

ORDINANCE NO. 2810

AN ORDINANCE AMENDING 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 13.05 of the Moses Lake Municipal Code entitled "Wastewater Regulations" is amended as follows:

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. "Force main" 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. "Low Pressure Main" means a sanitary sewer main that is not pressurized by a POTW lift station, and receives wastewater from low volume pumping systems.
- L. "May" means permissive as allowed by the City Manager, City Council, Municipal Services Director, or the Department of Ecology.
- M. "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.
- N. "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.

- O. "Natural Outlet" means any outlet into a watercourse, pond, ditch, lake, or other body of surface water or groundwater.
- P. "Owner" means property owner, part owner, joint owner, tenant in common, joint tenant, tenant by the entirety, of the whole, or a part of such building or land.
- Q. "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 create a violation of any requirement of the City's state waste discharge permit.
- R. "Person" means any individual, firm, company, association, society, corporation, or group.
- S. "pH" means a measurement of the acidity or alkalinity of a solution, expressed in standard units.
- T. "POTW" means the City owned system of gravity mains, force mains, pump stations, and wastewater treatment plants that convey and treat wastewater.
- U. "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.
- V. "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.
- W. "Stormwater" means precipitation, groundwater, surface water, roof runoff, or subsurface drainage.
- X. "Shall" means a mandatory requirement.
- Y. "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).
- Z. "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.

- AA. "Total Dissolved Solids" means the portion of total solid in water or wastewater that passes through a specific filter.
- BB. "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.
- CC. "User" means a person that is responsible for discharging wastewater to the POTW.
- DD. "Wastewater" means domestic wastewater or industrial wastewater.
- EE. "Waste Discharge Permit" means a permit required for every significant industrial user granting the privilege of discharging their industrial wastewater into the POTW.

13.05.060 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 Community Street and Utility 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.
- D. Before privately owned metered sewer mains and service lines connect to the POTW, a perpetual access easement, access easement dedication on a plat, or other legal device approved by the City Attorney is required to be accepted by the City Council to allow City staff to access the meters and electronic reading devices.

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. Industrial process water with a color greater than 100 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.

13.05.150 Requirement to Connect to the POTW:

- A. New Buildings: Newly constructed buildings having human occupancy, as defined in the International Building Code, shall be connected to the POTW.
- B. Existing Buildings: The owner of an existing building having human occupancy, as defined the International Building Code, that is situated within two hundred feet (200') of the POTW, is required at the owner's expense to connect such building 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. 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.
 - 1. In accordance with RCW 35A.21.390, the owner of a single-family residence can appeal the requirement to connect to the POTW to the City Council within ten (10) days after notice of the Municipal Services Director's decision is mailed via certified mail to the owner. The appeal shall be in writing and shall be signed by the owner by declaration under penalty of perjury as to the truth of the matters stated in the appeal, pursuant to RCW 9A.72.085. The written appeal notice shall contain or be accompanied by the following information:
 - a. Specific basis on which the owner contests the Municipal Services Director's decision.
 - b. All documentation or other evidence supporting the owner's appeal, including any expert testimony.
 - c. The current address of the owner.

d. A brief statement of the relief sought and the reasons why the Municipal Services Director's decision should be reversed, modified or otherwise set aside.

2. The appeal hearing before the City Council shall be scheduled for the next available City Council meeting, and notice of the appeal hearing date shall be mailed via certified mail to the owner at the address listed in the notice of appeal. Failure of the owner to appear and prosecute the appeal shall constitute a waiver of the right to appeal granted under this section. The decision of the City Council shall be final.

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 are submitted as follows:

1. Utility Service Request to Engineering Division.
2. Request for Utility Service to Finance Department.

B. Fees are paid as follows:

1. Utility service fee to Finance Department.
2. System development charges listed in MLMC 3.62 to Engineering Division.
3. Private reimbursement fees to Engineering Division.
4. Reimbursement fees listed in MLMC 13.08 to Engineering Division.
5. Waste discharge permit fees listed in MLMC 3.54 to Operations Division.

C. The wastewater improvements that are being dedicated to the City have been completed and accepted by the City. The private wastewater improvements that are not being dedicated to the City have been satisfactorily pressure tested and videoed.

D. An extraterritorial agreement is recorded at the Grant County Auditor's Office.

E. The waste discharge permits are executed 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.

13.05.210 Connection to Force Mains:

A. The Municipal Service Director may allow owners to connect to a POTW force main. A valve shall be installed on the 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.

B. The City shall not be responsible for any backflow from the POTW into the owners service line nor shall the City be responsible for any damages, claims, or losses resulting therefrom.

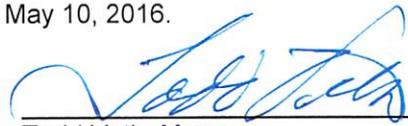
13.05.240 Ownership: The limits of ownership for mains and building sewers that are located within the City's right-of-way and municipal easements are defined below.

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: Owners shall retain ownership for sewer mains and appurtenances that only serve their property, The 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 force 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: 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: 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.

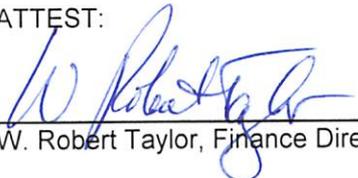
Section 2. This ordinance shall take effect and be in force five (5) days after its passage and publication of its summary as provided by law.

Adopted by the City Council and signed by its Mayor on May 10, 2016.



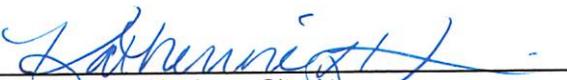
Todd Voth, Mayor

ATTEST:



W. Robert Taylor, Finance Director

APPROVED AS TO FORM:



Katherine L. Kenison, City Attorney