30 (a)(1) and (2).

2. Implementation of the following best management practices (BMPs):

a. Waste amalgam including, but not limited to, dental amalgam from chair-side traps, screens, vacuum pump filters, dental tools, cuspidors, or collection devices, must not be discharged to a POTW.

b. Dental unit water lines, chair-side traps, and vacuum lines that discharge amalgam process wastewater to a POTW must not be cleaned with oxidizing or acidic cleaners, including but not limited to bleach, chlorine, iodine and peroxide that have a pH lower than 6 or greater than 8.

B. A compliance report shall be annually provided to the city and must be signed and certified in accordance with 40 CFR 441.50(2) per the following schedule:

1. Existing source – must be submitted to the city no later than October 12, 2020, and then annually thereafter

2. New source – must be submitted to the city no later than 90 days following the introduction of wastewater into the POTW, and then annually thereafter

3. Transfer of ownership notification - If a dental discharger transfers ownership of the facility, the new owner must submit a new compliance report to the city no later than 90 days after the transfer, and then annually thereafter.

C. All dental dischargers are required to meet the following records retention requirements:

1. As long as a dental discharger is in operation, or until ownership is transferred, the dental discharger or an agent or representative of the dental discharger must maintain the compliance report required by 13.30.170B and make it available for inspection in either physical or electronic form.

2. Dental dischargers, or an agent or representative of the dental discharger, must maintain and make available for inspection in either physical or electronic form, for a minimum of three years:

a. Documentation of the date, person(s) conducting the inspection, and results of each inspection of the amalgam separator(s) or equivalent device(s), and a summary of follow-up actions, if needed.

b. Documentation of amalgam retaining container or equivalent container replacement (including the date, as applicable).

c. Documentation of all dates that collected dental amalgam is picked up or shipped for proper disposal in accordance with 40 CFR 261.5(g)(3), and the name of the permitted or licensed treatment, storage or disposal facility receiving the amalgam retaining containers.

d. Documentation of any repair or replacement of an amalgam separator or equivalent device, including the date, person(s) making the repair or replacement, and a description of the repair or replacement (including make and model).

Dischargers or an agent or representative of the dental discharger must maintain and make available for inspection in either physical or electronic form the manufacturers operating manual for the current device.

Article IV. Wastewater Discharge Permits

13.30.170 Requirements to complete industrial user survey.

The city ~~of Walla Walla~~ is obligated under federal law to identify all users potentially subject to the pretreatment program, and the character and volume of pollutants discharged by such users. To satisfy this requirement, all sources of nondomestic discharges to the POTW must, upon request of the public works director/~~designated designee~~, periodically complete an industrial user survey form. Users shall fully disclose the information requested and sign the completed form in accordance with Section 13.30.230. Proper completion of survey requirements is a condition of initial and continued discharge to the public sewer system. Users failing to fully comply with survey requirements within thirty days shall be subject to all enforcement measures authorized under this chapter including termination of service. The public works director/~~designated designee~~ is authorized to prepare several forms for this purpose and require completion of the particular form which the public works director/~~designated designee~~ determines appropriate to provide the information needed to categorize each user. The public works director/~~designated designee~~ shall be authorized to categorize each user, provide written notice of a user's categorization and what it means, and revise this categorization at any time. An update of the survey shall be completed for industrial users every five years.

13.30.180 Wastewater discharge permit requirement.

A. No user categorized by the public works director/~~designated designee~~ as a significant industrial user shall discharge wastewater into the POTW without first obtaining an individual wastewater discharge permit or, where applicable, a general permit from the public works director/~~designated designee~~. A significant industrial user that has filed a timely application

pursuant to Section 13.30.190 may continue to discharge unless and until notified otherwise by the public works director/~~designated~~designee.

B. The public works director/~~designated~~designee may require all other users to obtain wastewater discharge permits, or implement best management practices as necessary to carry out the purposes of this chapter. For example, a wastewater discharge permit may be required solely for flow equalization.

C. Any failure to complete the required survey form, apply for and obtain a required permit, or violate the terms and conditions of a wastewater discharge permit shall be deemed violations of this chapter and subject the wastewater discharge permittee to the sanctions. Obtaining a wastewater discharge permit does not relieve a permittee of its obligation to comply with all federal and state pretreatment standards or requirements or with any other requirements of federal, state, and local law.

13.30.190 Wastewater discharge permitting – Existing connections.

Any user required to obtain a wastewater discharge permit who was discharging wastewater into the POTW prior to the effective date of the ordinance codified in this chapter and who wishes to continue such discharges shall, within thirty days after said date, apply to the public works director/~~designated~~designee for a wastewater discharge permit in accordance with Section 13.30.210, and shall not cause or allow discharges to the POTW to continue after sixty days of the effective date of the ordinance codified in this chapter except in accordance with a wastewater discharge permit issued by the public works director/~~designated~~designee.

13.30.200 Wastewater discharge permitting – New connections.

Persons wishing to discharge nondomestic wastewater must first complete either a survey form (if they do not expect a permit is needed) or a permit application. Any user identified by the public works director/~~designated~~designee through the survey as needing a permit must file a permit application. Applications for wastewater discharge permits, in accordance with Section 13.30.210, must be filed at least ninety days prior to the desired date of discharge, and the discharge permit obtained prior to commencing discharge.

13.30.210 Wastewater discharge permit application contents.

A. All users required to obtain a wastewater discharge permit must apply using the form provided by the public works director/~~designated~~designee. Users eligible for coverage under a general permit may request such coverage using an industry specific form if one has been developed (see Section 13.30.220). Users must supply the public works

director/~~designated designee~~ the following information as part of the permit application if relevant to the user's operation unless waived by the public works director/~~designated designee~~.

1. Identifying Information.

- a. The name and physical address of the facility, the names of the operator/facility manager and owner, and the name and address of the point of contact; and
- b. A description of activities, facilities, and plant production processes on the premises.

2. A list of any environmental control permits held by or for the facility.

3. A description of operations and facilities including:

- a. A brief description of the operations, average rate of production, and industrial classification (SIC or NAICS codes) of the operation(s) conducted on site;
- b. The number and type of employees, and proposed or actual hours of operation;
- c. The type, amount, rate of production, and process used for each product produced;
- d. The type and amount of raw materials used (average and maximum rates);
- e. The raw materials and chemicals to be routinely stored at the facility (including products in rail cars and tank trucks located on site);
- f. The types of wastes generated on a routine and periodic basis;
- g. The times and durations when wastes will be discharged;
- h. A schematic process diagram showing each process step, waste stream, treatment step, internal recycle, and point of discharge to the POTW. This diagram should identify which streams are subject to categorical standards;
- i. Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, and appurtenances by size, location, and elevation, and all points of discharge;
- j. The sampling locations and provisions for monitoring discharges; and

k. Whether plans for wastewater facilities under Chapter 173-240 WAC have been developed, and their approval status (engineering reports, plans and specifications, and an operations and maintenance manual).

4. Flow Data. The average daily and maximum daily flow, in gallons per day, to the POTW from each waste stream. Information shall be complete enough to allow use of the combined waste stream formula per Section 13.30.060(C) (and 40 CFR 403.6(e)) where applicable.

5. Pollutant Data.

- a. The categorical pretreatment standards applicable to each regulated process;
- b. The results of sampling and analysis identifying the nature and concentration (and mass where required by the standard or the public works director/~~designated~~designee) of regulated pollutants in the discharge from each regulated process; and
- c. The estimated peak instantaneous, daily maximum, and long-term average discharge concentrations (and mass) based on the sampling results.

6. Sampling data to show samples are:

- a. Representative of daily operations.
- b. Taken just downstream from pretreatment facilities if such exist, or just downstream of the regulated process(es) if no pretreatment exists.
- c. Collected as required by Section 13.30.440.
- d. Analyzed according to Section 13.30.430.

7. Information Confirming BMPs. Where standards specify a BMP or pollution prevention alternative, the user must include the information needed by the public works director/~~designated~~designee or the applicable standard to determine whether BMPs are (or will be) implemented.

8. Any requests for a monitoring waiver (or a renewal of an approved monitoring waiver) for a pollutant neither present nor expected to be present in the discharge must include new sampling showing (continued) absence of the pollutant in the raw wastewater and satisfying Section 13.30.370(B).

9. Any request to be covered by a general permit shall satisfy Section 13.30.220.

10. Any other information deemed necessary by the public works director/~~designated designee~~ to evaluate the situation and prepare a discharge permit.

B. Incomplete or inaccurate applications will not be processed and will be returned to the user for revision. The public works director/~~designated designee~~ shall be held harmless for delays caused by returned applications.

13.30.220 Wastewater discharge permitting – General permits.

A. The public works director/~~designated designee~~ may use general permits to control discharges to the POTW from all users. Significant users covered by a general permit will be those that the public works director/~~designated designee~~ finds:

1. Involve the same or substantially similar types of operations.
2. Discharge the same types of wastes.
3. Require the same effluent limitations.
4. Require the same or similar monitoring.
5. Are more appropriately controlled under a general permit.
6. Are not subject to production-based standards, mass limits, or do not require use of the combined waste stream formula to calculate limits.

B. To be covered by the general permit, the user must file a written request for coverage. The request must identify contact information, production processes, types of wastes generated, the general permit under which coverage is requesting, and the basis for believing the general permit is applicable. The user must also identify the location for monitoring all wastes covered by the general permit. If requesting a monitoring waiver, the application must provide information showing Section 13.30.370(B) has been complied with. The user must also provide any other information the public works director/~~designated designee~~ has requested to properly evaluate the situation. A monitoring waiver is not effective until the public works director/~~designated designee~~ has provided written notice granting the waiver.

C. The public works director/~~designated designee~~ will retain the following for three years after the expiration of the general permit: a copy of the general permit, the fact sheet, each user's request for coverage, and the POTW's determination to extend coverage to each user.

13.30.230 Application signatories and certifications.

A. All survey forms, wastewater discharge permit applications, and user reports must be signed by an authorized representative of the user and contain the certification statement in Section 13.30.470(A).

B. Users shall submit a new authorization if the designation of an authorized representative is no longer accurate. This includes when a different individual or position has responsibility for the overall operation of the facility, or overall responsibility for environmental matters for the company. The user must submit the new authorization prior to or with any reports to be signed by the new authorized representative.

C. A facility determined to be a nonsignificant categorical industrial user by the public works director/~~designated designee~~ pursuant to Section 13.30.040(~~GGJJ~~)(3) must annually submit the signed certification statement found at Section 13.30.470(B).

