

ORDINANCE NO. 1725

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BONNEY LAKE, PIERCE COUNTY, WASHINGTON, AMENDING SECTIONS 13.14.210, 13.14.330, 13.14.430, 13.14.500, 13.14.510, 13.14.530, 13.14.550, 13.14.650, 13.14.760, 13.14.840, 13.14.1180, 13.14.1500 OF THE BONNEY LAKE MUNICIPAL CODE TO INCORPORATE THE DEPARTMENT OF ECOLOGY'S COMMENTS ON PRETREATMENT REGULATIONS AND TO CORRECT TYPOGRAPHICAL AND NUMERICAL ERRORS; PROVIDING FOR SEVERABILITY AND CORRECTIONS; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, in 2021, the Washington Department of Ecology made Bonney Lake a co-permittee for the National Pollutant Discharge Elimination System (NPDES) Waste Discharge Permit No. WA-0023353 by listing them as a Contributing Jurisdiction in the reissued permit. The reissued permit required all jurisdictions that contribute wastewater to the Sumner WWTF to assume responsibility of the federally required Pretreatment Program from the State of Washington and to adopt pretreatment regulations consistent with federal and state laws, including the Washington Administrative Code Chapter 173-216, the Clean Water Act, 33 U.S.C. Section 1251 et seq., and the General Pretreatment Regulations, 40 C.F.R. Part 403; and

WHEREAS, in January 2024, Bonney Lake and Sumner entered into a new Interlocal Agreement for Coordination of Cooperative Wastewater Services to provide for continued treatment and disposal of regional sanitary sewage, within which Bonney Lake designated Sumner as its agent for implementing and enforcing the Sumner – Bonney Lake Joint Pretreatment Program (JPP) for nondomestic users within Bonney Lake's sewer service area; and

WHEREAS, the Bonney Lake City Council adopted Ordinance No. 1719 on May 28, 2024, adopting code required for the City to have the legal authority to implement and manage a pretreatment program that is compliant with state and federal pretreatment program requirements; and

WHEREAS, the Department of Ecology reviewed the Joint Sumner-Bonney Lake Pretreatment Program Request for Delegation, submitted on June 1, 2024, and provided comments requiring specific revisions to ensure compliance with both state and federal regulations; and

WHEREAS, program staff have identified certain clerical and typographical errors in the existing Sewer Ordinance that require correction to accurately reflect the original intent of the provisions; and

WHEREAS, the proposed revisions to Chapter 13.14 (Pretreatment Regulations) of the Bonney Lake Municipal Code address these administrative errors and incorporate the Department of Ecology’s comments and requirements, ensuring the continued effectiveness and compliance of the City’s program; and

WHEREAS, the proposed revisions also include updates to definitions and necessary modifications to align with current state regulatory standards; and

WHEREAS, the Bonney Lake City Council has determined that it is in the best interest of the City, and in the interest of public health, safety, and welfare, to adopt the revised Pretreatment Regulations consistent with the Joint Pretreatment Program Regulations.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BONNEY LAKE, WASHINGTON, ORDAINS AS FOLLOWS:

Section 1. Section 13.14.210 of the Bonney Lake Municipal Code is hereby amended to read as follows:

13.14.210 Definitions

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

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

Accredited Laboratory. Any laboratory accredited under the provisions of, Accreditation of Environmental Laboratories, Chapter 173-50 Washington Administrative Code (WAC).

AKART. All known, available, and reasonable methods of prevention, control, and treatment. AKART represents the most current methodology that may reasonably be required for preventing, controlling, or abating the Pollutants associated with a Discharge. The concept of AKART applies to both point and nonpoint sources of pollution. The term Best Management Practices is a subset of the AKART requirement.

Ammonia (NH₃ or NH₃-N). All the nitrogen in water, sewage, or other liquid waste present in the form of ammonia, ammonia ion or in the equilibrium NH + NH + H +, expressed as mg/L.

Approval Authority. Ecology’s Water Quality Program Manager or designee.

Authorized Representative of the Nondomestic User.

1. If the nondomestic user is a corporation, regardless of form:
 - a. The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other individual or 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 Nondomestic User is a partnership or sole proprietorship, regardless of form: a general partner or proprietor, or Person who performs similar policy or decision-making functions for the partnership or sole proprietorship.
3. If the Nondomestic 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.

The individuals described above 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 Director.

Auto Related Business (ARB). Any commercial business conducting automobile and other vehicle repair, maintenance, washing, painting, salvaging services or selling automobiles or parts.

Best Management Practices or BMPs. Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in Section 2.A(A) and (B) of these Pretreatment Regulations and 40 CFR Part 403.5(a)(1) and (b). BMPs may 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.

Biochemical Oxygen Demand or BOD. The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five (5) days at 20 degrees centigrade, usually expressed as a concentration (e.g., mg/L).

