

ORDINANCE NO. 2642

AN ORDINANCE CREATING CHAPTER 13.05 OF THE MOSES LAKE MUNICIPAL CODE ENTITLED "WASTEWATER REGULATIONS"

THE CITY COUNCIL OF THE CITY OF MOSES LAKE, WASHINGTON ORDAINS AS FOLLOWS:

Section 1. Chapter 13.04 of the Moses Lake Municipal Code entitled "Sewer Regulations" is deleted in its entirety.

Section 2. Chapter 13.05 of the Moses Lake Municipal Code entitled "Wastewater Regulations" is created as follows:

13.05.010 Purpose: The purpose of this chapter is to set forth uniform requirements for discharges into the City of Moses Lake's POTW and to enable the City to protect public health in conformity with all applicable local, state and federal laws.

13.05.020 Abbreviations: The following abbreviations, when used in this Chapter, shall have the designated meaning:

- A. BOD Biochemical Oxygen Demand.
- B. FOG Fats, Oil, and Grease.
- C. mg/L Milligrams per liter, generally interchangeable with parts per million in water treatment calculations.
- D. POTW Publicly Owned Treatment Works.
- E. TDS Total Dissolved Solids.
- F. TSS Total Suspended Solids.

13.05.030 Definitions: Unless the context specifically indicates otherwise, the meaning of terms used in the chapter shall be as provided in this section:

- A. "BOD" means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures during five (5) days at 20° Celsius, usually expressed as a concentration of mg/L.
- B. "Building Sewer" means the sewer service line beginning two feet from the edge of the building and ending at the POTW's sewer main.
- C. "Dangerous Waste" is defined in WAC 173-303-040.
- D. "Domestic Wastewater" means water that carries human wastes, including toilet, kitchen, bath, and laundry wastes.
- E. "FOG" means polar and non-polar fats, oil, and grease that originate from animals, vegetables, petroleum, nonbiodegradable cutting oil, and mineral oil.
- F. "Forcemain" means a sanitary sewer main that is pressurized by a POTW lift station, or a sanitary sewer main that is pressurized by commercial or industrial users.
- G. "Garbage" means solid wastes from the preparation, cooking, and dispensing of food, and from the handling, storage, and sale of produce.

- H. "Industrial User" means a person that discharges industrial wastewater to the POTW.
- I. "Industrial Wastewater" means water or liquid that carries waste from industrial or commercial businesses. Apartment buildings containing three or more dwellings are considered a commercial business.
- J. "Interference" means a discharge alone or in conjunction with discharges by other sources that inhibits or disrupts the POTW, or the POTW's treatment operation, or biosolids processes, or that causes a violation of any requirement of the City's state waste discharge permit.
- K. "May" means permissive as allowed by the City Manager, City Council, Municipal Services Director, or the Department of Ecology.
- L. "Medical Waste" means isolation wastes, infectious agents, blood, blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.
- M. "Municipal Services Director" is the director who is responsible to the City Manager for management of the Public Works and Engineering Divisions, the supervision of departmental employees, and for the effective administration, construction, and development of public works, engineering, and related public facilities. The Municipal Services Director may designate representatives to assist in the performance of these duties.
- N. "Natural Outlet" means any outlet into a watercourse, pond, ditch, lake, or other body of surface water or groundwater.
- O. "Owner" means any part owner, joint owner, tenant in common, joint tenant, tenant by the entirety, of the whole, or a part of such building or land.
- P. "Pass Through" means a discharge that exits the POTW into waters of the United States in quantities or concentrations, alone or in conjunction with a discharge or discharges from other sources that creates a violation of any requirement of the City's state waste discharge permit.
- Q. "Person" means any individual, firm, company, association, society, corporation, or group.
- R. "pH" means a measurement of the acidity or alkalinity of a solution, expressed in standard units.
- S. "POTW" means the city owned system of gravity mains, force mains, pump stations, and wastewater treatment plants that convey and treat wastewater.
- T. "Pretreatment Standards" means general discharge prohibitions, City's specific limitations on discharge, State standards, or the National Categorical Pretreatment Standards for any specific pollutant, whichever standard is most stringent.
- U. "Pretreatment" means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in industrial wastewater prior to or in lieu of introducing such pollutants into the POTW. This reduction, elimination, or alteration can be obtained by physical, chemical, or biological processes; by process changes; or by other means. Diluting the concentration of the pollutants is only allowed by an applicable pretreatment standard.
- V. "Stormwater" means precipitation, groundwater, surface water, roof runoff, or subsurface drainage.
- W. "Shall" means a mandatory requirement.

