


CITY OF MARYSVILLE AGENDA BILL

EXECUTIVE SUMMARY FOR ACTION

CITY COUNCIL MEETING DATE: July 11, 2022

AGENDA ITEM:	
Ordinance Amending Title 14 Water & Sewer of the Marysville Municipal Code to Establish a Source Control Program	
PREPARED BY:	DIRECTOR APPROVAL:
Matthew Eyer, Storm/Sewer Supervisor	
DEPARTMENT:	
Public Works	
ATTACHMENTS:	
Ordinance No. _____ Exhibit A - MMC Chapter 14.20 Amendments Exhibit B - MMC Chapter 14.21 Amendments	
BUDGET CODE:	AMOUNT:
N/A	N/A
SUMMARY:	
<p>This ordinance has been prepared to meet requirements of the City’s NPDES Phase II Municipal Stormwater Permit (Phase II Permit). The Phase II Permit requires the establishment of authority for a Source Control Program by August 1, 2022. The Source Control Program will inspect specific land use types, identified in the Phase II Permit, and will require the application of Stormwater Management Manual of Western Washington source control best management practices (BMPs) for pollutant generating sources, where applicable. The review of and subsequently proposed amendments to existing code was completed with grant funds. These funds reimbursed both staff time and professional services support. Source Control inspections are required to begin by January 1, 2023.</p> <p>The MMC changes, proposed to address this requirement, are in MMC 14.20 Wastewater Pretreatment and 14.21 Illicit Discharge Detection and Elimination (IDDE). Needed modifications were identified in the sewer pretreatment code in addition to the IDDE code because sewer pretreatment elements will be a component of the inspections. The amendments to 14.20 provides language to align this code with current requirements of the Pretreatment Program and the Wastewater NPDES Permit. The proposed changes to 14.20 also remove outdated code elements. Amendments of 14.21 include language to establish authority for inspections and enforcement, consistent with the Phase II Permit requirements.</p>	

<p>RECOMMENDED MOTION: I move to authorize the Mayor to sign and execute Ordinance No. _____.</p>
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CITY OF MARYSVILLE
Marysville, Washington

ORDINANCE _____

AN ORDINANCE OF THE CITY OF MARYSVILLE, WASHINGTON, UPDATING THE STORMWATER MANAGEMENT AND SEWER PRETREATMENT REGULATIONS PURSUANT TO THE WESTERN WASHINGTON NPDES PHASE II MUNICIPAL STORMWATER PERMIT ISSUED TO THE CITY BY THE WASHINGTON STATE DEPARTMENT OF ECOLOGY AND AMENDING CHAPTERS 14.20 and 14.21 OF THE MARYSVILLE MUNICIPAL CODE.

WHEREAS, the Federal Clean Water Act, 33 U.S.C. 1251 *et seq.* (the Act), requires certain local governments such as the City of Marysville to implement stormwater management programs and regulations within prescribed time frames, and pursuant to said Act the United States Environmental Protection Agency (EPA) has adopted rules for such stormwater programs and regulations; and

WHEREAS, the EPA has delegated authority to the Washington State Department of Ecology (Ecology) to administer such stormwater programs and regulations, and Ecology has issued the Western Washington Phase II Municipal Stormwater Permit, effective August 1, 2019 through July 31, 2024, which requires local governments such as the City of Marysville to implement numerous stormwater management requirements, including requiring the application of source control best management practices (BMPs) for pollutant generating sources associated with existing land uses and activities by August 1, 2022; and

WHEREAS, in 1996, the City Council adopted Ordinance 2072, which adopted sewer pretreatment standards, as set forth in Ch. 14.20 MMC; and

WHEREAS, in 2009, the City Council adopted Ordinance 2782, which adopted illegal discharge and connection regulations, as set forth in Ch. 14.21 MMC; and

WHEREAS, in order to comply with the currently effective Western Washington Phase II Municipal Stormwater Permit, the current stormwater regulations and related municipal code provisions, as primarily set forth in Title 14 MMC, need to be updated to establish a Source Control Program that incorporates and applies source control BMPs; and

WHEREAS, the newly established Source Control Program will reference and review pretreatment standards in the course of regular inspections; and

WHEREAS, the pretreatment standards as set forth in Ch. 14.20 MMC additionally require updates to clearly reflect current practices and procedures with regards to business pollutant management; and

WHEREAS, at a public meeting on July 13, 2022, the Marysville City Council reviewed and considered the proposed amendments to MMC Title 14; and

WHEREAS, public health, safety, and welfare benefits from periodic updates to the municipal code.