Bypass. the intentional diversion of waste streams from any portion of a nondomestic user's pretreatment facility.

Categorical Pretreatment Standard. Any regulation containing pollutant discharge limits promulgated by the 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 Nondomestic User and which appear in 40 CFR Chapter I, Subchapter N, Parts 405471.

Categorical Industrial User or CIU. A nondomestic user subject to a categorical pretreatment standard.

Contributing Jurisdiction. A county, city, town, water-sewer district, public utility district, other special purpose district, municipal corporation, or other unit of local government of this or another state and any Indian tribe recognized as such by the United States government authorized by law to provide a system of sewers for the collection, transmission, or treatment of Wastewater that has entered into an agreement with the Control Authority that provides for acceptance of some or all of that entity's Wastewater. The City is the Contributing Jurisdiction to the Sumner Wastewater Treatment Facility.

Control Authority. The city of Sumner, as the owner of the Sumner Wastewater Treatment Facility (WWTF) who administers and manages the overall affairs of the WWTF, including treatment operations and without limitation the administration of these Pretreatment Regulations.

Control Document. A wastewater discharge permit or any other formal written wastewater discharge authorization or prohibition issued by the director.

Composite Sample. A representative composite of samples of a waste stream taken throughout the period of a calendar day, or equivalent representative 24-hour period, when discharges are produced by a regulated activity. Composite samplers must interface with a flow metering device to produce a representative flow proportionate composite sample unless the director has determined that flow proportionate samples are not required or the analyte is not amenable to composite sampling (ph, temperature, oil, etc.).

Daily Maximum Limit. The maximum allowable discharge of a pollutant over a calendar day or equivalent representative 24-hour period. Where daily 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 24-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.

Dangerous Waste. Solid wastes designated in Washington Dangerous Waste Regulations WAC 173-303-070 through 179-303-100 as dangerous, or extremely hazardous or mixed waste. The waste may be any of the following: characteristics hazardous waste (toxicity, corrosivity, ignitability, reactivity); listed hazardous waste; and/or state-only dangerous waste for toxicity or persistence.

Dental Establishment. 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 (POTW).

Director. Public works director of the control authority, or the designee of the director, including without limitation any designated officer, employee or other representative of any contributing jurisdiction, who is delegated certain duties and responsibilities by this chapter.

Discharge or Indirect Discharge. The introduction of pollutants into the POTW from any nondomestic user or nondomestic source subject to this chapter or other state or federal regulations.

Domestic User. Any person who contributes, causes, or allows the contribution of wastewater to the POTW that the director determines is of similar volume and/or chemical make-up to that of a residential dwelling unit. Discharges from a residential dwelling unit typically include kitchen wastes, human wastes, and housekeeping cleaning materials in volumes and/or concentrations normally discharged from these classes of users and typically include up to 100 gallons per capita per day, 30 mg/L NH₃, 300 mg/L of BOD, and 300 mg/L of TSS.

Domestic Wastewater. A source of waste or wastewater generated from activities at a residential dwelling unit.

Ecology. The Washington State Department of Ecology.

Engineering Report. A document that thoroughly examines the engineering and administrative aspects of a particular nondomestic wastewater facility. The report shall contain the appropriate information required in WAC 173-240-060 or 173-240-130.

EPA. The United States Environmental Protection Agency or, where appropriate, the Director of the Region 10 Water Division, or other duly authorized official.

Existing Source. Any source of discharges subject to categorical pretreatment standards and discharging prior to the promulgation of those standards or otherwise not meeting the definition of a new source.

Fats, Oils and Grease (FOG). Components of wastewater able to be measured by the methods described in the current edition of standard methods for the examination of water and wastewater, or methods identified in 40 CFR Part 136. The term “fats, oils and grease” shall include polar and nonpolar fats, oils, and grease and other components extracted from wastewater by these method.

Food Processing Establishment. Any establishment in which food is prepared, manufactured, or packaged, for consumption off site.

Food Service Establishment. Any establishment for the preparation and/or serving of food, or other edible products and/or are required to have a food business permit issued by the Tacoma-Pierce County health department. This term includes but is not limited to restaurants, coffee shops, cafeterias, breweries, wineries and distilleries, short order cafes, grocery store delis, luncheonettes, taverns, lunchrooms, places which manufacture retail sandwiches, church kitchens, childcare facility where food is prepared, adult care facility, institutional cafeterias, catering establishments, mobile food vending vehicles, food trucks, mobile vendor and operations connected therewith, and similar facilities by whatever name called.

Grab Sample. A sample which is taken from a wastestream without regard to the flow in the wastestream and over a period of time not to exceed 15 minutes.

