

**CITY OF UNION GAP, WASHINGTON**  
**ORDINANCE NO. 2717**

**AN ORDINANCE** amending Sections 12.12.060 and 12.12.070 of the Union Gap Municipal Code to revise the Local Limits of the City of Union Gap's Pretreatment Program to prevent pass-through or interference with the Publicly Owned Treatment Works (POTW) and to protect the receiving waters of the State.

**WHEREAS**, the City of Union Gap ("City") must implement a wastewater pretreatment program, to control discharges from all industrial users to the wastewater treatment and disposal system, pursuant to requirements set out in 40 CFR Part 403, Chapter 90.48 RCW, Chapters 173-208 WAC, 173-216 WAC, 173-201A WAC, and 173-240 WAC and the Regional Wastewater Treatment Plant's (WWTP) National Pollution Discharge Elimination System Permit ("NPDES Permit"); and

**WHEREAS**, the City has implemented, and received authority from the Washington State Department of Ecology ("Ecology") for a fully delegated pretreatment program, including the issuance of wastewater discharge permits to industrial dischargers and the authority to enforce such permits; and,

**WHEREAS**, review and revision of the City's local limits is necessary in providing industrial users discharge limits based on actual discharge characteristics of current loadings in order to prevent pass-through or interference at the POTW and to protect the receiving waters of the State; and,

**WHEREAS**, Union Gap Municipal Code (UGMC) Chapter 12.12 requires periodic review and revision of the City's local limits as a requirement of the City's NPDES permit with Ecology;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF UNION GAP:**

**Section 1. Section 12.12.060 of the City of Union Gap Municipal Code is amended to read as follows:**

**12.12.060 Pretreatment standards and requirements.**

A. No person shall discharge or cause to be discharged to the POTW, directly or indirectly, any unpolluted waters such as stormwater, surface water, groundwater, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, or noncontact cooling water, and unpolluted industrial wastewater to any sewer or natural outlet, unless approved by the Public Works Director and other regulatory agencies whose approval is required by law.

B. No person shall discharge or cause to be discharged to the POTW, directly or indirectly, any pollutant or wastewater which will cause interference or pass through. Furthermore, no discharger shall discharge or cause to be discharged to the POTW, directly or indirectly, any of the following described substances unless prior written approval has been obtained from the Public Works Director:

1. Any liquids, solids, or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction to cause fire or explosion or to be injurious in any other way to the operation of the POTW, including, but not

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limited to, wastestreams with a closed cup flashpoint of less than one hundred forty (140) degrees Fahrenheit or sixty (60) degrees Centigrade using the test methods specified in 40 CFR 261.21. At no time shall two successive readings on a combustible gas meter, at the point of discharge into the system (or at any point in the system), be over five percent (5%), nor any single reading over ten percent (10%) of the lower explosive limit (LEL) of the meter. Prohibited materials include, but are not limited to, gasoline, fuel oil, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and any other substances which are a fire hazard or hazard to the POTW.

2. Solid or viscous substances in quantities or of such size that they will or may cause reduction of the effective cross-sectional area of a sewer, obstruction to the flow in a sewer, or other interference with the operation of the POTW. In no case may solids greater than one-fourth (1/4) inch in any dimension be discharged to the POTW.
3. Any wastewater having a pH less than 5.5 or higher than 10.0, or having any other corrosive property capable of causing damage or hazard to structures, equipment, or personnel of the system.
4. Any wastewater having a BOD of more than three hundred (300) mg/L.
5. Any wastewater having a suspended solids content of more than three hundred (300) mg/L.
6. Any wastewater having a chlorine demand of more than twenty (20) mg/L.
7. Any wastewater having an animal/vegetable (polar) based floatable oil, fat waste, oil, or grease (whether or not emulsified), hexane or ether-soluble matter content in excess of one hundred (100) mg/L; or a mineral/petroleum (non-polar) based oil or grease (whether or not emulsified), hexane or ether-soluble matter content in excess of one hundred (100) mg/L; or any petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through; or any substance which may solidify or become discernibly viscous at temperatures above zero degrees Centigrade (0 degree C)(32 degrees F).
8. Any wastewater containing pollutants in sufficient quantity or concentration, either singly or by interaction, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, or to exceed the limitation set forth in categorical pretreatment standards, or state or local standards.
9. Any pollutants which result in the presence of toxic, noxious or malodorous liquids, gases, vapors, fumes, or solids within the POTW in a quantity that which either singly or by interaction are capable of creating a public nuisance or hazard to life or causing acute worker health and safety problems, or are sufficient to prevent entry into the sewers for their maintenance and repair.