NOW THEREFORE, the City Council of the City of Marysville, Washington do ordain as follows:

Section 1. Amendment of Municipal Code. Sections 14.20.030, 14.20.040, 14.20.130, and 14.20.150 of the municipal code are hereby amended as set forth in **Exhibit A**, which is attached hereto and incorporated herein by this reference.

Section 2. Amendment of Municipal Code. Section 14.21.010, 14.21.020, 14.21.030, 14.21.080 and 14.21.090 of the municipal code is hereby amended as set forth in **Exhibit B**, which is attached hereto and incorporated herein by this reference.

Section 8. Severability. If any section, subsection, sentence, clause, phrase or word of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality thereof shall not affect the validity or constitutionality of any other section, subsection, sentence, clause, phrase or word of this ordinance.

Section 9. Corrections. Upon approval by the city attorney, the city clerk or the code reviser are authorized to make necessary corrections to this ordinance, including scrivener's errors or clerical mistakes; references to other local, state, or federal laws, rules, or regulations; or numbering or referencing of ordinances or their sections and subsections.

Section 10. Effective date. This ordinance shall take effect on August 1, 2022.

PASSED by the City Council and APPROVED by the Mayor this ____ day of _____, 2022.

CITY OF MARYSVILLE

By _____
Jon Nehring, Mayor

ATTEST:

By _____
April O'Brien, Deputy City Clerk

Approved as to form:

By _____
Jon Walker, City Attorney

Date of Publication:

Effective Date: August 1, 2022.

Exhibit A Chapter 14.20 WASTEWATER PRETREATMENT

14.20.030 Definitions.

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

(1) "Accessible" when applied to require pretreatment monitoring or equipment, shall mean direct access without necessity of removing any panel, door, vehicle, equipment, materials or other similar obstruction.

(~~12~~) "Act" or "the Act" means the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, [33 U.S.C. 1251](#) et seq.

(~~23~~) "Administrative penalty (fine)" means a punitive monetary charge unrelated to treatment cost, which is assessed by the director rather than a court.

(~~34~~) "Applicable pretreatment standards," for any specified pollutant, means Marysville prohibitive standards, Marysville specific pretreatment standards (local limits), state of Washington pretreatment standards, or EPA's categorical pretreatment standards (when effective), whichever standard is appropriate and most stringent.

(~~45~~) "Approval authority" means the state of Washington Department of Ecology.

(~~56~~) "Authorized representative of the user" means:

(a) If the user is a corporation:

(i) The president, secretary, treasurer, or a vice president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or

(ii) The manager of one or more manufacturing, production, or operation facilities if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;

(b) If the user is a partnership or sole proprietorship: a general partner or proprietor, respectively;

(c) If the 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 his/her authorized designee;

(d) The individuals described in subsections (5)(a) through (c) 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 city.

~~(67)~~ “Best management practices (BMPs)” means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the United States. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

~~(78)~~ “Biochemical oxygen demand (BOD)” means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five days at 20 degrees centigrade, usually expressed as a concentration (milligrams per liter (mg/l)).

~~(89)~~ “Categorical pretreatment standard” or “categorical standard” means any regulation containing pollutant discharge limits promulgated by the U.S. EPA in accordance with Sections 307(b) and (c) of the Act ([33 U.S.C. 1317](#)) which apply to a specific category of users and which appear in [40 CFR Chapter I, Subchapter N, Parts 405 – 471](#).

~~(910)~~ “Categorical user” means a user covered by one of EPA’s categorical pretreatment standards.

~~(1011)~~ “Chemical oxygen demand (COD)” means a measure of the oxygen consuming capacity of inorganic and organic matter present in wastewater. COD is expressed as the amount of oxygen consumed from a chemical oxidant in mg/l during a specific test.