Gravity Grease Interceptor. A grease interceptor of at least 1,000 gallons to serve one or more fixtures and which is remotely located underground and outside of a food service establishment. It is designed to collect, contain or remove food wastes and FOG from the wastestream while allowing the balance of the liquid waste (“gray water”) to discharge to the wastewater collection system by gravi.

Grease Interceptor. A pretreatment device designed to separate and collect fats, oils, grease, and solids and prevent these pollutants from entering the sanitary sewer. Grease interceptors may be either hydromechanical grease interceptors

(HGIs) or gravity grease interceptors (GGIs) and shall meet the requirements of BLMC 13.14.400 and 13.14.410. Grease interceptors shall be located to allow access for inspection and maintenance.

Grease Trap. A device designed to retain FOG from one to a maximum of four fixtures, with a maximum capacity of 50 gpm/100 pounds, and a minimum of 20 gpm/40 pounds. Grease traps shall be located to allow access for inspection and maintenance.

Hauled Waste. A waste transported by haulers and discharged to a POTW through a conveyance system other than a pipe (e.g., by truck or rail). Hauled waste might be sewage or domestic waste, or it might include nondomestic waste, or a combination of both types of waste.

Hazardous Waste. Any waste designated as hazardous under the provisions of 40 CFR 261 or a dangerous waste under Chapter 173-303 WAC – State Waste Discharge Permit Program, Dangerous Waste Regulations.

High Strength Waste or Wastewater. Any waters or wastewater having concentrations of BOD or TSS in excess of 300 mg/L, having concentrations of NH₃ in excess 30 mg/L, or having concentrations of FOG in excess of 100 mg/L.

Hydromechanical Grease Interceptor. A device located inside a food service establishment designed to retain FOG from fixtures whose total capacity in gallons (gal) (L) shall not exceed two and one-half times the certified gallons per minute (gpm) (L/s) flow rate of the interceptor in accordance with the Uniform Plumbing Code. It is designed to collect, contain, or remove food wastes and FOG from the wastestream while allowing the balance of the liquid waste to discharge to the wastewater collection system by gravity or mechanical means.

Industrial User. See definition for nondomestic user.

Industrial Waste. Any nondomestic waste, including without limitation, solid, liquid, or gaseous waste resulting from any commercial, industrial, manufacturing, trade, health service, educational institution, business, laboratory, research establishment or facility, or from the development, recovery, or processing of natural resources.

Industrial Wastewater. Nondomestic wastewater, process wastewater or any liquid wastestream resulting from any commercial or industrial process; or from the development, recovery, or processing of natural resources.

Instantaneous Limit. The maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of a discrete (wastestream) sample. For analytes for which nondomestic users must take a grab sample for

compliance purposes, this standard is the same as the daily maximum limit. For all other pollutants, the instantaneous limit shall be twice the daily maximum limit. For analytes for which nondomestic users must take a composite sample for compliance purposes, this standard is twice the daily maximum limit.

Interference. A discharge that alone or in conjunction with discharge(s) from other sources, either: (1) inhibits or disrupts the POTW, its treatment processes or operations; (2) inhibits or disrupts the WWTF's biosolids (sludge) processes, use or disposal; or (3) is a cause of a violation of the WWTF's NPDES permit or of the prevention of sewage biosolids use or disposal in compliance with statutory and/or regulatory provisions or permits issued thereunder, or any more stringent state or local regulations, including but not limited to the following: Section 405 of the Act; the Solid Waste Disposal Act (SWDA), including Title II commonly referred to as the Resource Conservation and Recovery Act (RCRA); any state regulations contained in any state sludge management plan prepared pursuant to Subtitle D of the SWDA; the Clean Air Act; the Toxic Substances Control Act. A discharge from a nondomestic user which causes a blockage resulting in a discharge at a point not authorized under the NPDES permit(s) is included in the definition of interference.

Local Limits. Effluent limitations developed for nondomestic users as stated in this chapter or as otherwise approved by the control authority to specifically protect the POTW from the potential for deleterious impacts including pass through, interference, and the beneficial use of biosolids. 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.

Medical Waste. 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.

Minor Industrial User or MIU. Any nondomestic user or person that does not otherwise qualify as a significant industrial user of the POTW and is identified by the director as having the potential to discharge wastewater that, when taken into account with the wastewaters of other industrial users, may have a significant impact on the POTW.

Monthly Average. The arithmetic mean of the effluent sample results collected during a calendar month or specified 30-day period. 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.

New Source.

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 categorical 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;
 - 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 (1)(a) or (c) of this definition but otherwise alters, replaces, or adds to existing process or production equipment.
3. Construction of a new source as defined under this paragraph has commenced if the owner or operator has:
 - a. Begun, or caused to begin, as part of a continuous onsite 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 that 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 agreements 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 subsection.

Noncontact Cooling Water. Water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product, or finished product. Noncontact Cooling Water may contain protective additives which may be deleterious to the POTW.