- X. "Significant Industrial User" means an industrial or commercial user that meets one or more of the following criteria:
 - 1. Subject to Categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR chapter I, subchapter N.
 - 2. Discharges an average of 25,000 gallons per day or more of industrial wastewater to the POTW.
 - 3. Discharges industrial wastewater that exceeds 5 percent of the average dry weather hydraulic or organic capacity of the POTW treatment plant.
 - 4. The Department of Ecology determines that the industrial user has a reasonable potential for adversely affecting the POTW's operation or for violating pretreatment standards or requirements in accordance with 40 CFR.8(f)(6).
 - Y. "Slug Discharge" means any discharge at a flow rate or concentration that could cause a violation of this chapter, and any discharge not of a routine, regular, or episodic nature.
 - Z. "Total Dissolved Solids" means the portion of total solids in water or wastewater that passes through a specific filter.
 - AA. "Total Suspended Solids" means the portion of total solids that are floating or suspended in water, or wastewater; and that are removable by laboratory filtering.
 - BB. "User" means a person that is responsible for discharging wastewater to the POTW.
 - CC. "Wastewater" means domestic wastewater or industrial wastewater.
 - DD. "Waste Discharge Permit" means a permit required for every significant industrial user granting the privilege of discharging their industrial wastewater into the POTW.
- 13.05.040 Discharge of Wastewater into Natural Outlets: It is unlawful to discharge wastewater into any natural outlet.
- 13.05.050 Use of Privies and Septic Tanks: Except as permitted by the Grant County Health District, it is unlawful to construct any privy, privy vault, septic tank, cesspool, or other facility intended to be used for the disposal of wastewater.
- 13.05.060 Private Wastewater Systems:
- A. Septic tanks and alternative onsite disposal systems are prohibited for new subdivisions, except in heavy industrial zones where sewer treatment systems and onsite disposal systems may be allowed by City Council.
 - B. Wastewater systems including mains, manholes, lift stations and their appurtenances located in private streets, binding site plans and on private property shall be privately owned.
 - C. The construction plans for the installation of privately owned wastewater systems that discharge to the POTW shall be in compliance with the requirements of the Street and Utility Construction Standards, and shall be approved by the Municipal Services Director prior to construction. Furthermore, the Municipal Services Director will observe the installation of the wastewater system. The engineer of record shall inspect and direct the contractor to assure that the installation complies with the approved plans and specifications.

13.05.070 Prohibited Wastes: Except as provided in this chapter, no person shall discharge wastewater to the POTW that contains the following characteristics:

- A. A Temperature greater than 104°F.
- B. A FOG concentration greater than 100 mg/L.
- C. Substances that can solidify or become discernibly viscous at temperatures greater than 32°F.
- D. Pollutants that could create a fire or explosive hazard in the POTW, alone or by interaction, including waste streams with a closed-cup flashpoint of less than 140°F using the test methods specified in 40 CFR 261.21, 40 CFR 403.5(b)(1), or are capable of creating a public nuisance per WAC 173-216-060(2)(b)(ii).
- E. Solids or viscous substances that could cause an obstruction, pass through, or any other interference with the operation of the POTW.
- F. A pH less than 6.0 or greater than 11.0.
- G. Corrosive properties capable of causing damage or that are hazardous to POTW structures, equipment, or maintenance personnel.
- H. Dangerous wastes.
- I. Toxic or poisonous substances in sufficient quantity to interfere with any POTW processes, or constitute a hazard to humans, animals or the receiving waters of the POTW.
- J. Noxious or malodorous gases or substances capable of creating a public nuisance.
- K. A five (5) day BOD concentration greater than three hundred (300) mg/L.
- L. A TSS concentration greater than three hundred and fifty (350) mg/L.
- M. Unacceptable amounts of TDS that could cause an interference with the normal operation of the POTW. Limitations for TDS will be set after the Department of Ecology and the City review the engineering reports from the prospective discharger, and investigate alternatives to reduce TDS in the wastewater.
- N. A greater color than 15 color units.
- O. Stormwater.
- P. High volumes of wastewater with a low BOD per volume ratio that could adversely affect the treatment plants' process capabilities.
- Q. Swimming pool water.

13.05.080 Dangerous Wastes: The owner shall notify the Municipal Services Director, and the Department of Ecology, Eastern Region Dangerous Waste Unit, upon discovery of a discharge of dangerous waste to the POTW. The notification shall include the following:

- A. The contact person with phone number.
- B. The location and time.
- C. The name of the dangerous waste as set forth in Chapter 173-303 WAC.