~~(1112)~~ “City” means the city of Marysville, Washington.

~~(1213)~~ “Cooling water/noncontact cooling water” means water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product, or finished product. Cooling water may be generated from any use, such as air conditioning, heat exchangers, cooling or refrigeration to which the only pollutant added is heat.

~~(1314)~~ “Color” means the optical density at the visual wave length of maximum absorption, relative to distilled water. One hundred percent transmittance is equivalent to zero (0.0) optical density.

~~(15)~~ “Common Interceptor” means one or more interceptors receiving FOG wastewater from more than one establishment.

~~(1416)~~ “Composite sample” means the sample resulting from the combination of individual wastewater samples taken at selected intervals based on an increment of either flow or time.

~~(1517)~~ “Director” means the director of the city of Marysville public works department, or his duly authorized representative.

~~(1618)~~ Discharge Authorization. See “Wastewater discharge authorization.”

~~(1719)~~ “Domestic user (residential user)” means any person who contributes, causes, or allows the contribution of wastewater into the city POTW that is of a similar volume and/or chemical make-up as that of a residential dwelling unit. Discharges from a residential dwelling unit typically include up to 100 gallons per capita per day at 220 mg/l of BOD and TSS.

~~(1820)~~ “Environmental Protection Agency (EPA)” means the U.S. Environmental Protection Agency or, where appropriate, the Regional Water Management Division Director, or other duly authorized official of said agency.

~~(1921)~~ “Existing source,” for a categorical industrial user, is any source of discharge, the construction or operation of which commenced prior to the publication by EPA of proposed categorical pretreatment standards, which will be applicable to such source if the standard is thereafter promulgated in accordance with Section 307 of the Act.

~~(2022)~~ “Existing user,” for noncategorical users, is defined as any user which is discharging wastewater prior to the effective date of the ordinance codified in this chapter.

~~(2123)~~ “Fats, oils and grease (FOG)” means those components of wastewater amenable to measurement by the methods described in Standard Methods for the Examination of Water and Wastewater, 19th Edition, 1992, Section 5520. The term “fats, oils and grease” shall include polar and nonpolar fats, oils, and grease.

~~(24)~~ “Food service establishment (FSE)” means any establishment, commercial or noncommercial, primarily engaged in preparing, serving, or otherwise making available for consumption foodstuffs in or on a receptacle that requires washing more than two days per week and that discharges to the POTW.

~~(2225)~~ “Grab sample” means a sample which is taken from a wastestream on a one-time basis without regard to the flow in the wastestream and without consideration of time.

~~(26)~~ “Grease removal system (GRS)” means a Grease Interceptor or Grease Trap

~~(2327)~~ “High strength waste” means any waters or wastewater having a concentration of BOD or total suspended solids in excess of 220 mg/l.

~~(2428)~~ “Indirect discharge” or “discharge” means the introduction of pollutants into the POTW from any nondomestic source regulated under Section 307(b), (c), or (d) of the Act. The discharge into the POTW is normally by means of pipes, conduits, pumping stations, force mains, constructed drainage ditches, surface water intercepting ditches, and all constructed devices and appliances appurtenant thereto.

~~(2529)~~ “Interference” means a discharge which alone or in conjunction with a discharge or discharges from other sources either: (1) inhibits or disrupts the POTW, its treatment processes or operations; (2) inhibits or disrupts its biosolids (sludge) processes, use or disposal; or (3) is a cause of a violation of the city’s NPDES authorization or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or authorizations issued thereunder: Section 405 of the Clean Water 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; and the Marine Protection, Research, and Sanctuaries Act.

~~(2630)~~ “Local discharge limitations” means enforceable local standards developed by the city of Marysville. The standards are expressed in units of concentration as milligrams of pollutant per liter of solution.

~~(2731)~~ “Maximum allowable discharge limit” means the maximum concentration (or loading) of a pollutant allowed to be discharged at any time.

~~(2832)~~ “Medical wastes” means 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.

~~(2933)~~ “New source” means:

(a) 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 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:

(i) The building, structure, facility, or installation is constructed at a site at which no other source is located; or

(ii) The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or

(iii) 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.