Non-Discharging Categorical Industrial User (NDCIU). Any person that generates wastewater subject to a categorical pretreatment standard that does not discharge those wastewaters subject to the categorical pretreatment standard to the POTW. NDCIUs are considered a potential source of indirect discharge.

Nondischarging Minor Industrial User (NDMIU). Any person that stores, handles, or manages volumes of liquid or sludge that is not discharged to the POTW. NDMIUs are considered a potential source of indirect discharge.

Nondomestic User. Any person that does not qualify as a domestic user and is a source, or potential source, of discharge to the POTW. This includes but is not limited to food service establishments, auto-related businesses, medical facilities, commercial or industrial facilities, and warehouses.

Nondomestic Wastewater. Wastewater that is not domestic wastewater.

Non-Polar FOG. Fats, Oils or Grease (FOG) in water or waste from a petroleum or mineral source as measured using analytical procedures established in 40 CFR 136.

Notice of Application. A public notice of application filed in compliance with WAC 173-216-090.

Oil/Water Separator (OWS). A pretreatment device with a large capacity underground vault installed between a drain serving a nonpolar FOG discharger and the connecting sewer pipe. These vaults are designed with baffles or coalescing plates to trap sediments and retain floating oils. The large capacity of the vault slows down the wastewater, allowing oil to float to the surface and solid material to settle on the bottom. Any customer that is a potential discharger of petroleum-based and/or nonpolar FOG is required to have an OW.

Operation and Maintenance Manual. A detailed operation and maintenance manual is prepared for an industrial wastewater facility that includes mechanical components before completing the construction. The manual shall contain all components listed in WAC 173-240-150.

Plan Review Authority. The authority granted to the Control Authority to review and approve all engineering reports, plans, and specifications for the construction of nondomestic wastewater treatment facilities before construction thereof may begin. No approval shall be given until the Director is satisfied that said plans and specifications and the methods of operation and maintenance submitted are adequate to protect the quality of the state's waters as provided for in RCW 90.48.110.

Plans and Specifications. The detailed drawings and specifications used in the construction or modification of nondomestic wastewater facilities. Except as otherwise allowed, plans and specifications are preceded by an approved engineering report. For some industrial facilities final conceptual drawings for all or parts of the system may be substituted for plans and specifications with the permission of the Director.

Pass Through. A discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with discharge(s) from other sources, is a cause of a violation of any requirement of the WWTF's NPDES permit(s), including an increase in the magnitude or duration of a violation.

Person. Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity, regardless of form; or their legal representatives, agents, or assignees. This definition includes all federal, state, and local governmental entities.

pH. The logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in standard units. pH is an expression of the intensity of the alkaline or acid condition of a liquid. The pH may range from 0 to 14, where 0 is most acid and 14 most alkaline.

Pollutant. Any substance, either liquid, gaseous, solid or radioactive, discharged to the POTW which, if discharged directly, would alter the chemical, physical, thermal, biological or radiological properties of waters of the state. This includes any discharge likely to create a nuisance or render such waters harmful, detrimental or injurious to any beneficial uses, terrestrial or aquatic life, or to public health, safety or welfare, and includes any 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).

Pretreatment. 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, introducing such pollutants into the POTW. This reduction or alteration can be obtained by physical, chemical, or biological processes; by process changes; BMP or by other means, except not by diluting the concentration of the pollutants unless allowed by an applicable pretreatment standard.

Pretreatment Facility. Wastewater treatment equipment, unit, device, facility, or portions thereof designed for providing pretreatment of wastewater.

Pretreatment Requirement. Any substantive or procedural requirement related to pretreatment imposed on a nondomestic user, other than a pretreatment standard.

Pretreatment Standard or Standard. A discharge prohibition (BLMC 13.14.300), categorical pretreatment standard (BLMC 13.14.310), state pretreatment standard (BLMC 13.14.320), local limit (BLMC 13.14.330), and site-specific limit based on potential detrimental effects to the POTW, health and safety of staff and general public.

Publicly Owned Treatment Works (POTW). A treatment works, as defined by Section 212 of the Act (33 U.S.C. Section 1292), which is owned by the control authority, or a contributing jurisdiction. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any conveyances which convey wastewater to a treatment plant.

RV (Recreational Vehicle) Waste. Liquid removed from waste holding tanks of recreational vehicles.

Sampling Facility. A structure or sampling installation for the purpose of accurately measuring the volume or flow and sampling of wastewater, the design, location and operation of which must be approved by the director.

Septage. Sewage and typically associated solids from domestic activities pumped from a septic tank serving one or more private residences, including wastes from chemical toilets, campers, or trailer.

Sewage. Human excrement and gray water from household showers, toilets, kitchens, clothes and dish washing, and related domestic user activities.