13.30.240 Wastewater discharge permit decisions.

After receipt of a complete wastewater discharge permit application, the public works director/~~designated designee~~ will determine whether or not to issue a wastewater discharge permit. The public works director/~~designated designee~~ may deny any application for a wastewater discharge permit or require additional safeguards, reports (including plans under Chapter 173-240 WAC), or information. For users not meeting the criteria of significant industrial users, the public works director/~~designated designee~~ may also waive or defer a permit, or allow discharges in the interim while a permit is being prepared.

Article V. Wastewater Discharge Permits

13.30.250 Wastewater discharge permit duration.

The public works director/~~designated designee~~ may issue a wastewater discharge permit for a period of up to five years from its effective date. Each wastewater discharge permit will indicate its expiration date.

13.30.260 Wastewater discharge permit contents.

Wastewater discharge permits will include conditions the public works director/~~designated designee~~ deems reasonably necessary to carry out the goals of the pretreatment program (Section 13.30.010), federal and state regulations, and the requirements of this chapter.

A. Wastewater discharge permits will contain:

1. The permit issuance date, expiration date, and effective date.
2. A statement that the wastewater discharge permit is nontransferable without prior notification to the city ~~of Walla Walla~~ in accordance with Section 13.30.290, and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit.
3. Effluent limits, including best management practices, based on applicable pretreatment standards and requirements to apply AKART (see Section 13.30.070(I)).
4. The pollutants to be monitored, and specific monitoring requirements. This includes the sampling location(s), sampling frequencies, and sample types consistent with federal, state, and local law (see Section 13.30.070(J)).
5. Requirements to submit certain reports, provide various notifications, keep records, and implement best management practices.
6. The process to be used to request a waiver from monitoring for a pollutant neither present nor expected to be present in the discharge in accordance with Section 13.30.370(B), or a specific waived pollutant in the case of an individual permit.
7. A statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable federal, state, or local law.
8. Requirements to control slug discharges, including to develop, update, and implement slug discharge control plans (find required content in Section 13.30.150) where the public works director/~~designated designee~~ determines such plans are important to preventing accidental, unanticipated, or nonroutine discharges.

9. Any monitoring which has been conditionally waived by the public works director/~~designated designee~~ according to Section 13.30.370(B) but which automatically applies at any time the requirements of the conditional waiver are not met.

10. Reapplication requirements.

B. Wastewater discharge permits may contain, but need not be limited to, the following conditions:

1. Pretreatment facilities and measures required by Sections 13.30.120 and 13.30.130.
2. Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization.
3. Requirements to install pretreatment technology, pollution controls, or to construct appropriate containment devices to reduce, eliminate, or prevent the introduction of pollutants into the treatment works, ground, or stormwater.
4. Requirements to develop and implement waste minimization plans to reduce the amount of pollutants discharged to the POTW.
5. Requirements to pay charges or fees for discharge to the POTW including high strength charges.
6. Requirements to install and maintain inspection and sampling facilities and equipment, including flow measurement devices.
7. Notice that compliance with the wastewater discharge permit does not relieve the permittee of responsibility for compliance with all applicable federal and state pretreatment standards, including those which become effective during the term of the wastewater discharge permit.
8. Other conditions as deemed appropriate to ensure compliance with this chapter, and state and federal laws, rules, and regulations.

13.30.270 Permit issuance process.

A. Public Notice. Users shall follow the procedures for public notice found in Section 13.30.070(G) and (H). The public works director/~~designated designee~~ shall consider and respond to public input as appropriate prior to issuance of a permit.

B. Permit Appeals. The public works director/~~designated~~designee shall provide public notice of the issuance of a wastewater discharge permit. Any person, including the user, may petition the public works director/~~designated~~designee to reconsider the terms of a wastewater discharge permit within thirty days of notice of its issuance.

1. Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative appeal.
2. In its petition, the appealing party must indicate the wastewater discharge permit provisions objected to, the reasons for this objection, and the alternative condition, if any, it seeks to place in the wastewater discharge permit.
3. The effectiveness of the wastewater discharge permit shall not be stayed pending the appeal.
4. If the public works director/~~designated~~designee fails to act within thirty days, a request for reconsideration shall be deemed to be denied. Decisions not to reconsider a wastewater discharge permit, not to issue a wastewater discharge permit, or not to modify a wastewater discharge permit shall be considered final administrative actions for purposes of judicial review.
5. Aggrieved parties seeking judicial review of the final administrative wastewater discharge permit decision must do so by filing a complaint with Walla Walla County district court or the Walla Walla County superior court within sixty days.

13.30.280 Wastewater discharge permit modification.

The public works director/~~designated~~designee may modify a wastewater discharge permit for good cause, including, but not limited to, the following reasons:

- A. To incorporate any new or revised federal, state, or local pretreatment standards or requirements including new or revised local limits;
- B. To address new or changed operations, processes, production rates, waste streams, or changes in water volume or character;
- C. To reflect conditions at the POTW requiring an authorized discharge to be reduced or curtailed. Such requirements may be either temporary or permanent;

D. Based on information indicating that a permitted discharge poses a threat to the city ~~of Walla Walla~~ ~~Walla~~'s POTW or staff, the receiving waters, or to violate a prohibition of this chapter;

E. To address violations of any terms or conditions of the wastewater discharge permit;

F. To address misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required report;

G. To incorporate revisions based on a variance from categorical pretreatment standards approved pursuant to 40 CFR 403.13;

H. To correct typographical or other errors in the wastewater discharge permit; or

I. To reflect a transfer of the facility ownership or operation to a new owner or operator as required under Section 13.30.290.

13.30.290 Wastewater discharge permit transfer.

Wastewater discharge permits may be transferred to a new owner or operator only if the permittee gives at least thirty days' advance notice to the public works director/~~designated designee~~ and the public works director/~~designated designee~~ approves the wastewater discharge permit transfer. Failure to provide advance notice of a transfer renders the wastewater discharge permit void as of the date of facility transfer. The notice to the public works director/~~designated designee~~ must include a written certification by the new owner or operator which:

A. States that the new owner and/or operator have no immediate intent to change the facility's operations and processes;

B. Identifies the specific date on which the transfer is to occur; and

C. Acknowledges full responsibility for complying with the existing wastewater discharge permit.

13.30.300 Wastewater discharge permit revocation.

The public works director/~~designated designee~~ may revoke a wastewater discharge permit for good cause, including, but not limited to, when a user has:

A. Failed to notify the public works director/~~designated designee~~ of significant changes to the wastewater prior to the changed discharge;

B. Failed to provide prior notification to the public works director/~~designated designee~~ of changed conditions pursuant to Section 13.30.380;

C. Misrepresented or failed to fully disclose all relevant facts in the wastewater discharge permit application;

D. Falsified self-monitoring reports or tampered with monitoring equipment;

E. Refused to allow the public works director/~~designated designee~~ timely access to the facility premises and records;

F. Failed to meet effluent limitations or permit conditions;

G. Failed to pay applicable fines or sewer charges;

H. Failed to meet compliance schedule deadline dates;

I. Failed to complete a wastewater survey or wastewater discharge permit application;

J. Failed to provide advance notice of the transfer of business ownership;

K. Violated any pretreatment standard or requirement, or any terms of the wastewater discharge permit or this chapter;

L. Ceased operations; or

M. Transferred business ownership.

Wastewater discharge permits issued to a user are void upon the issuance of a new wastewater discharge permit to that user.

13.30.310 Wastewater discharge permit reissuance.

A user with an expiring wastewater discharge permit shall apply for wastewater discharge permit reissuance by submitting a complete permit application, in accordance with Section 13.30.210, a minimum of ninety days prior to the expiration of the user's existing wastewater discharge permit.

13.30.320 Regulation of waste received from other jurisdictions.

A. Prior to allowing wastewater to be received for treatment from another municipality, or from a user located outside the municipal corporate boundaries of the city ~~of Walla Walla~~, the city ~~of~~

~~Walla Walla~~ shall be empowered and obliged to enter into an intergovernmental agreement with the contributing municipality (county, city, town, sewer district, or other municipal corporation recognized under state law). Such agreement shall affix responsibilities in an enforceable manner to ensure that the pretreatment program is fully and equitably administered in all contributing jurisdictions. Any such agreement or modification to such an agreement shall be reviewed by the city ~~of Walla Walla~~'s legal ~~council~~ counsel and shall be submitted, together with the opinion that it is legally sufficient, to the Department of Ecology and processed as a minor program modification.

B. Prior to entering into an agreement required by subsection A of this section the public works director/~~designated~~designee shall request the following information from the contributing municipality:

1. A description of the quality and volume of wastewater discharged to the POTW by the contributing municipality;
2. An inventory of all users located within the contributing municipality that are discharging to the POTW; and
3. Such other information as public works director/~~designated~~designee may deem necessary.

C. An intergovernmental agreement, as required by subsection A of this section, shall contain the following provisions:

1. Requirements for contributing municipalities to adopt a sewer use ordinance which establishes pretreatment standards and requirements as stringent as in this chapter (Sections 13.30.050 through 13.30.110). The ordinance provisions and limits must be revised to conform within a reasonable time frame to any future revisions of the city ~~of Walla Walla~~'s ordinance.
2. Requirements for the contributing municipality to submit a revised user inventory on at least an annual basis, and reinforce requirements to obtain a permit prior to discharge.
3. A clear division of responsibilities for implementing each pretreatment related activity under this chapter or in the city ~~of Walla Walla~~'s ~~national pollutant discharge elimination system~~ (NPDES) permit. Such tasks include reinforcing prohibitions, locating users, issuing wastewater discharge permits, conducting inspections, sampling, evaluating compliance, initiating enforcement, and reporting compliance. Any activities which will be

conducted jointly by the contributing municipality and the public works director/~~designated~~designee must also be identified.

4. Requirements for the contributing municipality to provide the public works director/~~designated~~designee access to all information that the contributing municipality obtains as part of its pretreatment activities.

5. The nature, quality (e.g., conventional and toxic pollutant concentrations), and volume (peak and average flow rates) the contributing municipality is allowed to discharge to the city-~~of Walla Walla~~. How and where compliance will be measured, how fees for service and surcharges will be established, and how additional loading capacity, if needed, will be negotiated.

6. Provisions ensuring the public works director/~~designated~~designee may enter and inspect users located within the contributing municipality's jurisdictional boundaries to confirm that the pretreatment program is being properly administered, users are properly categorized, etc.