(b) 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 (29)(a)(ii) or (iii) but otherwise alters, replaces, or adds to existing process or production equipment.

(c) Construction of a new source as defined under this subsection has commenced if the owner or operator has:

(i) Begun or caused to begin as part of a continuous on-site construction program:

(A) Any placement, assembly, or installation of facilities or equipment; or

(B) Significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or

(ii) 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 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 section.

~~(3034)~~ New User. A “new user” is not a “new source” and is defined as a user that applies to the city for a new building permit or any person who occupies an existing building and plans to discharge wastewater to the city’s collection system after the effective date of the ordinance codified in this

chapter. Any person that buys an existing facility that is discharging nondomestic wastewater will be considered an “existing user” if no significant changes are made in the operation.

(35) “Non-FSE FOG discharger (NFD)” means any establishment, such as a church, synagogue, worship hall, banquet facility, or meeting space, nursing homes, hotel conference spaces with a commercial-style kitchen that is used for preparing, serving, or otherwise making available for consumption foodstuffs in or on a receptacle that requires washing two days a week or less and that discharges to the POTW.

(3136) “Pass through” means a discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the city’s NPDES authorization (including an increase in the magnitude or duration of a violation).

(3237) “Person” means any individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity, or their legal representatives, agents, or assigns. This definition includes all federal, state, or local governmental entities.

(3338) “pH” means a measure of the acidity or alkalinity of a substance, expressed in standard units.

(3439) “Pollutant” means any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt, agricultural and industrial wastes, and the characteristics of the wastewater (i.e., pH, temperature, TSS, turbidity, color, BOD, chemical oxygen demand (COD), toxicity, or odor).

(3540) “Pretreatment” means 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; or by other means (except by diluting the concentration of the pollutants unless allowed by an applicable pretreatment standard).

(3641) “Pretreatment requirements” means any substantive or procedural requirement related to pretreatment imposed on a user, other than a pretreatment standard.

(3742) “Pretreatment standards” or “standards” means prohibited discharge standards, categorical pretreatment standards, and local limits established by the city (POTW).

(3843) “Prohibited discharge standards” or “prohibited discharges” means absolute prohibitions against the discharge of certain substances; these prohibitions appear in MMC 14.20.050.

(3944) “Publicly owned treatment works (POTW)” means a “treatment works,” as defined by Section 212 of the Act ([33 U.S.C. 1292](#)) which is owned by the city. This definition includes all devices facilities, 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. The term also means the city of Marysville wastewater treatment plant.

(4045) “Recreational vehicle waste (RV waste)” means any domestic and/or residential wastes from holding tanks on private recreational vehicles, including travel trailers, pickup truck mounted campers

and mobile domestic single-family recreational vehicles. This category does not include tour buses and public transportation vehicles. This category does not include wastes from vehicles which collect wastewater from holding tanks.

(4146) “Septic tank waste” means any domestic and/or residential sewage from holding tanks such as vessels, chemical toilets, and septic tanks.

(4247) “Sewage” means human excrement and gray water (household showers, dishwashing operations, etc.).

(4348) “Sewer” means any pipe, conduit ditch, or other device used to collect and transport sewage from the generating source.

(4449) Shall, May. “Shall” is mandatory, “may” is permissive.

(4550) “Significant industrial user (SIU)” means:

(a) A user subject to categorical pretreatment standards; or

(b) A user that:

(i) Discharges an average of 25,000 gpd or more of process wastewater to the POTW (excluding sanitary, noncontact cooling, and boiler blowdown wastewater); or

(ii) Contributes a process wastestream which makes up five percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or

(iii) Is designated as such by the city on the basis that it has a reasonable potential for adversely affecting the POTW’s operation or for violating any pretreatment standard or requirement;

(c) Upon a finding that a user meeting the criteria in subsection (45)(b) has no reasonable potential for adversely affecting the POTW’s operation or for violating any applicable pretreatment standard or requirement, the city may at any time, on its own initiative or in response to a petition received from a user, determine that such user should not be considered a significant industrial user.