Significant Industrial User or SIU:

1. Except as provided in subsection (2) of this definition, a Significant Industrial User is:
 - a. A nondomestic user subject to categorical pretreatment standards; or
 - b. A nondomestic user that:
 - i. Discharges an average of twenty-five thousand (25,000) gpd or more of process wastewater to the POTW (excluding sanitary, noncontact cooling, and boiler blowdown wastewater);
 - ii. Contributes a process waste stream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the Treatment Plant; or
 - iii. Is designated as such by the director, on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.
2. Upon a finding that a nondomestic user meeting the above criteria for a significant industrial user is not a categorical industrial user, or is a nondischarging categorical industrial user, and has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the director may at any time, on its own initiative or in response to a petition received from a nondomestic user, and in accordance with procedures in 40 CFR 403.8(f)(6), determine that such nondomestic user should not be considered a significant industrial user.

Significant Noncompliance. The term "significant noncompliance" means:

1. Any violation of a pretreatment standard or requirement including numerical limits, narrative standards, and prohibitions, that the director or the city 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 that has caused imminent endangerment to the public or to the environment or has resulted in the director's or the city's exercise of its emergency authority to halt or prevent such a discharge.
3. Any violation(s), including of best management practices, which the director or the city 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 66 percent or more of all of the measurements taken for the same pollutant parameter taken during a rolling six-month period exceed, by any magnitude, a numeric pretreatment standard or requirement, including instantaneous limits of BLMC 13.14.330.
5. Technical review criteria (TRC) violations, defined here as those in which 33 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, as defined by BLMC 13.14.330, 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. I
6. Failure to meet, within 90 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 45 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.

For purposes of this definition, the term “director” means the Sumner public works director or the Bonney Lake public services director.

Slug Load or Slug Discharge. 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 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 BLMC 13.14.300.

Standard. Is the same as pretreatment standard.

Standard Method. the current version of standard methods for examination of water and wastewater.

State. The state of Washington.

Storm Water. Any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.

Total Suspended Solids (TSS). 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, as included in current EPA standard methods for the examination of water and wastewater.

Wastewater. Any combination of 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.

Wastewater Treatment Facility. That portion of the POTW which is designed to provide treatment of municipal sewage and industrial waste.

Section 2. Section 13.18.330.E of the Bonney Lake Municipal Code is hereby amended to read as follows:

13.14.330 Local Limits

- E. Significant industrial users and categorical industrial users shall also be subject to instantaneous limits (as determined by a grab sample) equal to twice the daily maximum concentration limit identified in Table 330-1 for any pollutant for which a composite sample is required in a permit. This provision is not applicable to SIUs and CIUs without the permit requirement to collect a composite sample for the analyte in question.

Table 330-1: Initial ~~DRAFT~~ Local Limits (Subject to Director Modification)

Analyte	Daily Maximum Concentration Limit (mg/L)	Instantaneous Concentration Limit (mg/L)
Arsenic	0.14	0.28
Aluminum	TBD*	TBD*
Cadmium	0.12	0.24
Chromium	4.05	5.0
Copper	1.42	2.84
Cyanide	0.19	0.38
Lead	0.80	1.60
Mercury	0.030	.060
Molybdenum	0.17	0.34
Nickel	0.83	1.66

Selenium	0.21	0.42
Silver	0.54	1.08
Zinc	1.93	3.86

Section 3. Section 13.18.430.A of the Bonney Lake Municipal Code is hereby amended to read as follows:

13.18.430 Hauled Wastewater

A. Certain nondomestic wastes may be introduced into the POTW at locations designated by the Director, and at such times as are established by the Control Authority. No Septage may be discharged to the POTW. The hauler of approved wastes shall be responsible for ensuring ~~such~~ that such wastes comply with all Discharge prohibitions in BLMC 13.14.2300 through SMC 13.14.24330 and other applicable Control Authority or Contributing Jurisdiction requirements. Waste Haulers are required to obtain Wastewater Discharge permits, other Control Documents, and/or provide a manifest at the time of Discharge identifying the customer name, address, volume, and other information from each customer.

Section 4. Section 13.14.500 of the Bonney Lake Municipal Code is hereby amended to read as follows:

13.14.500 ~~Industrial~~ Nondomestic User ~~Survey~~ Screening Form

The control authority is obligated under federal law to identify and locate all possible nondomestic users which might be subject to the pretreatment standards, and to identify the character and volume of pollutants discharged by such nondomestic users. To satisfy this requirement, any possible nondomestic user of the POTW must, upon request of the director, periodically complete an ~~industrial~~ nondomestic user ~~survey~~ screening form. Users of the POTW shall fully disclose the information requested and sign the completed form in accordance with BLMC 13.14.550. Proper completion of ~~survey~~ nondomestic user screening requirements is a condition of initial and continued discharge to the POTW. Nondomestic users failing to fully comply with ~~survey~~ screening requirements within a timeframe specified by the director shall be subject to all enforcement measures authorized under this chapter including termination of service. The director is authorized to prepare several forms for this purpose and require completion of the particular form which the director determines appropriate to provide the information needed to categorize each nondomestic user. The director shall be authorized to categorize each nondomestic user, provide written notice of a nondomestic user's categorization and what it means, and revise this categorization at any time.