7. Provisions for addressing any breach of the terms of the intergovernmental agreement.

Article VI. Reporting Requirements

13.30.330 Disclosure of records.

Each user shall have available at the location of discharge, all records and reports required by this chapter, any applicable state and federal regulation, or any permit or order issued thereunder. Each user shall make such records available for review by the public works director/~~designated~~designee during business hours, when activities are being conducted at the facility, and at all reasonable times. Failure to comply with this provision is a violation of this chapter.

13.30.340 Baseline monitoring reports.

A. When categorical standards for an industry category are published, users that perform that process and either currently discharge or are scheduled to discharge wastewater from the process to the POTW must submit a baseline monitoring report to the public works director/~~designated~~designee. This report must contain the information listed in subsection C of this section. The report is due within one hundred eighty days after the effective date of a categorical pretreatment standard, unless the final administrative decision on a category determination comes later (reference 40 CFR 403.6(a)(4) for details of how that works).

B. Users that wish to begin discharging wastewater to the POTW from operations subject to categorical standards after EPA has published the standards (called new sources), shall also submit a baseline monitoring report to the public works director/~~designated~~designee containing the information listed in subsection C of this section. However, for new sources, the report must be provided at least ninety days before desiring to discharge. New sources shall describe the method of pretreatment they intend to use to meet applicable categorical standards. Because monitoring data will not be available for proposed facilities, new sources instead must provide estimates of the anticipated flow rates and quantity of pollutants to be discharged.

C. The baseline monitoring report shall include the following information:

1. All information required in Section 13.30.210(A)(1) through (7).
2. Additional conditions for existing sources measuring pollutants.
 - a. Users shall take a minimum of one representative sample to compile the data for the baseline monitoring report.
 - b. Users shall take samples immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated process if no pretreatment exists. If the user mixes other wastewaters with the regulated wastewater prior to pretreatment, the user must provide the flows and concentrations necessary to apply the combined waste stream formula of Section 13.30.060(C) and 40 CFR 403.6(e). Where the user wants an alternate concentration or mass limit, and it is allowed by federal rules at 40 CFR 403.6(e), the user shall propose the adjusted limit and provide supporting data to the control authority.
 - c. Sampling and analysis shall be performed in accordance with Sections 13.30.430 (sample analysis) and 13.30.440 (sample collection).
 - d. The public works director/~~designated~~designee may allow the report to use only historical data if the data is good enough to allow the evaluation of whether (and which) industrial pretreatment measures are needed.
 - e. The baseline report shall indicate the time, date, and place of sampling, and methods of analysis. The user shall certify that the sampling and analysis presented is representative of normal work cycles and expected pollutant discharges to the POTW.

3. Compliance Certification. A statement, reviewed by the user's authorized representative as defined in Section 13.30.040(C) and certified by a qualified professional, such as a professional engineer, indicating whether pretreatment standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment steps are required to meet the pretreatment standards and requirements.

4. Compliance Schedule. While new sources must install the treatment required to meet the pretreatment standards prior to operation, existing sources may be granted a compliance schedule where they must provide additional pretreatment and/or O&M to meet the pretreatment standards. In such cases, the user shall propose the shortest schedule by which they can provide the additional pretreatment and/or O&M. The completion date which the user proposes in this schedule may not be later than the compliance date established for the applicable pretreatment standard. Any compliance schedule authorized pursuant to this section must also meet the requirements set out in Section 13.30.350.

5. Signature and Report Certification. All baseline monitoring reports must be certified in accordance with Section 13.30.470(A) and signed by an authorized representative as defined by Section 13.30.040(C).

13.30.350 Compliance schedule progress reports.

The following conditions shall apply to compliance schedules proposed by existing sources according to Section 13.30.340(C)(4) and incorporated into permits:

A. The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation);

B. No increment referred to above shall exceed nine months;

C. The user shall submit a progress report to the public works director/~~designated~~designee no later than fourteen days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the user to return to the established schedule; and

D. In no event shall more than nine months elapse between such progress reports to the public works director/~~designated~~designee.

13.30.360 Reports on compliance with categorical pretreatment standard deadline.

Both existing sources and new sources must submit a report on whether compliance has been initially achieved. For existing sources, the report is due ninety days after the date applicable categorical standards give as the final compliance date. For a new source, the report is due ninety days after starting to discharge to the POTW.

In both cases, the report must contain the information described in Sections 13.30.210(A)(3) through (6). For existing sources, it must also contain the compliance certification of Section 13.30.340(C)(3) and, if needed, the compliance schedule described in Section 13.30.340(C)(4). Users subject to equivalent mass or concentration limits, as allowed by Section 13.30.060, must include a reasonable measure of their long-term production rate. Other users subject to standards based on a unit of production (or other measure of operation) must include their actual production during the sampling period. All compliance reports must be signed and certified in accordance with Section 13.30.470(A).

13.30.370 Periodic compliance reports.

A. The public works director/~~designated~~designee may specify the necessary minimum sampling and reporting frequencies and include applicable requirements in permits. ~~Significant industrial users (SIUs)~~, except those recognized as middle tier users under subsection C of this section, must:

1. Report at least twice a year, in June and December unless otherwise specified.
2. Report the flows and concentrations of regulated pollutants in all discharges subject to pretreatment standards.
3. Report average and maximum daily flows for the reporting period and identify where flow estimates are used.
4. Include the documentation needed to show compliance with applicable BMPs, pollution prevention alternatives, maintenance, treatment, or record keeping requirements.

B. The public works director/~~designated~~designee may authorize a CIU to forego sampling of a pollutant regulated by a categorical standard when it is not present in raw wastewater, provided:

1. The CIU submits a request for the waiver with their permit application or reapplication (see Section 13.30.210(A)(8)).
2. The CIU analyzes a sample (or samples) representative of all wastewater from all processes before any treatment and includes all results with the request.
3. The CIU demonstrates through source water and untreated process water sample results that the pollutant never exceeds intake water levels. (Pollutants simply reduced by treatment to background levels are ineligible for the waiver.)
4. The CIU shows, where nondetectable sample results are returned in subsections (A)(2) or (3) of this section, that they used the method from 40 CFR Part 136 with the lowest detection level.
5. The duly authorized representative of the CIU signs the request using the certification statement of Section 13.30.470(A).
6. The CIU includes, in routine monitoring reports, the statement in Section 13.30.470(C), certifying that there has been no increase in the pollutant in its waste stream due to activities of the industrial user.
7. The CIU reports and immediately resumes the monitoring which would otherwise have been required upon discovering that a waived pollutant is present or expected to be present based on changes to the user's operations.

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

C. The public works director/~~designated designee~~ may reduce the minimum periodic compliance reporting frequency for CIUs from twice a year (subsection A of this section) to once a year where the CIU:

1. Discharges wastewater subject to categorical standards at a rate less than one gallon per every ten thousand gallons of POTW design maximum monthly average flow capacity (per the city ~~of Walla Walla~~ NPDES permit). The CIU must measure their discharge using a continuous (or totalizing) effluent flow meter. If the CIU discharges in batches, the public

works director/~~designated designee~~ will determine eligibility by dividing total flows in all batches which contain any proportion subject to categorical regulation by the number of days the CIU is in full operation in a given calendar month.

2. Discharges less than five thousand gallons of wastewater subject to categorical standards on the maximum day (including for batch dischargers).

3. Discharges categorical wastewater with less than one pound of BOD₅ per each ten thousand pounds of POTW loading capacity. POTW loading capacity is the design maximum monthly average BOD₅ loading capacity per the city ~~of Walla Walla~~'s NPDES permit (or, if not included in the permit, in approved city ~~of Walla Walla~~ plans).

4. Discharges less than 0.01 percent of the maximum allowable headworks loading for any pollutant regulated by both an applicable categorical standard and a local limit in Section 13.30.080.

5. Has not been in significant noncompliance as defined in this chapter during the prior two years.

6. Has daily flow rates, production levels, or pollutant levels that are consistent enough that the public works director/~~designated designee~~ believes will allow representative data at the decreasing reporting interval.

D. Users must sign and certify all periodic compliance reports in accordance with Section 13.30.470(A).

E. Users must take wastewater samples which are representative of their range of discharge conditions and of any discharge not disclosed in their permit application. Users must properly operate, clean, and maintain sampling and flow metering facilities and devices and ensure they function properly. The public works director/~~designated designee~~ may not allow user claims that sampling results are unrepresentative due to a user's failure to meet this requirement.

F. Users subject to the reporting requirements in this section must report any additional monitoring which might determine compliance with permit requirements. This includes any additional monitoring of regulated pollutant at their respective effluent monitoring locations using procedures prescribed in Section 13.30.440. In such cases, the results of this monitoring shall be included in periodic monitoring reports.

G. Users that send electronic documents to the city ~~of Walla Walla~~ to satisfy the requirements of this section must meet all state and federal electronic signature requirements: Electronic data shall be in the format required by the public works director/~~designated designee~~. The public works director/~~designated designee~~ may also require reporting in both digital and traditional format.

13.30.380 Reports of changed conditions.

Each user must notify the public works director/~~designated designee~~ of any significant changes to the user's operations or system which might alter the nature, quality, or volume of its wastewater. This notification must be made at least thirty days before the desired change and be sent to both the public works director/~~designated designee~~ and the receiving POTW if they are different. In such cases:

A. The public works director/~~designated designee~~ may require the user to submit whatever information is needed to evaluate the changed condition. The public works director/~~designated designee~~ may also require a new or revised wastewater discharge permit application under Section 13.30.210.

B. The public works director/~~designated designee~~ may issue, reissue, or modify a wastewater discharge permit applying the procedures of Article V of this chapter in response to a user's notice under this section.

13.30.390 Reports of potential problems.

A. Any user which has any unusual discharge that could cause problems to the POTW must immediately notify the public works director/~~designated designee~~ by telephone of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the user to control and curtail the discharge. Such discharges may include spills, slug loads, accidental discharges, or other discharges of a nonroutine, episodic nature. Problems to the POTW which require reporting under this section include violating pretreatment prohibitions, treatment standards, or other requirements of Article II of this chapter such as vapor toxicity and explosivity limits.

B. Within five days following such discharge, the user shall, unless waived by the public works director, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall

such notification relieve the user of any fines, penalties, or other liability which may be imposed pursuant to this chapter.

C. Regardless of whether the user has been required to submit a slug discharge control plan (per Section 13.30.150), all users shall post notice in a prominent location advising employees who to call at the POTW to inform the public works director/~~designated designee~~ of a potential problem discharge (subsection A of this section). Users shall ensure that all employees who may cause or witness such a discharge are advised of the emergency notification procedures.