(4651) “Slug load” means any discharge at a flow rate or concentration which could cause a violation of the discharge standards in MMC 14.20.050 through 14.20.080 or any discharge of a nonroutine, episodic nature, including but not limited to an accidental spill or a noncustomary batch discharge, or any discharge greater than or equal to five times the amount or concentration allowed by authorization or this chapter.

(4752) “Standard Industrial Classification (SIC) code” means a classification pursuant to the Standard Industrial Classification Manual issued by the United States Office of Management and Budget.

(4853) “State” means the state of Washington.

(4954) “Storm water” means any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.

~~(5055)~~ “Total suspended solids” means 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.

~~(5156)~~ “Toxic pollutant” means one of the pollutants, or combination of those pollutants, listed as toxic in regulations promulgated by EPA under Section 307 (33 U.S.C. 1317) of the Act, or other pollutants as may be promulgated.

~~(5257)~~ “Treatment plant effluent” means the discharge from the POTW into waters of the United States.

~~(5358)~~ Treatment Works. See “Publicly owned treatment works (POTW).”

~~(5459)~~ “User” or “industrial user” means a source of indirect discharge. The source shall not include “domestic user” as defined herein.

~~(5560)~~ “Wastewater” means 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.

~~(5661)~~ “Wastewater discharge authorization” means an authorization or equivalent control document issued by the city to users discharging wastewater to the POTW. The authorization may contain appropriate pretreatment standards and requirements as set forth in this chapter.

~~(5762)~~ “Wastewater treatment plant” or “treatment plant” means that portion of the POTW which is designed to provide treatment of municipal sewage and authorized industrial waste.

The use of the singular shall be construed to include the plural and the plural shall include the singular as indicated by the context of its use. (Ord. 2072 § 1.3, 1996).

14.20.040 Abbreviations.

The following abbreviations shall have the designated meanings:

AKART All known available and reasonable technology

ASPP Accidental spill prevention plan

BMPs Best management practices

BOD Biochemical oxygen demand

CFR Code of Federal Regulations

COD Chemical oxygen demand

EPA U.S. Environmental Protection Agency

FOG Fats, oils, and grease

FSE Food service establishment

gpd gallons per day

GRS Grease removal system

l liter

LEL Lower explosive limit

mg milligrams

mg/l milligrams per liter

NFD Non-FSE FOG discharger

NPDES National Pollutant Discharge Elimination System

O and M Operation and maintenance

POTW Publicly owned treatment works

RCRA Resource Conservation and Recovery Act

SIC Standard Industrial Classifications

SWDA Solid Waste Disposal Act (42 U.S.C. 6901, et seq.)

TSS Total suspended solids

U.S.C. United States Code

(Ord. 2072 § 1.4, 1996).

14.20.130 General pretreatment facilities.

(1) Users shall provide all known, available, and reasonable methods of prevention, control, and treatment (AKART) 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 director, whichever is more stringent. **Users other than significant industrial users (SIUs), subject to this chapter are as follows:**

(a) Grease Control/Pretreatment. Measures to control, recycle, remove or pretreat for grease that are applicable to food service establishments, are subject to Chapter 14.20.150 for fats, oils, and grease (FOG) control.

(b) Automatic and coin-operated laundries, car washes, filling stations, commercial garages or similar businesses having any type of washing facilities (including pressure washing and steam cleaning) or any other dischargers producing grit, sand, silt, oils, lint, or other materials which have the potential of causing partial or complete obstruction of the building site sewer or other areas in the POTW shall install approved interceptors, oil/water separators, coalescing plate treatment, or settling tanks in accordance with specifications adopted by the city of Marysville

such that excessive amounts of oil, sand, silt, and inert solids are effectively prevented from entering the POTW.

(c) Dental facilities or any other dischargers with the potential to discharge mercury from amalgam shall install approved amalgam separator or shall demonstrate the lack of need for an amalgam separator in accordance with specifications adopted by the city of Marysville such that mercury is effectively prevented from entering the POTW.

(d) Any other commercial user determined to discharge or to have the potential to discharge waste that contains constituents that may impact the function of POTW as determined by the City.

(2) Any facilities required to pretreat wastewater to a level acceptable to the city shall be provided, operated, and maintained at the user's expense.

