

CITY OF KENNEWICK  
ORDINANCE NO. 5789

AN ORDINANCE RELATING TO THE KENNEWICK PRETREATMENT  
ACT AND AMENDING SECTION 14.23.020 OF THE KENNEWICK  
MUNICIPAL CODE

THE CITY COUNCIL OF THE CITY OF KENNEWICK, WASHINGTON, DO ORDAIN AS  
FOLLOWS:

**Section 1.** Section 14.23.020 of the Kennewick Municipal Code, be, and the same hereby is,  
amended to read as follows:

14.23.020: - General Requirements.

(1) Prohibited Discharge Standards.

- (a) General Prohibitions. No user shall introduce or cause to be introduced into the POTW any pollutant or wastewater which causes pass through or interference. These general prohibitions apply to all users of the POTW whether or not they are subject to a categorical pretreatment standard or any other national, state, or local pretreatment standard or requirement.
- (b) Specific Prohibitions. No user shall introduce or cause to be introduced into the POTW the following pollutants, substances, or wastewater:
  - (i) Pollutants which create a fire or explosive hazard in the POTW, including, but not limited to, waste streams with a closed-cup flashpoint of less than 140 degrees Fahrenheit (60 degrees Celsius) using the test methods specified in 40 CFR 261.21;
  - (ii) Wastewater having a pH less than 5.0 or more than 10.0, or otherwise causing corrosive structural damage to the POTW or equipment, unless specifically authorized by the City. In no case shall the discharge have a pH less than 5.0 at any time;
  - (iii) Solid or viscous substances in amounts which will cause obstruction of the flow in the POTW resulting in interference;
  - (iv) Pollutants, including oxygen-demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with the POTW;
  - (v) Wastewater having a temperature which will inhibit biological activity in the treatment plant resulting in interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed 104 degrees Fahrenheit (40 degrees Celsius) unless the approval authority, upon the request of the POTW, approves alternate temperature limits;
  - (vi) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass through;

- (vii) Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems;
- (viii) Trucked or hauled pollutants, except at discharge points designated by the City;
- (ix) Noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life, or to prevent entry into the sewers for maintenance or repair;
- (x) 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 causing or contributing to a violation of the City's NPDES permit;
- (xi) Wastewater containing any radioactive wastes or isotopes except as specifically approved by the Public Works Director in compliance with applicable state or federal regulations;
- (xii) Stormwater, surface water, ground water, artesian well water, roof runoff, subsurface drainage, condensate, deionized water, noncontact cooling water and unpolluted wastewater, unless specifically authorized by the Public Works Director;
- (xiii) Any sludges, screenings, or other residues from the pretreatment of industrial wastes or from industrial processes;
- (xiv) Wastewater that causes or contributes to a failure of a toxicity test conducted on the POTW effluent;
- (xv) Detergents, surface-active agents, or other substances which may cause excessive foaming in the POTW or otherwise cause pass through or interference;
- (xvi) Any liquids, solids, or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the POTW or to the operation of the POTW. At no time shall two successive readings on an explosion meter, at the point of discharge into the system (or at any point in the system), be more than five percent nor any single reading over ten percent of the lower explosive limit (LEL) of the meter;
- (xvii) Animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, feathers, ashes, cinders, sand, spent lime, stone or marble dusts, metal, glass, straw, shavings, grass clippings, rags, waste paper, wood, plastics, gas, tar asphalt residues, residues from the refining or processing of fuel or lubricating oil, mud or glass grinding or polishing wastes;
- (xviii) Any substance which will cause the POTW to violate its NPDES and/or other disposal system permits;