Section 5. Section 13.14.510.C of the Bonney Lake Municipal Code is hereby amended to read as follows:

13.14.510 Wastewater Discharge Permit Requirement

- C. Any failure to complete the required ~~survey~~ nondomestic user screening form, apply for and obtain a required permit or other control document, or violate the terms and conditions of a wastewater discharge permit or control document shall be deemed a violation of this chapter and subject the nondomestic user to the sanctions set out in BLMC 13.14.1100 through 13.14.1360. Obtaining a wastewater discharge permit or other control document does not relieve a nondomestic user 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

Section 6. Section 13.14.530 of the Bonney Lake Municipal Code is hereby amended to read as follows:

13.14.530 Wastewater Discharge Permitting: New Connections

Persons wishing to discharge industrial wastewater must first complete either a ~~survey~~ nondomestic user screening form (if they do not expect a permit is needed) or a permit application. Any nondomestic user identified by the control authority through the ~~survey~~ nondomestic user screening as potentially needing a permit must file a permit application. Applications for wastewater discharge permits, in accordance with BLMC 13.14.540, must be filed at least 120 days prior to the desired date of discharge, and the discharge permit obtained prior to commencing discharge.

Section 7. Section 13.14.550.B of the Bonney Lake Municipal Code is hereby amended to read as follows:

13.14.550 Application and Survey Screening Form Signatories and Certifications

- B. All ~~survey~~ nondomestic user screening forms shall be signed by an authorized representative of the nondomestic user and may contain the certification statement in BLMC 13.14.830(A).

Section 8. Section 13.14.650 of the Bonney Lake Municipal Code is hereby amended to read as follows:

13.14.650 Wastewater Discharge Permit Revocation

The director may terminate or revoke a wastewater discharge permit or other control document for good cause, including, but not limited to, when a nondomestic user has:

- A. Failed to notify the director of significant changes to the wastewater prior to the changed discharge;
- B. Failed to provide prior notification to the director of changed conditions pursuant to BLMC 13.14.740;
- 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 control authority 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~~ nondomestic screening form 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.

Prior wastewater discharge permits issued to a nondomestic user are void upon the effective date of the new wastewater discharge permit issued to that nondomestic user.

Section 9. Section 13.14.760 of the Bonney Lake Municipal Code is hereby amended to read as follows:

13.14.760 Reports of Unpermitted Users

All nondomestic users not required to obtain a wastewater discharge permit shall provide appropriate reports to the director as the director may require. this may include, but not be limited to, periodically completing, and signing ~~industrial~~ nondomestic user screening forms ~~surveys~~, monitoring reports, and reports regarding compliance with best management practices.

Section 10. Section 13.14.840.C of the Bonney Lake Municipal Code is hereby amended to read as follows:

13.14.840 Right of Entry: Inspection and Sampling

C. Nondomestic Users shall provide full access to the City and the Director to use any monitoring facilities and utilities available or required in accordance with BLMC 13.14.4100 and BLMC 13.14.4210(E) through BLMC 13.14.4210(F) to confirm that the Standards or treatment required for Discharge to the POTW are being met.

Section 11. Section 13.14.1180.D of the Bonney Lake Municipal Code is hereby amended to read as follows:

13.14.1180 Termination of Discharge

D. Violation of the Pretreatment Standards and requirements in Section 3 of these Pretreatment Regulations, including failure to satisfy ~~industrial~~ nondomestic user screening ~~survey~~ form requirements.

Section 12. Section 13.14.1500 and of the Bonney Lake Municipal Code is hereby amended to read as follows:

13.14.1500 Right to Administrative Hearing

A. Any affected nondomestic user shall have the right to an administrative hearing to appeal the director's determination to take any of the following actions:

1. Issue or deny a nondomestic user's wastewater discharge permit or other control document;
2. Impose particular conditions or requirements in a nondomestic user's wastewater discharge permit or other control document;

3. Suspend a nondomestic user's wastewater services or wastewater discharge permit or other control document pursuant to BLMC 13.14.11~~20~~70;
4. Terminate the nondomestic user's wastewater services or wastewater discharge permit or other control document pursuant to BLMC 13.14.11~~24~~80;
5. Modify the nondomestic user's wastewater discharge permit or other control document pursuant to BLMC 13.14.630;
6. Issue a notice of violation pursuant to BLMC 13.14.1110;
7. Require annual publication pursuant to BLMC 13.14.1000;
8. Issue a compliance order pursuant to BLMC 13.14.1140;
9. Impose administrative penalties pursuant to BLMC 13.14.1160;
10. Impose civil penalties pursuant to BLMC 13.14.1230;
11. Assess damages and costs against the User pursuant to BLMC 13.14.1230;
12. Impose any other discretionary action upon the user, or deny any discretionary action requested of the director by the user, if such action or omission directly affects the nondomestic user; or
13. Take any other action with respect to the user which requires the opportunity for hearing by state law or constitutional right.