(3) In addition, the director may establish best management practices (BMPs) for particular groups of users. These BMPs may include, but are not limited to, types or methods of pretreatment technology to be used, methods of source control, minimum maintenance requirements, dragout prevention practices, good housekeeping, spill prevention practices, or other requirements as deemed necessary.

(4) When required by the director, an engineering report, including 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.

(5) Within 90 days after the completion of the wastewater pretreatment facility, the discharger shall furnish as built drawings and its operations and maintenance procedures. Any subsequent significant changes in the pretreatment facility or method of operation shall be reported to and approved by the director prior to the initiation of the changes.

(6) New sources, and new users determined to be significant industrial users (SIUs) must have pretreatment facilities installed and operating prior to discharge, if required. (Ord. 2072 § 2.9, 1996).

(7) All facilities required to pretreat wastewater to a level acceptable to the city shall be kept in continuous operation at all times, and shall be maintained to provide efficient operation. Cleaning must be performed by a service contractor qualified to perform such cleaning, or in a manner approved by the director. All material removed shall be disposed of in accordance with all state and federal regulations. Records and certification of maintenance shall be made readily available to the director for review and inspection and must be maintained for a minimum of three years unless otherwise outlined in Chapter 14.20.150.

(8) If a failure to maintain facilities required to pretreat wastewater to a level acceptable to the city results in partial or complete blockage of the building sewer, private sewer system discharging to the city sewer system, or other parts of the city sewer system, or adversely affects the treatment or transmission capabilities of the POTW, or requires excessive maintenance by the city, or poses a possible health hazard, the discharger responsible for the facilities shall be subject to the remedies imposed by this chapter including cost recovery, enforcement and penalties.

14.20.150 Pretreatment facilities for fats, oils and grease (FOG).

(1) General.

(a) It shall be unlawful for any food service establishment or other person to discharge, or cause to be discharged, processing wastewater to the collection system or POTW which contains oils, greases, solids, or liquids sufficient to cause obstruction or otherwise interfere with the proper operations of the POTW or collection system.

(b) It shall also be unlawful for any food service establishment or other person to dispose of any grease waste or processing waste containing oils, greases, solids, or liquids and discharge said waste into any drainage piping, public or private sanitary sewer, storm drainage system, sufficient to interfere with the proper operation of that system, or to discharge said waste to any land, street, public way, river, stream, or other waterway.

(c) It shall further be unlawful for any person to allow liquid waste to accumulate on his property or in his possession which is injurious to public health or emits offensive odors.

(d) It shall be unlawful for any person to utilize any chemical emulsifying agent for the purpose of hindering or eliminating the interception of fats or grease prior to entering the city's wastewater collection system.

(e) Food service establishments and other facilities described in subsection (4) of this section discharging wastewater shall install, operate, clean, and maintain a sufficiently sized oil and grease, water and solids separator (herein called grease interceptor) necessary to achieve compliance with requirements set forth under this provision.

(f) (i) Oil or grease of petroleum or mineral origin shall not be discharged to the city's sewer system at a concentration in excess of 100 mg/l.

(ii) Fats, oil or grease of animal or vegetable origin shall not be discharged to the city's sewer system at a concentration in excess of 100 mg/l.

(g) The concentration of oils and grease shall be measured in samples taken from the sampling chamber following pretreatment in an approved grease interceptor in accordance with the requirements of this section. Oil and grease concentration shall be measured using the partition-gravimetric method or the partition-infrared method outlined in the latest edition of Standard Methods for the Examination of Water and Wastewater, published by the American Public Health Association.

(2) Waste Discharge Requirements.

(a) Waste discharge from fixtures and equipment in establishments that may contain grease, including but not limited to scullery sinks, pot and pan sinks, vent hood drains, dishwashing machines, soup kettles and floor drains located in areas where grease containing materials may

exist, may be drained into the sanitary sewer only after such discharges are pretreated in an approved grease waste interceptor in accordance with this section.

(b) No sanitary wastes from toilets, urinals, or other similar fixtures may be discharged through any grease waste interceptor. All wastes shall enter the interceptor through the inlet pipe only. The wholesale shredding of food wastes into any fixture which discharges to a grease waste interceptor is prohibited.