- (xix) Any wastewater which, in the opinion of the Public Works Director, can cause harm either to the sewers, sewage treatment process, or equipment; have an adverse effect on the receiving stream; or can otherwise endanger life, limb, public property, or constitute a nuisance, unless allowed under special agreement by the Public Works Director (except that no special waiver shall be given from categorical pretreatment standards or a violation of an approved maximum allowable industrial load or that causes or contributes to pass through or interference);
- (xx) The contents of any tank or other vessel owned or used by any person in the business of collecting or pumping sewage, effluent, septage, or other wastewater unless said person has first obtained testing and approval as may be generally required by the City of Kennewick and paid all fees assessed for the privilege of said discharge;
- (xxi) Persistent pesticides and/or pesticides regulated by the Federal Insecticide Fungicide Rodenticide Act (FIFRA) that will cause or contribute to pass through or interference;
- (xxii) Sewage sludge, except in accordance with the City's NPDES permit, providing that it specifically allows the discharge to surface water of sewage sludge pollutants.
- (xxiii) The discharge of dry cleaning process wastes, including new and used tetrachloroethylene (synonyms: perchloroethylene, tetrachloroethene), still bottom oil and separator water, is prohibited entirely. Where necessary, the City may require that these wastes be physically prevented from discharging into the sanitary sewer system.
- (xxiv) At no time shall an emulsifying agent, enzyme, bio-additive, or similar chemical be introduced into the waste stream, grease trap, grease interceptor or any chamber of a grease interceptor, except by City employees or designees for the purpose of maintenance and operations of the POTW.
- (xxv) Wastewater from food facilities containing free or floating oil and grease, or any discharge containing animal fat or grease by-product in excess of one hundred milligrams per liter (100 mg/L). This limit will not apply if the industrial user has installed an appropriately sized Gravity Grease Interceptor (GGI), is properly operating and maintaining the GGI and implementing all required BMPs for food facilities.

Significant Industrial Users discharging more than 100 mg/L may be required to install additional treatment or implement facility specific BMPs.(2)

- (2) Wastes prohibited by this section shall not be processed or stored in such a manner that they could be discharged to the POTW except as authorized by an industrial user permit and/or this chapter. If the industrial user has a pretreatment facility, all floor drains located in process or materials storage areas must discharge to the industrial user's pretreatment facility or to sumps or tanks that do not have the potential for a discharge to the POTW before connecting with the POTW. The City may require other industrial

users to contain or collect wastewater from floor drains to protect the POTW and meet the objectives of this chapter.

- (3) Federal Categorical Pretreatment Standards. The national categorical pretreatment standards as amended and promulgated by the EPA pursuant to the Act and as found in 40 CFR Chapter I, Subchapter N, Parts 405 through 471 are hereby incorporated and shall be enforceable under this chapter.
- (4) State Requirements. State requirements and limitations on discharges to the POTW shall be met by all users 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 other applicable ordinances.
- (5) Specific Discharge Limitations
  - (a) No Significant Industrial User (SIU) or other designated non-SIU shall discharge or cause to be discharged, wastewater containing pollutants that exceed the following limits:

Pollutant	Daily Maximum Discharge Limits <sup>(1)</sup>	Maximum Allowable Industrial Loading (MAIL)
	mg/L	lbs/day
Arsenic	0.12	1.5916
Cadmium	0.328	1.0800
Chromium	4.47	7366.2020
Copper	1.93	25.4997
Lead	1.385	9.1289
Mercury	0.106	0.349900
Molybdenum	0.89	2.9297
Nickel	3.02	19.9166
Selenium	0.56	3.7098
Silver	0.76	25.0345
Zinc	4.74	65.5402
Fats, Oil and Grease (FOG)	--	100mg/L and/or 25% of the working capacity of any chamber of the grease interceptor

<sup>1</sup> All pollutants as Total and in mg/L unless otherwise specified.

<sup>2</sup> This MAIL is the total lbs/day that the City may allocate to SIUs and other designated non-SIUs. The City intends to control discharges by applying the Daily Maximum Discharge Limits through Industrial User Wastewater Discharge permits. The City may allocate the MAIL where uniform concentration is not appropriate.

- (b) The following limits shall apply to wastewaters that are discharged from:

- (i) Groundwater cleanup of petroleum or gasoline underground storage tanks or other remediation wastewaters containing these pollutants;
- (ii) Discharges where one or more of these pollutants are present; or
- (iii) Where these pollutants are appropriate surrogates.

It shall be unlawful for any Industrial User to discharge or cause to be discharged any waste or wastewater to the POTW that exceeds the following limits:

Pollutant <sup>(1)(3)</sup>	Daily Maximum Limit (mg/L)
Benzene	0.050
BTEX <sup>(1)</sup>	0.750

<sup>1</sup> All pollutants shown in the Table are total.

<sup>2</sup> BTEX shall be measured as the sum of Benzene, Ethylbenzene, Toluene and Xylenes.