Section 13. Severability. If any section, sentence, clause, or phrase of this Ordinance should be held to be unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance.


Section 14. Publication. This Ordinance shall be published by an approved summary consisting of the title.

Section 15. Corrections. Upon the approval of the city attorney, the city clerk, and/or the code publisher is authorized to make any necessary technical corrections to this ordinance, including but not limited to the correction of scrivener's/clerk errors, references, ordinance numbering, section/subsection numbers, and any reference thereto.

Section 16. Effective Date. This Ordinance shall be effective five days after publication as provided by law.

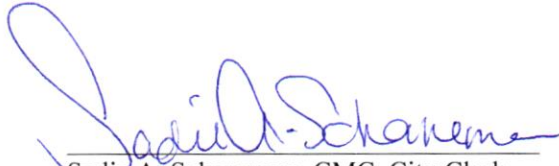
ADOPTED by the City Council of the City of Bonney Lake and attested by the City Clerk in authentication of such passage on this 26th day of November, 2024.

APPROVED by the Mayor this 26th day of November 2024.



Terry Carter, Mayor

AUTHENTICATED:



Sadie A. Schaneman, CMC, City Clerk

AB <u>24</u> -115
Passed: 11/26/2024
Valid: 12/1/2024
Published: 12/5/2024
Effective Date: 12/1/2024
This Ordinance totals <u>21</u> page(s)

City of Bonney Lake, Washington
City Council Agenda Bill (AB)

Agenda Item Type: Ordinance	Agenda Bill Number & Ordinance/Resolution/Motion Number: AB24-115 & Ordinance D24-115	
Department/Division Submitting: Public Services	Presenter: Jason Sullivan	City Strategic Goal Category: DON'T FILL OUT YET

Agenda Subject: Sewer Pretreatment Regulations Amendments.

Full Title/Motion: An Ordinance Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Amending Sections 13.14.210, 13.14.330, 13.14.430, 13.14.500, 13.14.510, 13.14.530, 13.14.550, 13.14.650, 13.14.760, 13.14.840, 13.14.1180, 13.14.1500 Of The Bonney Lake Municipal Code To Incorporate The Department Of Ecology's Comments On Pretreatment Regulations And To Correct Typographical And Numerical Errors; Providing For Severability And Corrections; And Establishing An Effective Date.

Administrative Recommendation: Approve.

Background Summary: Ordinance D24-115 Will Make Changes To The Previously Adopted Pretreatment Regulations Codified In Chapter 13.14 Of The Bonney Lake Municipal Code (BLMC) In Response To The Comments Provide By The Department Of Ecology. The Updates Are Necessary For Maintaining Compliance With State And Federal Regulations, Protecting The Sumner Wastewater Treatment Facility, And Ensuring Environmentally Responsible Business Practices In Bonney Lake. See The Attached Briefing Memo For More Details.

Attachments: Ordinance D24-115 And Briefing Memo.

BUDGET INFORMATION			
Budgeted Amount	Current Balance	Expenditure Amount Needed	Budgeted Balance Difference
Budget Explanation:			

COMMITTEE, BOARD & COMMISSION REVIEW

Committee/Commission/Board: Community Development Committee
Public Hearing Date:

	Return/To Committee/ Commission/Board	Council Workshop Discussion	Consent Agenda	Committee/Council Full Issues	Chair Approval
Date: 11/19/2024	<input type="checkbox"/> Yes	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Yes	GAF
Date:	<input type="checkbox"/> Yes	<input type="checkbox"/> Yes	<input type="checkbox"/> Yes	<input type="checkbox"/> Yes	
Date:	<input type="checkbox"/> Yes	<input type="checkbox"/> Yes	<input type="checkbox"/> Yes	<input type="checkbox"/> Yes	
Date:	<input type="checkbox"/> Yes	<input type="checkbox"/> Yes	<input type="checkbox"/> Yes	<input type="checkbox"/> Yes	

Hearing Examiner Review:

COUNCIL ACTION

Workshop Date(s): _____ Public Hearing Date(s): _____
 Meeting Date(s): 11/26/2024 Tabled To: _____

APPROVALS

Department Director: Jason Sullivan **Mayor:** Terry Carter **Date Reviewed By City Attorney (if applicable):**



Public Services Briefing Memorandum

Meeting Date: November 19, 2024

Memo Date: November 7, 2024

Staff Contact: Jason Sullivan – Interim Public Services Director

Prepared By: Andria Hannegan, Pretreatment Coordinator for the Sumner - Bonney Lake Joint Pretreatment Program

Agenda Title: Sewer Pretreatment Regulations Amendments

PURPOSE:

The purpose of this item is to brief the City Council Ordinance D24-115, which will amend the City's Pretreatment Regulations.