D. All users must immediately notify the public works director/~~designated designee~~ of any changes at their facility which might increase their potential for a slug discharge. This includes increasing the volume of materials stored or located on site which, if discharged to the POTW, would cause problems. Users required to prepare a slug discharge control plan under Section 13.30.150 shall also modify their plans to include the new conditions prior to, or immediately after, making such changes.

13.30.400 Reports from unpermitted users.

All users not required to obtain a wastewater discharge permit or general permit shall provide appropriate reports to the public works director/~~designated designee~~ as the public works director/~~designated designee~~ may require. This includes periodically completing and signing industrial user surveys.

13.30.410 Notice of violation – Repeat sampling and reporting.

If sampling performed by a user indicates a violation, the user must notify the public works director/~~designated designee~~ within twenty-four hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the public works director/~~designated designee~~ within thirty days after becoming aware of the violation. The public works director/~~designated designee~~ may waive the repeat sampling requirement where the city ~~of Walla Walla~~ has sampled the effluent for the pollutant in question prior to the user obtaining sampling results.

13.30.420 Notification of the discharge of hazardous waste.

A. Any user who discharges any substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261, or Chapter 173-303 WAC must also comply with the following requirements:

1. Notify the public works director/~~designated designee~~, the EPA Regional Waste Management Division Director, and state hazardous waste authorities, in writing, of the

discharge. Maintain a copy of this notification and include it in all subsequent permit applications or re-applications under this chapter.

2. Include the following information in the notification:

- a. The name of the hazardous waste as found in 40 CFR Part 261.
- b. The EPA hazardous waste number.
- c. The type of discharge (continuous, batch, or other).

3. If the discharge totals more than two hundred twenty pounds in any month, also provide:

- a. The hazardous constituents contained in the wastes.
- b. An estimate of the mass and concentration of hazardous constituents in the waste stream discharged during that calendar month.
- c. An estimate of the mass of constituents in the waste stream expected to be discharged during the following twelve months.

4. This notice shall be repeated for new or increased discharges of substances subject to this reporting requirement.

5. All notifications must take place prior to discharging a substance for which these reporting requirements apply. If this is not possible, the notice must be provided as soon after discharge as practical and describe why prior notice was not possible.

6. Users must provide notifications under this section only once to EPA and the state for each hazardous waste discharged. However, all of the information of these notices shall be repeated in each new permit application submitted under this chapter.

7. This requirement does not relieve the user from requirements to provide other notifications, such as of changed conditions under Section 13.30.380, or applicable permit conditions, permit application requirements, and prohibitions.

8. The notification requirements in this section do not apply to pollutants for which routine monitoring and reporting is required in a permit under this chapter.

B. Users must report all discharges of more than thirty-three pounds per month of substances which, if otherwise disposed of, would be hazardous wastes. Users must also report any discharge of acutely hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e). Subsequent months during which the user discharges more of a hazardous waste for which notice has already been provided do not require another notification to EPA or the state, but must be reported to the public works director/~~designated~~designee.

C. If new regulations under RCRA describe additional hazardous characteristics or substances as a hazardous waste, the user must provide notifications under subsection A of this section, if required by subsection B of this section, within ninety days of the effective date of such regulations.

D. For any notification made under this section, the user shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical and shall describe that program and reductions obtained through its implementation.

E. This provision does not create a right to discharge any substance not otherwise permitted to be discharged by this chapter, a permit issued thereunder, or any applicable federal or state law.

13.30.430 Analytical requirements.

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

13.30.440 Sample collection.

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

A. Users must use properly cleaned sample containers appropriate for the sample analysis and sample collection and preservation protocols specified in 40 CFR Part 136 and appropriate EPA guidance.

B. Users must obtain samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides, and volatile organic compounds using grab collection techniques.

C. For certain pollutants, users may composite multiple grab samples taken over a twenty-four-hour period. Users may composite grab samples for cyanide, total phenols, and sulfides either in the laboratory or in the field, and may composite grab samples for volatile organics and oil and grease in the laboratory prior to analysis.

D. For all other pollutants, users must employ twenty-four-hour flow-proportional composite samplers unless the public works director/~~designated designee~~ authorizes or requires an alternative sample collection method.

E. The public works director/~~designated designee~~ may authorize composite samples for parameters unaffected by the compositing procedures, as appropriate.

F. The public works director/~~designated designee~~ may require grab samples either in lieu of or in addition to composite sampling to show compliance with instantaneous discharge limits.

G. In all cases, users must take care to ensure the samples are representative of their wastewater discharges.

H. Users sampling to complete baseline monitoring and ninety-day compliance reports must satisfy some specific requirements. These reports require at least four grab samples for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds. Users may composite samples prior to analysis if allowed in subsection C of this section. Where historical sampling data exists, the public works director/~~designated designee~~ may also authorize fewer samples.

I. For periodic reports (Section 13.30.370), the public works director/~~designated designee~~ may specify the number of grab samples necessary to assess and assure compliance with applicable pretreatment standards and requirements.

13.30.450 Date of receipt of reports.

The public works director/~~designated designee~~ will credit written reports as having been submitted on the date of the postmark when mailed through the United States Postal Service. Reports delivered in any other manner will be credited as having been submitted on the business day received.

13.30.460 Record keeping.

Users subject to reporting requirements of this chapter shall retain the below records for all monitoring required by this chapter and for any additional monitoring which could be used to satisfy minimum monitoring requirements. Users must make these records available for inspection and copying at the location of the discharge. Users must similarly maintain documentation associated with any best management practices required under authority of Section 13.30.080(C). Monitoring records shall include at least:

- A. The time, date, and place of sampling;
- B. The sampling and preservation methods used;
- C. The person taking the sample, and persons with control of the sample prior to analysis;
- D. The person performing the analyses and the date the analysis was completed;
- E. The analytical techniques or methods used; and
- F. The results of analysis.

Users are encouraged to retain quality control and quality assurance information provided by the laboratory and submit this information in routine reporting. This information also has value in the event that the sample data is called into question. For analytes for which Washington State requires use of a certified/accredited laboratory, users must maintain the scope of accreditation for laboratories performing any analyses for them.

Users shall maintain the above records for at least three years, until any litigation concerning the user or the city ~~of Walla Walla~~ is complete, or for longer periods when the user has been specifically notified of a longer retention period by the public works director/~~designated~~designee.

13.30.470 Certification statements.

A. The following certification statement must be signed by an authorized representative as defined by Section 13.30.040(C) and included when submitting:

1. A permit (re-)application in accordance with Section 13.30.230;
2. A baseline monitoring report under Section 13.30.340;
3. A report on compliance with the categorical pretreatment standard deadlines under Section 13.30.360;

4. A periodic compliance report required by Section 13.30.370(A) through (D); or
5. An initial request to forego sampling of a pollutant based on Section 13.30.370(B)(4):

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete.

I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

B. Annual Certification for Nonsignificant Categorical Industrial Users. A facility determined to be a nonsignificant categorical industrial user by the public works director/~~designated designee~~ pursuant to Sections 13.30.040(~~GGJJ~~)(3) and 13.30.230(C) must complete the below statement and submit it to the public works director/~~designated designee~~ annually. The statement must be signed by an authorized representative (Section 13.30.040(C)):

Based on my inquiry of the person or persons directly responsible for managing compliance with the categorical pretreatment standards under 40 CFR _____, I certify that, to the best of my knowledge and belief that during the period from _____, ____ to _____, ____ [months, days, year]:

a. The facility described as _____ [facility name] met the definition of a nonsignificant categorical industrial user as described in Section 13.30.040(~~GGJJ~~)(3) (40 CFR 403.3(v)(2));

b. The facility complied with all applicable pretreatment standards and requirements during this reporting period; and

c. The facility never discharged more than one hundred gallons of total categorical wastewater on any given day during this reporting period.

This compliance certification is based upon the following information.

C. Users that have an approved monitoring waiver based on Section 13.30.370(B) must also include the following certification statement in each report. This statement certifies that there has been no increase in the pollutant in its waste stream due to activities of the user:

Based on my inquiry of the person or persons directly responsible for managing compliance with the pretreatment standard for 40 CFR _____ [specify applicable national pretreatment standard part(s)], I certify that, to the best of my knowledge and belief, there has been no increase in the level of _____ [list pollutant(s)] in the wastewaters due to the activities at the facility since filing of the last periodic report under Section 13.30.370(A).

Article VII. Compliance Monitoring

13.30.480 Right of entry – Inspection and sampling.

The public works director/~~designated designee~~ shall have the right to enter the premises of any user to determine whether the user is complying with all requirements of this chapter and any wastewater discharge permit or order issued hereunder. Users shall allow the public works director/~~designated designee~~ ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.

A. Where a user has security measures in force which require proper identification and clearance before entry into its premises, the user shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the public works director/~~designated designee~~ will be permitted to enter without delay for the purposes of performing specific responsibilities.

B. The public works director/~~designated designee~~ shall have the right to set up on the user's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the user's operations.

C. Users shall provide full access to the public works director/~~designated designee~~ to use any monitoring facilities and utilities available or required in accordance with

Sections 13.30.120 and 13.30.140(E) and (F) to confirm that the standards or treatment required for discharge to the sewer are being met.

D. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the user at the written or verbal request of the public works director/~~designated designee~~ and shall not be replaced. The costs of clearing such access shall be borne by the user.

E. Any unreasonable delay in allowing the public works director/~~designated designee~~ full access to the user's premises and wastewater operations shall be a violation of this chapter.

13.30.490 Search warrants.

The public works director/~~designated designee~~ may seek issuance of a search warrant. Such warrants may be secured when:

A. The public works director/~~designated designee~~ has been refused access or is unable to locate a representative who can authorize access to a building, structure, or property, or any part thereof, and has probable cause that a violation of this chapter is occurring on the premises;

B. The public works director/~~designated designee~~ has been denied access to inspect and/or sample as part of a routine inspection and sampling program of the city ~~of Walla Walla~~ designed to verify compliance with this chapter or any permit or order issued hereunder; or

C. The public works director/~~designated designee~~ has cause to believe there is imminent endangerment of the overall public health, safety and welfare of the community by an activity on the premises.

13.30.500 Vandalism.

No person shall willfully or negligently break, damage, destroy, uncover, deface, tamper with, or prevent access to any structure, appurtenance or equipment, or other part of the POTW. Any person found in violation of this requirement shall be subject to the sanctions set out in this chapter.