<sup>3</sup> These limits are based upon installation of air stripping technology as described in the EPA document: "Model NPDES Permit for Discharges Resulting from the Cleanup of Gasoline Released from Underground Storage Tanks. June 1989."

(c) The Public Works Director may establish more stringent pollutant limits, additional site-specific pollutant limits, Best Management Practices, or additional Pretreatment Requirements when, in the judgment of the Public Works Director, such limitations are necessary to implement the provisions of this Chapter.

- (6) City's Right of Revision. The City reserves the right to establish, by ordinance or in wastewater discharge permits, more stringent standards or requirements on discharges to the POTW.
- (7) Special Agreement. The City reserves the right to enter into special agreements with users setting out special terms under which they may discharge to the POTW. In no case will a special agreement waive compliance with a categorical pretreatment standard or federal pretreatment requirement. However, the user may request a net gross adjustment to a categorical standard in accordance with 40 CFR 403.15. They may also request a variance from the categorical pretreatment standard from the approval authority in accordance with 40 CFR 403.13.
- (8) Dilution. No user shall ever increase the use of processed water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with an applicable pretreatment standard or requirement unless expressly authorized by an applicable pretreatment standard or requirement. The Public Works Director may impose mass limitations on users which he believes may be using dilution to meet applicable pretreatment standards or requirements, or in other cases when the imposition of mass limitations is appropriate.
- (9) Pretreatment Facilities. Users shall provide necessary wastewater treatment as required to comply with this chapter and shall achieve compliance with all applicable pretreatment standards and requirements set out in this chapter within the time

limitations specified by the EPA, the state, or the Public Works Director, whichever are more stringent. Any facilities required to pretreat wastewater to a level acceptable to the City shall be provided, operated and maintained at the user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the City for review and shall be acceptable to the City before construction of the facility. The review of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce an acceptable discharge to the City under the provisions of this chapter.

- (10) **Deadline for Compliance with Applicable Pretreatment Requirements.** Compliance by existing users (categorical users) covered by categorical pretreatment standards shall be within three years of the date the standard is effective unless a shorter compliance time is specified in the appropriate standard. The City shall establish a final compliance deadline date for any existing user not covered by categorical pretreatment standards or for any categorical user when the local limits for said user are more restrictive than the EPA's categorical pretreatment standards.

New sources and new users shall install and have in operating condition and shall start up all pollution control equipment required to meet applicable pretreatment standards before beginning to discharge.

Any wastewater discharge permit issued to a categorical user shall not contain a compliance date beyond any deadline date established in the EPA's categorical pretreatment standards. Any other existing user or a categorical user that must comply with a more stringent local limit, which is in noncompliance with any local limits, shall be provided with a compliance schedule placed in an industrial wastewater permit or registered letter for non-categorical users to ensure compliance within the shortest time feasible.

- (11) **Additional Pretreatment Measures.**

- (a) Whenever deemed necessary, the Public Works Director may require users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage waste streams from industrial waste streams and such other conditions as may be necessary to protect the POTW and determine the user's compliance with the requirements of this chapter.
- (b) Each user discharging to the POTW greater than 25,000 gallons per day or greater than five percent of the average daily flow into the POTW, whichever is less, may be required to install and maintain, on its property and at its expense, a suitable storage and flow-control facility to ensure equalization of flow over a 24-hour period. A wastewater discharge permit may be issued solely for flow equalization.
- (c) Grease, oil and sand interceptors shall be provided when, in the opinion of the Public Works Director, they are necessary for the proper handling of wastewater containing excessive amounts of grease and oil, or sand; except that such interceptors shall not be required for residential users. All interception units shall be of type and capacity approved by the Public Works Director in specifications

with current Uniform Plumbing Code and/or any City Standard Specifications and shall be so located to be easily accessible for cleaning and inspection.

Where installed, all grease, oil and sand traps (or interceptors) shall be maintained by the owner, at his expense, in continuously efficient operation at all times and subject to inspection. In the event the owner fails to properly maintain the grease trap (or interceptor), which, in the opinion of the Director, causes or has the potential to cause clogging of the sewer lines and/or pump stations, the cost of the City, time and material, in cleaning the sewer lines and/or pump stations may be charged to the owner of the grease trap. For the purpose of this paragraph, the owner shall be the person, firm or corporation named on the sewer account. For the purpose of this subsection, a grease interceptor is not in continuous efficient operation and is in violation of this section if the total volume of grease, solids, or food waste at any time displaces more than 25 percent of the effective volume of any chamber of the grease interceptor.