EXECUTIVE SUMMARY:

Ordinance D24-115 will make changes to the previously adopted Pretreatment Regulations codified in Chapter 13.14 of the Bonney Lake Municipal Code (BLMC) in response to the comments provide by the Department of Ecology. The updates are necessary for maintaining compliance with state and federal regulations, protecting the Sumner Wastewater Treatment Facility, and ensuring environmentally responsible business practices in Bonney Lake.

DISCUSSION:

Background

As required by federal and state regulations, Bonney Lake adopted Chapter 13.14 BLMC to regulate nondomestic discharges to the publicly owned treatment works (POTW). The pretreatment program, a joint effort with the City of Sumner, ensures compliance with both EPA and Washington Department of Ecology (Ecology) standards.

The proposed amendments to Chapter 13.14 BLMC update the pretreatment regulations to reflect changes requested by Ecology and align with evolving state and federal standards. These modifications address clarifications in definitions, corrections of typographical errors, updates to reporting and compliance processes, and substantive changes to definitions and procedures.

Summary of Changes

1) Corrections for Accuracy and Clarity:

- Numerical and Typographical Corrections: Several incorrect reference numbers and typographical errors have been corrected for accuracy and readability.
- Clarification of Definitions: Definitions such as "Oil/Water Separator" and "Sampling Facility" have been updated for clarity.

2) Substantive Changes to Definitions:

- New Definitions Added: The ordinance introduces new terms, such as "Accredited Laboratory," "Engineering Report," "Notice of Application," and others. These definitions are derived from guidance provided by Ecology to ensure regulatory compliance.
- Text Replacement and Clarification: The definitions and provisions for "Nondischarging Categorical Industrial Users" (NDCIU) and other terms have been revised for better alignment with state and federal requirements.

3) Form and Terminology Updates:

- Form Name Change: The name of the "Non-Domestic Wastewater Survey" has been changed to "Non-Domestic Screening Form" to reflect updated terminology without altering the form's function.

Impact

These amendments are needed to ensure compliance with the Clean Water Act as administered through the Washington State Department of Ecology. The changes also provide clearer guidelines for businesses and more effective enforcement tools for the City.

Recommendation

It is recommended that the City Council approve the proposed amendments to Chapter 13.14.

Classified Proof

Client	3100013000 - City of Bonney Lake- LEGAL ADS	Phone	(253) 862-8602		
Address	9002 Main St E, Suite 300	E-Mail	besawk@ci.bonney-lake.wa.us		
	Bonney Lake, WA, 98391	Fax			
Order#	1005965	Requested By	KANDICE BESAW	Order Price	\$67.28
Classification	3030 - Legal Notices	PO #	ORD 1718, 1724, 1725	Tax 1	\$0.00
Start Date	12/04/2024	Created By	0917	Tax 2	\$0.00
End Date	12/04/2024	Creation Date	11/27/2024, 10:17:45 am	Total Net	\$67.28
Run Dates	1			Payment	\$0.00
Publication(s)	Enumclaw Courier Herald				
Sales Rep	9470 - Jennifer Tribbett	Phone	(360) 802-8212		
		E-Mail	jtribbett@courierherald.com		
		Fax			

**City of Bonney Lake
Ordinances adopted**

11/26/2024:

**AB24-104 - Ordinance
1724 [D24-104]**

An Ordinance Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Setting The Amount Of The Annual Ad Valorem Tax Levy Necessary For The Fiscal Year 2025 For The Purposes Set Forth Below; Providing For Severability And Corrections; And Establishing An Effective Date.

**AB24-112 - Ordinance
1718 [D24-112]**

An Ordinance Of The City Council Of The City Of Bonney Lake, Pierce County Washington, Amending Section 2.32.060 Of The Bonney Lake Municipal Code Relating To Shared Leave; Providing For Severability And Corrections; And Establishing An Effective Date.

**AB24-115 - Ordinance
1725 [D24-115]**

An Ordinance Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Amending Sections 13.14.210, 13.14.330, 13.14.430, 13.14.500, 13.14.510, 13.14.530, 13.14.550, 13.14.650, 13.14.760, 13.14.840, 13.14.1180, 13.14.1500 Of The Bonney Lake Municipal Code To Incorporate The Department Of Ecology's Comments On Pretreatment Regulations And To Correct Typographical And Numerical Errors; Providing For Severability And Corrections; And Establishing An Effective Date.

ECH1005965
12/4/24