Article VIII. Confidential Information

13.30.502 When permitted – Procedure.

Generally, information submitted to demonstrate compliance with pretreatment standards and requirements will be freely available to the public. Users may have certain information, however,

withheld as confidential if permitted by applicable public disclosure laws and the following process is followed.

A. When a user submits information to the public works director/~~designated designee~~, or provides information to inspectors, users may request that specific information be maintained as confidential. Users must promptly identify the specific information in writing, and describe why the release would divulge information, processes, or methods of production entitled to protection as trade secrets or confidential business information under applicable state or federal laws.

B. The public works director/~~designated designee~~ shall review and approve or deny such requests. When approved, the information shall not be available as public records and shall be marked “confidential.”

C. All other information submitted to the public works director/~~designated designee~~ and obtained from the public works director/~~designated designee~~’s oversight shall be available to the public subject to the city ~~of Walla Walla~~ records review policy.

D. Information held as confidential may not be withheld from governmental agencies for uses related to the NPDES program or pretreatment program, or in enforcement proceedings involving the person furnishing the report.

E. Federal rules prevent wastewater constituents and characteristics and other effluent data, as defined by 40 CFR 2.302, from being recognized as confidential information.

Article IX. Publication of Users in Significant Noncompliance

13.30.505 Procedure.

A. Publishing. The public works director/~~designated designee~~ must annually publish a list of the users which, at any time during the previous twelve months, were in significant noncompliance with applicable pretreatment standards and requirements. The list will be published in a newspaper of general circulation that provides meaningful public notice within the jurisdictions served by the POTW.

B. Definition. The term “significant noncompliance” means:

1. Any violation of a pretreatment standard or requirement including numerical limits, narrative standards, and prohibitions, that the public works director/~~designated designee~~ determines has caused, alone or in combination with other discharges, interference or pass through, including endangering the health of POTW personnel or the general public.

2. Any discharge of a pollutant that has caused imminent endangerment to the public or to the environment, or has resulted in the public works director/~~designated~~designee's exercise of its emergency authority to halt or prevent such a discharge.

3. Any violation(s), including of best management practices, which the public works director/~~designated~~designee determines will adversely affect the operation or implementation of the local pretreatment program.

4. Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent or more of all of the measurements taken for the same pollutant parameter during a rolling six-month period exceed, by any magnitude, a numeric pretreatment standard or requirement, including instantaneous limits.

5. Technical review criteria (TRC) violations, defined here as those in which thirty-three percent or more of wastewater measurements taken for each pollutant parameter during a rolling six-month period equal or exceed the product of the numeric pretreatment standard or requirement (including instantaneous limits), multiplied by the applicable criteria. Applicable criteria are 1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH.

6. Failure to meet, within ninety days of the scheduled date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance.

7. Failure to provide any required report within forty-five calendar days after the due date. This includes initial and periodic monitoring reports, and reports on initial compliance and on meeting compliance schedules.

8. Failure to accurately report noncompliance.

C. Applicability. The criteria in subsections (B)(1) through (3) of this section are applicable to all users, whereas the criteria in subsection (B)(4) through (8) of this section are only applicable to SIUs.

D. After the circumstances of occurrence of the noncompliance have been determined, the appropriate enforcement response must be taken. The type of enforcement response that is applicable to a noncompliance is dependent on the nature of the violation, the results of the occurrence, and/or the number of times it has occurred previously.

E. In order to determine the level of enforcement response that is required, the history of the industrial user must be evaluated. For this reason, a separate section within the industrial user's file may be kept that contains the following information:

1. Each noncompliance, the circumstances of the occurrence, and the enforcement action taken or initiated;
2. Whether each noncompliance had or did not have an adverse effect on the POTW, the public, or the environment;
3. Notation of noncompliances that place the industrial user in significant noncompliance and chronological listing of all past enforcement actions; and
4. Documentation of the industrial user's responses to past enforcement actions:
 - a. Specific steps taken by the industrial user to correct noncompliance;
 - b. Contact names; and
 - c. References to other sections in the file that contain information regarding any noncompliance.

The data should be summarized for each occurrence and located in the file so that it is easily accessed.

F. The demonstration of good faith by an industrial user may be considered when making a determination on the level of enforcement to use in achieving compliance. An industrial user who has a record of consistent compliance and who shows substantial effort to stay in compliance will be more cooperative in order to maintain a good record with the control authority and the public. If given an opportunity to demonstrate a good faith effort, the response of the industrial user will be more vigorous than that which will take place under a business as usual enforcement attitude from the control authority. However, in each situation, the enforcement response plan must be referred to because certain of the enforcement actions are mandated by federal, state, or local regulations, and because the control authority must adhere to the approved enforcement response plan.

G. The general manager will be responsible for initiating all enforcement actions.

Enforcement responses will be initiated as soon as possible but no later than within seven days of the identification of the noncompliance and the circumstances of noncompliance unless the noncompliance is one that places the public or the environment in imminent danger. In such case, the enforcement response will be initiated immediately on identification of noncompliance.

Article X. Administrative Enforcement Remedies

13.30.510 Notification of violation.

The public works director/~~designated designee~~ may serve a written notice of violation on any user that the public works director/~~designated designee~~ finds has violated any provision of this chapter, including terms or requirements of a permit, order, or a pretreatment standard or requirement. In all cases in this chapter, a continuation of a violation of a provision of this chapter is a violation. Users shall, in response to a notice of violation, provide the public works director/~~designated designee~~ a written explanation of the violation, its cause, and a corrective action plan within thirty days of receiving this notice. Users submitting plans to correct noncompliance must include the specific actions they will take to correct ongoing and prevent future violations at the soonest practicable date. The public works director/~~designated designee~~'s acceptance of a plan does not relieve a user of liability for any violations. The public works director/~~designated designee~~ may also take any action, including emergency actions or any other enforcement action, without first issuing a notice of violation.

13.30.520 Consent orders.

The public works director/~~designated designee~~ may enter into a consent order or other voluntary agreement to memorialize agreements with users violating any requirement of this chapter. Such agreements must include the specific action(s) required and date(s) they are to be completed to correct the noncompliance. Such documents must be constructed in a judicially enforceable manner, and have the same force and effect as administrative orders issued pursuant to Sections 13.30.540 and 13.30.550.

13.30.530 Show cause hearing.

The public works director/~~designated designee~~ may propose actions in response to a violation of any provision of this chapter, including a provision of a permit, order, or a pretreatment standard or requirement. The public works director/~~designated designee~~ may order a user in violation to appear at a date, time, and location set by the public works director/~~designated designee~~ to show why the proposed enforcement action should not be taken. The public works director/~~designated designee~~ will notify the user of the violation, the proposed action, the rationale, and the user's rights and obligations to provide evidence why the proposed enforcement action

should not be taken, and to provide its support for any alternative it proposes at this meeting. This notification shall be served personally or by registered or certified mail (return receipt requested) at least twenty days prior to the hearing. Such notice may be served on any authorized representative of the user as defined in Section 13.30.040(C). A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the user.

13.30.540 Compliance orders.

The public works director/~~designated designee~~ may issue a compliance order to any user which has violated any provision of this chapter including a requirement of a permit, order, or a pretreatment standard or requirement. The compliance order may direct that the user come into compliance within a specified time, install and properly operate adequate treatment facilities or devices, or take such measures as the public works director/~~designated designee~~ finds are reasonably necessary. These measures may include additional self-monitoring and management practices designed to minimize the amount of pollutants discharged to the sewer. A compliance order may not extend the deadline for compliance established for a pretreatment standard or requirement, or relieve a user of liability for any violation, including a continuing violation. If the user does not come into compliance within the time provided, sewer service may be discontinued. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the user.

13.30.550 Cease and desist orders.

When public works director/~~designated designee~~ finds that a user has violated, or continues to violate, any provision of this chapter, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, or that the user's past violations are likely to recur, the public works director/~~designated designee~~ may issue an order to the user directing it to cease and desist all such violations and directing the user to:

- A. Immediately comply with all requirements; and
- B. Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge. Issuance of a cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the user.

13.30.560 Administrative fines.

- A. When the public works director/~~designated designee~~ finds that a user has violated, or continues to violate, any provision of this chapter, a wastewater discharge permit or order issued

hereunder, or any other pretreatment standard or requirement, the public works director/~~designated designee~~ may fine such user in an amount not to exceed ten thousand dollars. Such fines shall be assessed on a per-violation, per-day basis. In the case of monthly or other long-term average discharge limits, fines shall be assessed for each day during the period of violation.

B. The public works director/~~designated designee~~ may add the costs of any emergency response, additional monitoring, investigation, and administrative costs related to the noncompliance and the public works director/~~designated designee~~'s response to the situation to the amount of the fine.

C. The public works director/~~designated designee~~ will consider the economic benefit enjoyed by a user as a result of the noncompliance in cases where there appears to have been a monetary benefit from not complying. In such cases, the public works director/~~designated designee~~ shall ensure that fines, to the maximum amounts allowable, exceed the benefit to the user from the noncompliance.

D. Unpaid charges, fines, and penalties shall, at thirty calendar days past the due date, be assessed an additional penalty of one percent of the unpaid balance, and interest shall accrue thereafter at a rate of one percent per month. After thirty days the city-~~of Walla Walla~~ shall be authorized to file a lien against the user's property for unpaid charges, fines, and penalties.

E. Users desiring to dispute such fines must file a written request for the public works director/~~designated designee~~ to reconsider the fine along with full payment of the fine amount within fifteen working days of being notified of the fine. Where a request has merit, the public works director/~~designated designee~~ may convene a hearing on the matter. In the event the user's appeal is successful, the public works director/~~designated designee~~ shall rebate the difference between the initial and final penalty amounts to the user.

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

13.30.570 Emergency suspensions.

The public works director/~~designated designee~~ may immediately suspend a user's discharge (or threatened discharge) when it reasonably appears to present a substantial danger to the health or welfare of persons. In such cases, the public works director/~~designated designee~~ will first provide informal notice to the user. The public works director/~~designated designee~~ may also immediately suspend a user's discharge, after notice and opportunity to respond, that threatens to interfere with the operation of the POTW, or which presents, or may present, a danger to the environment.