10. Any substance which may cause the POTW's effluent or treatment residues, biosolids, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case shall a substance be discharged to the POTW that, either alone or in combination with other discharges, will cause the POTW to be in noncompliance with biosolids use or disposal criteria, guidelines or regulations developed under section 405 of the Act; or with any criteria, guidelines, or regulations affecting biosolids use or disposal developed pursuant to the Solid Waste Disposal Act, 42 U.S.C. 6901 et seq., as now or as it may be amended, the Clean Air Act, 42 U.S.C. 7401 et seq., as now or as it may be amended, the Toxic Substances Control Act (TSCA), 15 U.S.C. 2601 et seq., as now or as it may be amended, or similar state statutes or regulations applicable to the biosolids management method being used.
11. Any substance which will cause the POTW to violate the Regional WWTP NPDES and/or other disposal system permits.
12. Any 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 Regional WWTP NPDES permit. Color, alone or in combination with turbidity, shall not cause the treatment plant effluent to reduce the depth of the compensation point for photosynthetic activity by more than ten percent (10%) from the seasonably established norm for aquatic life.
13. Any slugload.
14. Any sludges, screenings, or other residues from the pretreatment of industrial wastewater discharges.
15. Any wastewater containing any radioactive wastes or isotopes of such half-life or concentration as exceed limits established by the City in compliance with applicable state or federal regulations.
16. Any wastewater which causes a hazard to human life or creates a public nuisance.
17. Any medical wastes.
18. Any wastewater causing the treatment plant's effluent to fail a toxicity test.
19. Any wastes containing detergents, surface active agents, or other substances in such concentrations that they may cause excessive foaming in the POTW.
20. Persistent pesticides and/or pesticides regulated by the Federal Insecticide Fungicide Rodenticide Act (FIFRA), 7 U.S.C. 136 et seq., as now or as it may be amended.

C. No discharger shall discharge or cause to be discharged to the POTW, directly or indirectly, any of the following described substances unless discharged pursuant to a valid wastewater discharge permit:

1. Any wastewater with a temperature which will inhibit biological activity in the POTW treatment plant resulting in interference; but in no case, wastewater with a temperature at the introduction into the POTW which exceeds forty degrees Centigrade (40 degrees C) (104 degrees F).
2. Any trucked or hauled pollutants, except pursuant to section 12.12.420.
3. Any dangerous wastes as defined in chapter 173-303 of the Washington Administrative Code (WAC), as now or as it may be amended.
4. Flows which have the potential to adversely affect the hydraulic loading of the POTW, including the following categories:
  - a. Non-contact cooling water;
  - b. Storm water and other direct inflow sources; and
  - c. Non-polluted water or water which does not require significant treatment.

D. Wastes prohibited by this section shall not be processed or stored in such a manner that they could be discharged to the POTW. All floor drains located in process or materials storage areas must discharge to the industrial discharger's pretreatment facility prior to discharging to the POTW.

E. The general and specific prohibitions provided by this section apply to all dischargers to the POTW whether or not the discharger is subject to categorical pretreatment standards or requirements.

**Section 2. Section 12.12.070 of the City of Union Gap Municipal Code is amended to read as follows:**

**12.12.070 Limitations on wastewater strength.**

A. National categorical pretreatment standards as adopted and hereafter amended or modified by the U.S. Environmental Protection Agency (EPA) pursuant to the Act shall be met by all dischargers of the regulated industrial categories. The national categorical standards found at 40 CFR chapter I, subchapter N, parts 405 through 471 are hereby incorporated.

B. State requirements and limitations on discharges to the POTW shall be met by all dischargers which are subject to such standards in any instance in which they are more stringent than federal requirements and limitations, or those in this chapter or any other applicable ordinance.

C. The City may, from time to time, amend this chapter to provide for more stringent limitations or requirements on discharges to the POTW if such amendments are deemed necessary to comply with the objectives set forth in section 12.12.010 of this chapter, or are otherwise in the public interest.