- D. The dangerous waste number.
 - E. The type of discharge (continuous, batch, or other).
- 13.05.090 Significant Industrial Users: All significant industrial users shall obtain a waste discharge permit from the Department of Ecology and from the City prior to discharging industrial wastewater to the POTW.
- 13.05.100 Control Manholes: The Municipal Services Director may require an industrial user to install a suitable control manhole on the building sewer to facilitate observation, sampling, and measurement of the wastewater. Such manhole shall be accessible, safely located, and constructed in accordance with plans approved by the Municipal Services Director. The manhole shall be installed by the industrial user at the industrial user's expense, shall be maintained by the industrial user, and shall be safe and accessible at all times.
- 13.05.110 Tests and Analyses: All measurements, tests, and analyses of the characteristics of wastewater shall be performed in accordance with the Standard Methods for the Examination of Water and Wastewater by a Department of Ecology accredited laboratory. The samples shall be taken at the control manhole, when installed. When a specific control manhole is not required, the sample location shall be taken at the nearest downstream manhole in the POTW. When requested by the Municipal Services Director, a user shall submit information on the nature and characteristic of its wastewater to assure full compliance with this chapter. Samples taken to meet the requirements of this chapter shall be representative of the volume and nature of the test parameters, including representative sampling of any unusual discharge or discharge condition. All costs associated with testing and analyses shall be borne by the user.
- 13.05.120 Waste Discharge Permit: Statements contained in this chapter shall not be construed as preventing any waste discharge permit between the City Council, Department of Ecology, and an industrial user, whereby the wastewater of unusual strength or character may be approved by the City Council and the Department of Ecology for treatment, which may be subject to conditions.
- 13.05.130 Discharge to the POTW Without Physical Connection: Approval to discharge wastewater to the POTW without a physical connection to the POTW may be granted by the City Council provided the discharge shall not have any deleterious or damaging effects on the health and welfare of the City's residents, and that the discharge will be in the City's best interests. No wastewater shall be discharged in such a manner until the user receives a letter from the City stating that the City Council approved the request. Approval letters should include the following information:
- A. The payment rate.
 - B. The limitations on the quantity and quality of the wastewater.
 - C. A statement that "the approval is terminable by the City Council within thirty (30) days of written notice by the City to the user."
 - D. The location and method that the wastewater is allowed to be discharged to the POTW.
 - E. The periodic testing requirements of the wastewater.
- 13.05.140 Connection to the POTW Outside of the Corporate Limits: No connection shall be allowed unless authorized by the City Council. The authorization to discharge wastewater to the POTW shall include the requirement of the property owner to execute an extraterritorial utility extension agreement upon forms prepared by the City, unless the City Council enters into the record a finding that the property owner is incapable of executing such an agreement, as distinguished from the property owner's reluctance to execute the agreement. As a condition of approval, all building sewers and mains are subject to review and approval by the Municipal Services Director.

13.05.150 Requirement to Connect to the POTW: The owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purpose, situated within two hundred feet (200') of the POTW, is required at the owner's expense to connect such facilities directly to the POTW within six (6) months after the date of official notice to do so. Provided that, the connection shall not be required if the cost of making the connection, including system development charges, exceeds ten thousand dollars (\$10,000). The owner shall submit a detailed cost estimate to the Municipal Services Director for review. The determination of the cost of making the connection shall be made by the Municipal Services Director. The owner can appeal the decision to the City Council within ten (10) days of the decision of the Municipal Services Director. The decision of the City Council shall be final. Furthermore, if the owner is not required to make a connection because of cost, at such time as the septic system fails, either the tank or the drain field, the connection to the City's sewer system shall be required and made.

13.05.160 Wastewater Industrial User Survey: When requested by the City, owners of all commercial and industrial facilities that discharge or plan to discharge wastewater to the POTW shall complete a Wastewater Industrial User Survey on forms supplied by the City. The Wastewater Supervisor shall determine if the Industrial User Survey form is complete.

13.05.170 Permit Requirements:

- A. A Street and Utility Construction Permit is required and shall be obtained before uncovering, connecting to, opening into, altering, or disturbing any municipal improvement.
- B. A waste discharge permit is required and shall be obtained from the City and the Department of Ecology before a significant industrial user discharges wastewater into the POTW.
- C. A plumbing permit is required and shall be obtained before a building sewer is installed, except for building sewers that are installed outside of the City's corporate limits.

13.05.180 Discharge to the POTW: The following items are required to be completed, when applicable, prior to discharging to the POTW:

- A. Application forms:
 - 1. Utility Service Request – Engineering Division.
 - 2. Request for Utility Service – Finance Department.
- B. Fees are paid:
 - 1. Utility service charge – Finance Department.
 - 2. System development charges listed in MLMC 3.62 – Engineering Division.
 - 3. Private reimbursement fees – Engineering Division.
 - 4. Reimbursement fees listed in MLMC 13.08 – Engineering Division.
 - 5. Waste Discharge Permit fees listed in MLMC 3.54 – Operations Division.
- C. The wastewater improvements that are being dedicated to the City have been completed and accepted by the City.
- D. An extraterritorial agreement is recorded at the Grant County Auditor's Office.
- E. The waste discharge permits are approved by the City and the Department of Ecology.