The user shall have a written record of trap and/or interceptor maintenance on site for inspection and all such records shall be available for inspection by the City of Kennewick, and shall be kept in accordance with the recordkeeping requirements of KMC 14.23.040. Grease trap maintenance will be recorded/reported on a monthly basis; Interceptors will be recorded/reported on their designated cleaning frequency. At the discretion of the Public Works Director, reports may be required to be submitted to the City's Pretreatment Inspector via e-mail, fax, postal mail or electronic form submission when it becomes available.

- (d) Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.
- (12) Accidental Spill Prevention Plans/Slug Control Plans. The Public Works Director may require any user to develop and implement an accidental spill prevention plan (ASPP)/slug control plan. Where deemed necessary by the City, facilities to prevent accidental discharge or slug discharges of pollutants shall be provided and maintained at the user's cost and expense. An accidental spill prevention plan or slug control plan showing facilities and operating procedures to provide this protection shall be submitted to the City for review and approval before implementation. The City shall determine which user is required to develop a plan and require said plan to be submitted within 120 days after notification by the City. Each user shall implement its ASPP as submitted or as modified after such plan has been reviewed and approved by the City. Review and approval of such plans and operating procedures by the City shall not relieve the user from the responsibility to modify its facility as necessary to meet the requirements of this section.
  - (a) Any user required to develop and implement an accidental discharge/slug control plan shall submit a plan which addresses, at a minimum, the following:
    - (i) Description of discharge practices, including nonroutine batch discharges;
    - (ii) Description of stored chemicals;

- (iii) Procedures for immediately notifying the POTW of any accidental or slug discharge. Such notification must also be given for any discharge which would violate any of the standards in subsections (1) through (4) of this section; and
  - (iv) Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents) and/or measures and equipment for emergency response.
- (b) Users shall notify the City wastewater treatment plant immediately after the occurrence of a slug or accidental discharge of substances regulated by this chapter. The notification shall include location of discharge, date and time thereof, type of waste, concentration and volume and corrective actions. Any affected user shall be liable for any expense, loss, or damage to the POTW, in addition to the amount of any fines imposed on the City on account thereof under state or federal law.
  - (c) Within five days following an accidental discharge, the user shall submit to the Public Works Director a detailed written report describing the cause of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, fish kills, or any other damage to person or property. Nor shall such notification relieve the user of any fines, civil penalties, or other liability which may be imposed by this chapter or other applicable law.
  - (d) Signs shall be permanently posted in conspicuous places on the user's premises advising employees whom to call in the event of a slug or accidental discharge. Employers shall instruct all employees who may cause or discover such a discharge with respect to emergency notification procedures.
- (13) Septic Tank Wastes/RV Dump Sites.
- (a) Entities that supply an RV dumping connection to the POTW must secure a permit/permission from the City of Kennewick as authorized in KMC 14.23.030.
  - (b) Septic tank waste haulers are not allowed to discharge loads into the POTW and must dispose of their loads as outlined in their permit with the Department of Ecology and at a Department of Health approved facility.
  - (c) Fees for RV dump connections will be established as part of the user fee system as authorized in KMC 14.23.140.

(Ord. 5789 Sec. 1, 2018; Ord. 5420 Sec. 1(part), 2012)

**Section 2.** This ordinance shall be in full force and effect five days from and after its passage, approval and publication as required by law.



PASSED BY THE CITY COUNCIL OF THE CITY OF KENNEWICK, WASHINGTON, this 20<sup>th</sup> day of November, 2018, and signed in authentication of its passage this 20<sup>th</sup> day of November, 2018.

Attest:

\_\_\_\_\_  
DON BRITAIN, Mayor

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TERRI L. WRIGHT, City Clerk

ORDINANCE NO. 5789 filed and recorded  
in the office of the City Clerk of the City of  
Kennewick, Washington this 21<sup>st</sup> day of  
November, 2018.

Approved as to Form:

\_\_\_\_\_  
LISA BEATON, City Attorney

\_\_\_\_\_  
TERRI L. WRIGHT, City Clerk

DATE OF PUBLICATION \_\_\_\_\_