A. Any user notified of a suspension of its discharge shall immediately stop or eliminate its contribution. If a user fails to immediately comply voluntarily with the suspension order, the public works director/~~designated designee~~ may take such steps as deemed necessary to protect the public and its interest in the sewer system. Remedies available to the public works director/~~designated designee~~ include immediately severing the sewer connection, at the user's expense, turning off pump stations downstream of the user, and partnering with law enforcement. The public works director/~~designated designee~~ may not allow the user to recommence its discharge until the user has demonstrated to the satisfaction of the public works director/~~designated designee~~ that the situation warranting the suspension has been properly addressed and any proposed termination proceeding has been resolved.

B. A user that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution and the measures taken to prevent any future occurrence. Users shall submit this report to the public works director/~~designated designee~~ prior to the date of any show cause or termination hearing under Sections 13.30.530 and 13.30.580.

Nothing in this section shall be interpreted as requiring a hearing prior to any emergency suspension under this section.

13.30.580 Termination of discharge.

Any user who violates the following conditions is subject to having the privilege of discharging to the public sewer system withdrawn:

A. Discharge of nondomestic wastewater without a permit, including:

1. Where the appropriate permit has not been requested;
2. Where the appropriate permit has not yet been issued; or
3. Where the permit has been denied or revoked based on the provisions of Section 13.30.300, Wastewater discharge permit revocation;

B. Violation of permit terms and conditions, including:

1. Exceeding any permit limit;
2. Failing to meet other pretreatment standards or requirements;

3. Violating any prohibition; or
 4. Failing to properly monitor and report discharges or changed conditions;
- C. Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring, or sampling (whether subject to a permit or not); or
- D. Violation of the pretreatment standards and requirements of this chapter, including failure to satisfy industrial user survey requirements.

When the public works director/~~designated designee~~ determines this remedy is necessary and appropriate to fulfill the intentions of this chapter, such user will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under Section 13.30.530 why the proposed action should not be taken. Exercise of this option by the public works director/~~designated designee~~ shall not be a bar to, or a prerequisite for, taking any other action against the user.

Article XI. Judicial Enforcement Remedies

13.30.590 Injunctive relief.

The public works director/~~designated designee~~ may seek injunctive relief when a user has violated, or continues to violate, a provision of this chapter, including a pretreatment standard or requirement, or a permit or order issued hereunder. In such cases, the public works director/~~designated designee~~ may petition the Walla Walla County district court or the Walla Walla County superior court through the city ~~of Walla Walla~~'s attorney for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the wastewater discharge permit, order, or other requirement imposed by this chapter on activities of the user. The public works director/~~designated designee~~ may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the user to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a user.

13.30.600 Civil penalties.

A. A user which has violated, or continues to violate, a provision of this chapter, including a pretreatment standard or requirement, or a permit or order issued hereunder, shall be liable to the city ~~of Walla Walla~~ for a maximum civil penalty of ten thousand dollars per violation, per day. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation.

B. The public works director/~~designated designee~~ may recover reasonable attorneys' fees, court costs, and other expenses associated with any emergency response, enforcement activities, additional monitoring and oversight, and costs of any actual damages to the city ~~of Walla Walla~~.

C. In determining the amount of civil liability, the court shall take into account all relevant circumstances. The public works director/~~designated designee~~ shall provide the court a recommended civil penalty amount, and its basis. This basis addresses, as available, the extent of harm caused, the magnitude and duration of the violation, any economic benefit gained, the timing of user's actions and responses, corrective actions by the user, and the user's compliance history. The public works director/~~designated designee~~ will provide the range of penalty amounts its enforcement response plan suggests if it addresses the situation and provides such guidance. The public works director/~~designated designee~~ will provide any other facts the court requests, or the public works director/~~designated designee~~ believes important for the court to have to render a just determination.

D. Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, any other action the public works director/~~designated designee~~ may take to resolve noncompliance by a user.

13.30.610 Criminal prosecution.

A. Any person who negligently violates any provision of this chapter, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement shall, upon conviction, be guilty of a misdemeanor.

B. Any person who willfully introduces any substance into the POTW which causes personal injury or property damage shall, upon conviction, be guilty of a gross misdemeanor.

C. Any person who knowingly makes any false statements, representations, or certifications in any application, record, report, plan, or other documentation filed, or required to be maintained, pursuant to this chapter, wastewater discharge permit, or order issued hereunder, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this chapter shall, upon conviction, be guilty of a misdemeanor.

13.30.620 Remedies nonexclusive.

The remedies provided for in this chapter are not exclusive. The public works director/~~designated designee~~ may take any, all, or any combination of these actions against a noncompliant user. Enforcement of pretreatment violations will generally be in accordance with the city ~~of Walla Walla~~'s enforcement response plan. However, the public works director/~~designated designee~~ may take other action against any user when the circumstances

warrant. Further, the public works director/~~designated designee~~ is empowered to take more than one enforcement action against any noncompliant user.

Article XII. Supplemental Enforcement Action

13.30.630 Penalties for late reports.

The public works director/~~designated designee~~ may assess a penalty of up to ten thousand dollars to any user for each day that a report required by this chapter, a permit or order issued hereunder is late. Penalties accrue beginning the fifth day after the report is due. The public works director/~~designated designee~~'s actions to collect late reporting penalties shall not limit the public works director/~~designated designee~~'s authority to initiate any other enforcement action.

13.30.640 Performance bonds.

The public works director/~~designated designee~~ may require a satisfactory bond, payable to the city of Walla Walla, in a sum not to exceed a value determined by the public works director/~~designated designee~~ as necessary to assure the user will achieve consistent compliance with this chapter. The public works director/~~designated designee~~ may require this bond as an enforcement response or as a prerequisite to issue or reissue a wastewater discharge permit. Any user who has failed to comply with any provision of this chapter, a previous permit or order issued hereunder, or any other pretreatment standard or requirement may be subject to this requirement. This bond may also be required of any category of user which has led to public burdens in the past regardless of the compliance history of the particular user. The city may use this bond to pay any fees, costs, or penalties assessed to the user whenever the user's account is in arrears for over thirty days. This includes the costs of cleanup of the site if the user goes out of business, sells the business to a person that does not first assume the bond, or goes bankrupt. Users may petition the public works director/~~designated designee~~ to convert their performance bond to a requirement to provide liability insurance, or to forego any such safeguard based on their performance. User may petition no more frequently than once in any twelve-month period.

13.30.650 Liability insurance.

The public works director/~~designated designee~~ may require any user to provide insurance if they previously failed to comply with any provision of this chapter, a previous permit, or order issued hereunder, or any other pretreatment standard or requirement. The public works director/~~designated designee~~ may also require users in businesses which historically have left a public burden to clean up pollution to obtain this insurance, regardless of their compliance history. In such cases, users must provide proof that the insurance is sufficient to cover any liabilities incurred under this chapter, including the cost of damages to the POTW and the

environment caused by the user. The public works director/~~designated designee~~ may require users to provide the proof of such insurance either in response to noncompliance or prior to issuing or reissuing a wastewater discharge permit.

13.30.660 Payment of outstanding fees and penalties.

The public works director/~~designated designee~~ may decline to issue or reissue a wastewater discharge permit to any user who has failed to pay any outstanding fees, fines or penalties incurred as a result of any provision of this chapter, a previous permit or order issued hereunder.

13.30.670 Innovative settlements and supplemental environmental projects.

A. In any enforcement action allowed under this chapter, the public works director/~~designated designee~~ may recommend, and the city ~~of Walla Walla~~ may agree to set aside all or portions of the recommended penalty amount in favor of requiring completion of a project of environmental benefit to the POTW of equal or greater value than the proposed penalty. Such projects must be proposed or agreed to in writing by the user.

B. In recommending this option, the public works director/~~designated designee~~ shall consider all relevant circumstances, including, but not limited to, the following criteria: (1) the net environmental benefit, (2) the ability of the project to help achieve or ensure compliance, (3) the willingness of the party to change the circumstances that led to the noncompliance, and (4) the responsible party's technical and financial ability to successfully complete the project.

C. In enforcement actions taken by the department, the city ~~of Walla Walla~~ may make written recommendations either for, or against, an innovative settlement agreement with a noncompliant user based on the above criteria.

13.30.680 Water supply severance.

The public works director/~~designated designee~~ may order water service to a user severed whenever a user has violated or continues to violate any provision of this chapter, a permit, or order issued hereunder, or any other pretreatment standard or requirement. Users wishing to restore their service must first demonstrate their ability to comply with this chapter and pay the related costs of this action.

13.30.690 Public nuisances.

A violation of any provision of this chapter or a permit or order issued hereunder, or any other pretreatment standard or requirement, is hereby declared a public nuisance and shall be corrected or abated as directed by the public works director/~~designated designee~~. Any person(s) creating a public nuisance shall be subject to the provisions of this code governing such nuisances,

including reimbursing the city ~~of Walla Walla~~ for any costs incurred in removing, abating, or remedying said nuisance.

13.30.710 Contractor listing.

Users which have not achieved compliance with applicable pretreatment standards and requirements are not eligible to receive a contractual award for the sale of goods or services to the city ~~of Walla Walla~~. Existing contracts for the sale of goods or services to the city ~~of Walla Walla~~ held by a user found to be in significant noncompliance with pretreatment standards or requirements may be terminated at the discretion of the public works director/~~designated designee~~.

Article XIII. Affirmative Defenses to Discharge Violations

13.30.720 Upset.

A. For the purposes of this section, “upset” means an exceptional incident in which there is unintentional and temporary noncompliance with categorical pretreatment standards because of factors beyond the reasonable control of the user. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

B. An upset shall constitute an affirmative defense to punitive actions in response to noncompliance with categorical pretreatment standards (Section 13.30.060), but not local limits (Section 13.30.080) when the requirements of subsection C of this section are met.

C. A user who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence, that:

1. An upset occurred and the user can identify the cause(s) of the upset;
2. The facility was at the time being operated in a prudent and workmanlike manner and was in compliance with applicable operation and maintenance procedures;
3. Where the upset involved reduction, loss, or failure of its treatment facility (e.g., a power failure), the user controlled production of all discharges to the extent necessary to maintain compliance with categorical pretreatment standards until the facility was restored or an alternative method of treatment was provided; and
4. The user submitted the following information to the public works director/~~designated designee~~ within twenty-four hours of becoming aware of the upset. When initially provided orally, the user must have provided a written report within five days:

- a. A description of the indirect discharge and cause of noncompliance;
- b. The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and
- c. Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance.

D. In any enforcement proceeding, the user seeking to establish the occurrence of an upset shall have the burden of proof.