F. A Wastewater Industrial User Survey has been submitted to the Wastewater Division Supervisor that is deemed to be complete.

13.05.190 **Building Sewers:** All costs and expenses incident to the installation and connection to the POTW shall be borne by the owner. The property owner shall indemnify the City from loss or damage that is directly or indirectly occasioned by the connection of the building sewer to the POTW.

New buildings may only connect to existing building sewers when the building sewer meets all requirements of this chapter and the Washington State adopted International Building Code.

13.05.200 **Separate Building Sewers:** A separate and independent building sewer shall be provided for every building and subdivided lot, each with separate connection to the POTW, with the following exceptions:

- A. When separate buildings are an integral part of a single business or industry and are located on the same lot.
- B. When separate buildings are under the same ownership and located on the same lot.
- C. When buildings are located within a binding site plan and the buildings are connected to a private sewer main.
- D. When buildings are located within a planned development district zone and the buildings are connected to a private sewer main.

13.05.210 **Connection to Force Mains:** The Municipal Service Director may allow property owners to connect to a POTW force main. A valve shall be installed on the property owner's service line at the tee on the city-owned main. Furthermore, all wastewater that contains solids must pass through a septic tank prior to being pumped into the POTW's force main.

13.05.220 **Sewer Main Grades:** All new sewer mains shall be installed at the minimum grade per the current edition of the Department of Ecology's publication Criteria for Sewage Design (Orange Book). The Municipal Services Director may approve a steeper grade if the gravity sewer service to future developments will not be impacted.

13.05.230 **Community Street and Utility Standards:** Construction for the installation and repairs of municipal and privately owned wastewater systems that discharge to the POTW shall meet the requirements of the Community Street and Utility Standards.

13.05.240 **Ownership:** The limits of ownership for mains and building sewers that are located within the City's right-of-way and municipal easements are defined below.

- A. **City-Owned Mains:** The City shall have ownership of the sewer mains and appurtenances, provided that they have been accepted by the City Council.
- B. **Privately Owned Mains:** Property owners shall retain ownership for sewer mains and appurtenances that only serve their property. The property owner's sewer main shall include all its pipe and appurtenances up to the point of connection to a city-owned sewer main, including the wye, tee, or other connecting device to a city-owned sewer main, but does not include the manhole that is installed on a city-owned sewer main; and where a valve is installed to a tee on a city-owned pressure sewer main, the City shall own the tee and valve, and the owner shall retain ownership of all pipe and appurtenances upstream of the city-owned valve.
- C. **Gravity Building Sewers:** Property owners shall retain ownership for gravity building sewers, up to and including the wye, tee, or other connecting appurtenance on a city-owned sewer main.

D. Pressurized Building Sewers: Property owners shall retain ownership for pressurized building sewers up to and including the wye, tee, or other connecting device to a city-owned sewer main; except that, if a valve is installed to a tee on a city-owned sewer main, the City shall own the tee and valve and the owner shall retain ownership of all pipe and appurtenances upstream of the city-owned valve.

13.05.250 Notice to Cease Violation: Any person found to be violating any provision of this chapter shall be served by the City with a Notice of Violation and Order to Correct or Cease Activity as provided in Chapter 1.20 issued by the Municipal Services Director. The offender shall permanently cease all violations within the period of time stated in such notice.

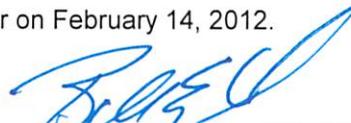
13.05.260 Penalties for Continued Violation: Failure or refusal to comply with the Notice and Order provided in this chapter shall constitute grounds for discontinuing water and sewer service to the premises until the Municipal Services Director determines that such requirements have been satisfactorily met.

13.05.270 Liability for Expense or Damage:

- A. Damage resulting from an accident or from unauthorized or improper use of the POTW shall become an obligation against the person causing such damage.
- B. Additionally, any person violating any of the provisions of this chapter shall become liable to the City for any expense, loss, or damage occasioned to the City by reason of such violation. The City shall be compensated for such loss within thirty (30) days of notification to the violator of the costs. If not satisfied by that time, the costs shall be filed as a lien against the property.

Section 3. This ordinance shall take effect and be in force five (5) days after its passage and publication of its summary as provided by law.

Adopted by the City Council and signed by its Mayor on February 14, 2012.



Bill Ecret, Mayor

ATTEST:



Ronald R. Cone, Finance Director

APPROVED AS TO FORM:



Katherine L. Kenison, City Attorney