D. No discharger shall dilute its waste stream with potable or process water in any way, nor mix separate waste streams for the purpose of diluting a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the standards set forth in this chapter.

E. No discharger shall discharge wastewater containing concentrations (and/or mass limitations) that exceed any of the following local discharge limits unless prior written approval has been obtained from the Public Works Department:

<u>Pollutant</u> <sup>(1)</sup>	<u>Daily Maximum Concentration (mg/L)</u>
Arsenic (As).....	0.48
Cadmium (Cd) .....	0.049
Chloroform.....	0.67
Chromium (Cr) .....	5.0
Chromium (VI) .....	0.43
Copper (Cu) .....	0.30
Lead (Pb).....	0.19
Mercury (Hg) .....	0.002
Molybdenum (Mo).....	1.14
Nickel (Ni) .....	2.0
Selenium (Se).....	0.419
Silver (Ag) .....	0.06
Sulfide (liquid phase).....	0.5
Zinc (Zn) .....	4.2
beta-BHC .....	0.01516
Endosulfan .....	0.06964
Endrin.....	0.00383
alpha-Chlordane.....	0.00716
gamma-Chlordane.....	0.00367
Chlorpyrifos .....	0.01298
Lindane .....	0.13324
Benzene.....	0.05 <sup>(3)</sup>
BTEX <sup>(2)</sup> .....	0.75 <sup>(3)</sup>

(1) All pollutants are analyzed and reported as total mg/L.

(2) BTEX is the sum of the measured concentrations of Benzene, Toluene, Ethylbenzene and Xylene.

(3) These pollutants are based upon treatment technology (air stripping/carbon capture) and are developed for discharges from groundwater cleanup or remediation activities or other effluents containing Benzene and/or BTEX and requiring the installation of treatment.

The above 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. An industrial user, through enforcement action and/or permit compliance schedule, may be required to install treatment or otherwise reduce or halt a discharge of a pollutant to maintain compliance with Pretreatment Standards and Requirements and prevent interference with the operation of the POTW, pass through and adverse effects on the quality of the receiving waters, contamination of municipal biosolids, health and safety hazards to workers in the POTW, or violations of applicable federal or state regulations.

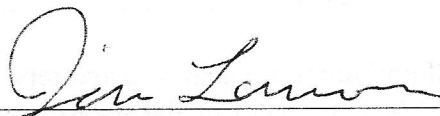
The City may impose mass limitations on discharges in cases where necessary to be consistent with federal categorical pretreatment standards. Where a discharger is subject to a Categorical Pretreatment Standard and a local limit for a given pollutant, the more stringent limit or applicable pretreatment standard shall apply.

F. The City may establish more stringent pollutant limits, mass-based limits, additional site-specific pollutant limits. Best Management Practices, or additional Pretreatment Requirements when, in the judgment of the City such limitations are necessary to implement the provisions of this Chapter. All known, available, and reasonable methods of pretreatment, in accordance with RCW 90.48.010 and WAC 173-216-020(1), shall be used by a discharger to bring into compliance a wastewater discharge that does not comply with standards set forth in this chapter.

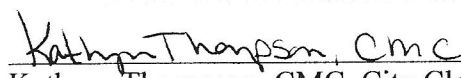
G. The City reserves the right to enter into special agreements with industrial dischargers setting out special terms under which they may discharge wastewater to the POTW. In no case will a special agreement waive compliance with a pretreatment standard or requirement. However, the industrial discharger may request a net gross adjustment to a categorical standard in accordance with 40 CFR 403.15. They may also request a variance in accordance with 40 CFR 403.13 from the categorical pretreatment standard from EPA. Such a request will be approved only if the industrial discharger can prove that factors relating to its discharge are fundamentally different from the factors considered by EPA when establishing that pretreatment standard. An industrial discharger requesting a fundamentally different factor variance must comply with the procedural and substantive provision in 40 CFR 403.13.

**ORDAINED** this 11<sup>th</sup> day of April, 2011.

**CITY OF UNION GAP, WASHINGTON**

  
Jim Lemon, Mayor

ATTEST:

  
Kathryn Thompson, CMC, City Clerk

APPROVED AS TO FORM:

  
Robert F. Noe, City Attorney