E. Users will have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with categorical pretreatment standards.

13.30.730 Prohibited discharge standards.

User will have an affirmative defense to an enforcement action brought against it for noncompliance with the prohibitions in Section 13.30.050(A), and (B)(3) through (7) in certain cases. The user must be able to prove that it did not know, or have reason to know, that its discharge, alone or in conjunction with discharges from other sources, would cause pass through or interference and that either:

A. A local limit exists for each pollutant discharged and the user was in compliance with each limit directly prior to, and during, the pass through or interference; or

B. No local limit exists, but the discharge did not change substantially in nature or constituents from the user's prior discharge when the city ~~of Walla Walla~~ was regularly in compliance with its NPDES permit, and in the case of interference, was in compliance with applicable sludge use or disposal requirements.

13.30.740 Bypass.

A. For the purposes of this section:

1. "Bypass" means the intentional diversion of waste streams from any portion of a user's treatment facility.
2. "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a

bypass. Severe property damage does not mean economic loss caused by delays in production.

B. A user may allow a bypass to occur if it does not cause pretreatment standards or requirements to be violated and is for essential maintenance to assure efficient operation.

C. Any other bypass must meet the following requirements:

1. Users knowing in advance of the need for a bypass must submit prior notice to the public works director/~~designated designee~~, at least ten days before the bypass wherever possible.

2. Users must tell the public works director/~~designated designee~~ of any unanticipated bypass that exceeds applicable pretreatment standards within twenty-four hours of becoming aware of the bypass. Users must provide a written follow-up report within five days. The public works director/~~designated designee~~ may waive the written report if the oral report was timely and complete. Unless waived, the written report must contain:

- a. A description of the bypass (volume, pollutants, etc.);
- b. What caused the bypass;
- c. When, specifically, the bypass started and ended;
- d. When the bypass is expected to stop (if ongoing); and
- e. What steps the user has taken or plans to take to reduce, eliminate, and prevent the bypass from reoccurring.

D. Bypass.

1. Bypass is prohibited, and the public works director/~~designated designee~~ may take an enforcement action against a user for a bypass, unless:

- a. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
- b. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering

judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and

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

2. The public works director/~~designated designee~~ may approve an anticipated bypass, after considering its adverse effects, if the public works director/~~designated designee~~ determines that it will meet the three conditions listed in subsection (D)(1) of this section.

Article XIV. Wastewater Treatment Rates and Surcharges

[Reserved].

Article XV. Miscellaneous Provisions

13.30.750 Pretreatment charges and fees.

The city ~~of Walla Walla~~ may adopt reasonable fees for reimbursement of costs of setting up and operating the city ~~of Walla Walla~~'s pretreatment program which may include:

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

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

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

D. Fees for filing appeals;

E. Fees to recover administrative and legal costs (not included in subsection B of this section) associated with the enforcement activity taken by the public works director/~~designated designee~~ to address IU noncompliance; and

F. Other fees as the city ~~of Walla Walla~~ may deem necessary to carry out the requirements contained herein. These fees relate solely to the matters covered by this chapter and are separate from all other fees, fines, and penalties chargeable by the city ~~of Walla Walla~~.

13.30.760 Severability.

If any provision of this chapter is invalidated by any court of competent jurisdiction, the remaining provisions shall not be affected and shall continue in full force and effect.

13.30.770 Regulatory conflicts.

All other chapters and parts of other chapters inconsistent or conflicting with any part of this chapter are hereby superseded to the extent of the inconsistency or conflict.

Section 3: The City Clerk and the codifiers of this ordinance are authorized to make necessary clerical corrections to this ordinance including, but not limited to, the correction of scrivener's/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

Section 4: If any part of this ordinance is for any reason declared or held to be invalid or unconstitutional by any court or tribunal of competent jurisdiction, such part shall be deemed a separate and distinct and independent provision and such holding shall not affect the validity of the remaining parts hereof.

Section 5: The City Clerk is hereby authorized to publish a summary of this ordinance in accordance with RCW 35A.13.200 and RCW 35A.12.160.

PASSED by the City Council of the City of Walla Walla, Washington, _____.

Mayor

Attest:

City Clerk

Approved as to form:

City Attorney

SUMMARY OF ADOPTION OF ORDINANCE NO. 2020-__

AN ORDINANCE AMENDING THE WALLA WALLA MUNICIPAL CODE CHAPTER 13.03 AND CHAPTER 13.30 TO COMPLY WITH NEW AND REVISED U.S. ENVIRONMENTAL PROTECTION AGENCY AND THE WASHINGTON STATE DEPARTMENT OF ECOLOGY REGULATIONS, CLARIFYING CODE LANGUAGE AND IMPROVING AND PROVIDING UNIFORMITY BETWEEN THE TWO CHAPTERS, CORRECT FORMATTING AND GRAMMATICAL ERRORS AND OTHER MATTERS RELATED THERETO

The Walla Walla City Council passed an ordinance at its June 10, 2020 open public meeting which in summary amended Walla Walla Municipal Code Chapters 13.03 and 13.30.

The full text of the ordinance will be mailed upon request made to the Walla Walla City Clerk at Walla Walla City Hall, 15 N. Third Ave., Walla Walla, WA 99362.

Summary approved as to form:

City Attorney



ar-3842

20 Min.

City Council - Work Session

Meeting Date: 06/22/2020

Item Title: USFS Tiger Creek Prescribed Burn

Submitted For: Mori Struve, Public Works Department, Public Works Administration

Add'l Contributors:

Project No:

Funding/BARS No.: NA

Financial Comments:

N/A

Information

HISTORY:

Three individuals from the USFS plan to attend the June 22, 2020 Work Session to provide information about the proposed Tiger Creek Prescribed Burn scheduled for this fall.

Aaron Gagnon, District Ranger

Mike Moore, Fire Management Officer

Joseph Sciarrino, Assistant Fire Management Officer- Fuels

In an effort to reduce hazardous fuels in and around the Mill Creek Watershed and restore fire to the landscape, the United States Forest Service (USFS) is requesting City consent to implement the Tiger Creek Prescribed Burn (Rx Burn) this fall (2020) on 267 acres of land located adjacent to the southwest flank of the Mill Creek Watershed. This prescribed fire is one of three planned within the Tiger Creek Prescribed Fire Project which totals 556 acres. The City owns 86 of the 556 acres, so City authorization is required prior to proceeding with the Rx Burn on city property. City participation in the project will include support for communication with city residents and potentially a support engine from the Fire Department.

The Rx burn is a type of fire fuels reduction project consistent with the actions items identified in the 2017 Mill Creek and Walla Walla County Community Wildfire Protection Plan. The USFS designed the Rx Burn to serve as a model for how prescribed burns might be implemented in the future around the Mill Creek Watershed to reduce the threat of wildfire by controlling the time and intensity of the burn. The USFS expects that some smoke will travel down the Mill Creek Valley toward the City of Walla Walla, but it is not expected that any significant amount of smoke will be experienced by Walla Walla citizens. This due to the fact that the fuels being burned are predominately grasses.

Below is the USFS's estimated timeline for the project:

June 22 - Begin Fire Control Lines on USFS property

June 30 - Finalize Agreement with City

July 31 - Finalize the Fire Plan

September - Create Rx Burn Field Operations Organization, Finalize Fire Control Lines

October - Implement Project

Attached is the Mill Creek Watershed Fire History and Fire Fuels Reduction Map. The Tiger Creek Rx Burn is shown. The map demonstrates how it correlates to the overall wildfire prevention effort.

POLICY ISSUES:

Balancing the potential impact to Walla Walla citizens from smoke associated with the proposed Tiger Creek Prescribed Burn Project and the benefit of taking action to reduce the potential of wildfire in and around the Mill Creek Watershed (the City's primary source of drinking water).

Eleven Legislative Priority resolutions* have been adopted over the past five years supporting funding for wild land fire fighting capacity, fire prevention through fuel reduction in the Walla Walla Watershed, and the inclusion of wild land fires as a natural disaster in order to qualify affected communities for Federal and State disaster relief assistance.

*2015-121, 2015-122, 2016-05, 2016-129, 2016-130, 2017-109, 2017-110, 2018-124, 2018-125, 2019-118, 2019-119

PLAN COMPLIANCE:

STRATEGIC PLAN: N/A

COMPREHENSIVE PLAN:

ENR Policy 1.8 – Protect the community from hazards, including, but not limited to, earthquakes, severe storms, wildfires and flooding.

ALTERNATIVES:

Do not enter into an Agreement with the USFS for conducting a prescribed burn on City property. The USFS would continue with the project excluding the city property.

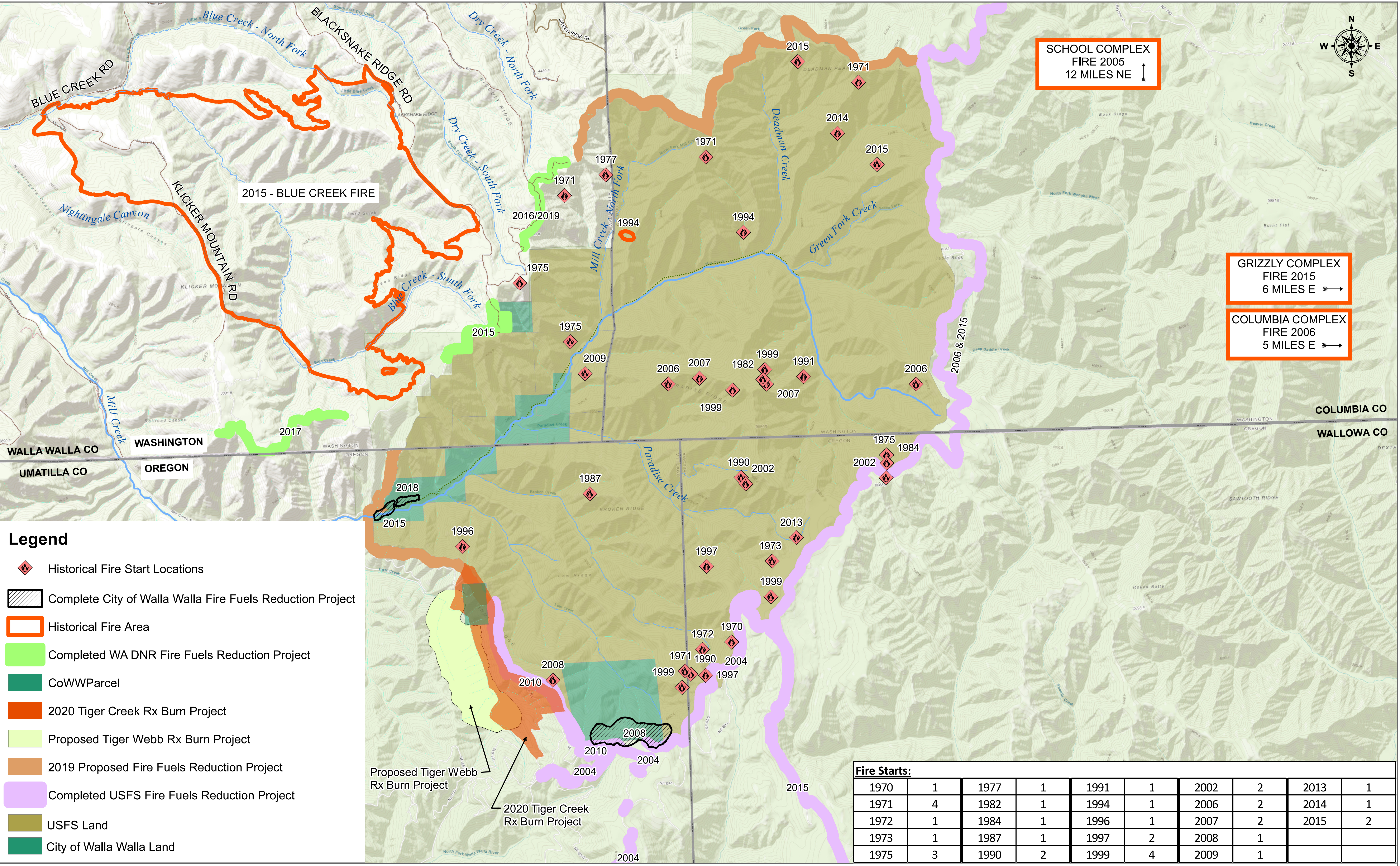
CITY MANAGER COMMENTS:

Approved for City Council workshop discussion.

Attachments

Map

Roll Out Plan



Legend

Historical Fire Start Locations

Complete City of Walla Walla Fire Fuels Reduction Project

Historical Fire Area

Completed WA DNR Fire Fuels Reduction Project

CoWWParcel

2020 Tiger Creek Rx Burn Project

Proposed Tiger Webb Rx Burn Project

2019 Proposed Fire Fuels Reduction Project

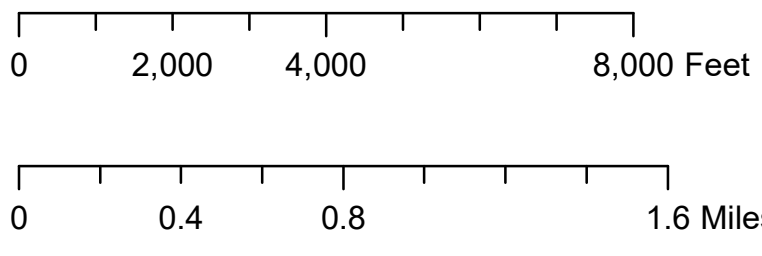
Completed USFS Fire Fuels Reduction Project

USFS Land

City of Walla Walla Land

Fire Starts:									
1970	1	1977	1	1991	1	2002	2	2013	1
1971	4	1982	1	1994	1	2006	2	2014	1
1972	1	1984	1	1996	1	2007	2	2015	2
1973	1	1987	1	1997	2	2008	1		
1975	3	1990	2	1999	4	2009	1		

Mill Creek Watershed Fire / Fire Fuels Reduction History



U:\GIS Data\USFS Watershed Data\Watershed Fire History Map March 2017 - 24x36.mxd



Umatilla National Forest and City of Walla Walla

Tiger Creek Prescribed Fire Roll-Out Plan

Last Updated: 05.29.2020

Rollout Plan

Action Plan

This timeline will be utilized to track completion of all the components described in this rollout plan. Ensure required notifications including to congressional staffs, stakeholders, and press releases are addressed here.

DATE	EVENT/OUTREACH	PARTICIPANTS/AUDIENCE	RESPONSIBLE
Mid-August 2020	Communication Product #1: news release announcing kick-off of RX fall program, benefits of RX fire. <i>*Note: could also do a news release specific to Tiger Creek, highlight the partnership, benefits, anticipated work that fall in Tiger Creek project area.</i> (sent out via direct email, social media, website, InciWeb, blog).	External	Darcy Weseman, Brenden Koch
September – October 2020	Communication Product #2: social media (Facebook, Twitter, blog) and/or website post regarding prep-work that goes into planning for an RX burn	External	Joby Sciarrino, Darcy Weseman, Brenden Koch, others?
Week of prescribed burn activities	Communication Product #3: News release sharing anticipated work in near future in Tiger Creek project area, benefits, temporary closures, and anticipated smoke impacts. (sent out via direct email, social media, website, InciWeb, blog).	External	Darcy Weseman, Brenden Koch
Day implementation begins (Oct. 2020)	Communication Product #4: Email notification announcing prescribed burning operations	External	Darcy Weseman, Brenden Koch, Joby Sciarrino
Day implementation begins (Oct.	Communication Product #5: Interactive Prescribed Fire Map is updated to show this area as an	External	Darcy Weseman, Brenden Koch, Andrew Stinchfield





DATE	EVENT/OUTREACH	PARTICIPANTS/AUDIENCE	RESPONSIBLE
2020)	active burn. Notice with link to map is posted on social media, blog and InciWeb.		
During implementation (Oct. 2020)	Communication Product #6: Social media posts with photos or videos of what prescribed burning operations look like and status update	External	Darcy Weseman, Brenden Koch
Implementation completion (Oct. 2020)	Communication Product #7: Email notice and social media update that implementation is complete. Safety messaging around entering a burned area, status of any temporary closures. Interactive RX map updated.	External	Darcy Weseman, Brenden Koch
Post implementation (Spring 2021?)	Communication Product #8: Opportunity to highlight benefits of burning, post-implementation photos/video, etc. for social media	External	Darcy Weseman, Brenden Koch

Target Audiences**External:**

- **Tribes**
 - Confederated Tribes of the Umatilla Indian Reservation
 - Nez Perce Tribe
- **County Commissioners (Oregon)**
 - Umatilla County
- **County Commissioners (Washington)**
 - Walla Walla County
- **US Congress**
 - Greg Walden, Eastern Oregon
 - Cathy McMorris-Rodgers, Eastern Washington
 - Ron Wyden, Oregon
 - Jeff Merkley, Oregon
 - Maria Cantwell, Washington
 - Patty Murray, Washington
- **State Representatives**
- **Federal, State and Local Agencies**
 - US Fish and Wildlife Service
 - NOAA National Marine Fisheries Service
 - Environmental Protection Agency
 - Bureau of Land Management
 - Oregon Department of Fish and Wildlife
 - Oregon Department of Transportation





- Washington State Parks
- Washington Department of Fish and Wildlife
- **Local Media**

Internal:

- Umatilla National Forest employees
- City of Walla Walla employees

Materials and Communication Tools

1. **News Releases**
 - a. RX Burning kick-off
 - b. Project specific news release
2. **Prescribed burning notice**
3. **Website**
4. **Interactive Prescribed Fire Map**
 - a. <https://usfs.maps.arcgis.com/apps/webappviewer/index.html?id=ea40c8491fea4805b328ac74cd41429e>
5. **InciWeb**
 - a. <https://inciweb.nwcg.gov/incident/5808/>
6. **Blog**
 - a. <https://bluemtnprescribedfire.blogspot.com/>
7. **Maps**
 - a. Vicinity Maps
 - b. Any closure areas
8. **Photos**
9. **Videos**





ar-3854

15 Min.

City Council - Work Session

Meeting Date: 06/22/2020

Item Title: Walla Walla County Building Inspection Agreement

Submitted For: Nabel Shawa, City Manager Office, Administration

Add'l Contributors:

Project No:

Funding/BARS No.:

Financial Comments:

The City will not receive revenue for building permits associated with WW County owned building within city limits.

Information

HISTORY:

WW County has requested that City to allow the County the authority to issue building permits through it's Department of Community Development and allow the County building official and inspectors to inspect County owned property within city limits. This request only applies to County owned buildings within the city limits of the City of WW.

POLICY ISSUES:

The request to provide this authority to County is not exceptional. For example, in Clark County the County transferred authority to allow cities to review and approve all building permits, public and private, for developments outside city limits, but within the city's assigned urban growth boundary.

ALTERNATIVES:

Don't approve the request.

CITY MANAGER COMMENTS:

Approved for City Council consideration.

Attachments

No file(s) attached.



ar-3851

15 Min.

City Council - Work Session

Meeting Date: 06/22/2020

Submitted For: Nabel Shawa, City Manager Office, Administration

Add'l Contributors:

Information

ITEM TITLE:

Virtual Open House. Discussion by Mayor Scribner.

Attachments

No file(s) attached.



ar-3858

20 Min.

City Council - Work Session

Meeting Date: 06/22/2020

Item Title: Amend low income utility discount

Submitted For: Nabel Shawa, City Manager Office, Administration

Financial Comments:

\$136,000. This amount is included in each year of the 2019/20 biennial budget.

All Contracts:

Not Applicable

Federally funded contracts only:

Not Applicable

Construction contracts only:

Not Applicable

Brief Summary of Requested Action:

City Council expanded the Utility Rate Low Income Discount program, effective January 2020, to all households. Previously the program was only available to low income senior citizens and low income disabled customers. Under the expanded program any low income household that meets the income requirements are now eligible. The low income limit is currently 125% of Federal Property Guidelines.

The City Council Finance Committee met with Blue Mountain Action Council members and staff on June 16, 2020 to review results from the expanded program. Under the previous program (seniors and disabled) 128 households were served. The program goals and funding anticipated under the expanded program anticipated 369 households would utilize this discount. Unfortunately only 7 additional households are currently served, bringing the current total served to 135. Far short of the Council's goal of 369.

Based on this low participation rate the Finance Committee recommends increasing the limit from 125% to 150% of Federal Poverty Guidelines. The 150% level aligns with the Federal energy assistance program income limits. It is hoped this income limit increase will result in a participation rate much closer to the goal of 369 households.

Information

HISTORY:

Provided above.

POLICY ISSUES:

Provide financial assistance to qualifying low income households.

ALTERNATIVES:

Leave as is at 125%.

STAFF RECOMMENDATION:

Raise the income limit to 150% of the Federal Poverty Guidelines.

CITY MANAGER COMMENTS:

Approved for City Council action.

Attachments

No file(s) attached.