~~(3) Location:~~

~~(a) Each grease interceptor shall be so installed and connected that it shall be at all times easily accessible for inspection, cleaning, and the removal of the intercepted grease. A grease interceptor may not be installed in any part of a building where food is handled. Location of the interceptor shall meet the approval of the director.~~

~~(b) Interceptors shall be placed as close as practical to the fixture(s) they serve.~~

~~(c) Each business establishment for which a grease interceptor is required shall have an interceptor which shall serve only that establishment.~~

~~(43) Pretreatment Required.~~

~~All FSEs and NFDs shall have an adequate grease removal system installed and exercise proper kitchen best management practices to ensure that excess concentrations of FOG are not discharged to the POTW.~~

~~(a) Dischargers who operate newly constructed or remodeled restaurants, meat cutting facilities, cafes, lunch counters, bakeries, cafeterias, bars, or clubs; or hotel, hospital, sanitarium, factory or school kitchens; or other establishments that serve or prepare food where grease may be introduced to the sewer system shall have pretreatment facilities to prevent the discharge of fat waste, oil, or grease.~~

~~(b) Dischargers who operate automatic and coin-operated laundries, car washes, filling stations, commercial garages or similar businesses having any type of washing facilities (including pressure washing and steam cleaning) or any other dischargers producing grit, sand, oils, lint, or other materials which have the potential of causing partial or complete obstruction of the building site sewer or other areas in the POTW shall install approved interceptors, oil/water separators, or tanks in accordance with specifications adopted by the city of Marysville such that excessive amounts of oil, sand and inert solids are effectively prevented from entering the POTW.~~

~~(54) Design~~

~~GRSs shall be designed, sized, located and constructed in accordance with the city's engineering design and development standards (EDDS) or as provided by the Director or designee.~~

~~(a) Grease interceptors shall be multiple compartment flotation chambers where grease floats to the water surface and is retained while the clear water underneath is discharged. The clear water discharged is subject to the discharge prohibitions of subsection (1) of this section.~~

~~(b) The grease interceptor shall be followed by a sampling compartment to allow for monitoring of discharges from the pretreatment unit. The geometry of the sampling compartment shall be in accordance with city of Marysville standard plan for grease interceptors available at the utility department. Interceptors shall have fittings designed for grease retention.~~

~~(c) There shall be an adequate number of manholes to provide access for cleaning and maintenance of all areas of the interceptors; a minimum of one manhole per 10 feet of interceptor length. Manhole covers shall be gas-tight in construction, and have a minimum opening dimension of 20 inches.~~

~~(6) Sizing Criteria.~~

~~(a) Sizing Formula. The size of the grease interceptor shall be determined by using the following formula: seating capacity or the number of meals served per peak hour, whichever is greater, x 6.0 gallons x 2.5 hours x storage factor = interceptor size in gallons.~~

~~Storage factor shall be as follows:~~

~~Facilities open less than 16 hours = 1~~

~~Facilities open for 16 hours or more = 2~~

~~Facilities open for 24 hours = 3~~

~~(b) In cases of certain fast food restaurants or establishments with the potential to discharge large quantities of oils, grease, solids or wastewaters, larger capacities of grease interceptors may be required. Prepackaged or manufactured grease interceptors may be approved by the director with proper engineering and application review.~~

(5) New Construction

All new construction FSEs and NFDs shall submit kitchen fixture plan views and kitchen waste plans showing all potential grease-discharging lines, all GRSs, and connecting piping to the director or his designee for approval prior to construction. The plumbing shall be installed in accordance with the approved plans. Failure to submit plans or construct in accordance with approved plans is a violation of this chapter.

(a). All new single-occupancy food service establishment buildings shall be constructed with properly sized interceptor-style grease removal systems. Where bona-fide space or gradient limitations make the use of an interceptor-style GRS impractical, and with prior approval of the director, an FSE may install properly sized trap-style GRSs. All kitchen drains and any other drains that may carry grease-laden waste shall be connected to this GRS (except the dishwasher if a trap-style GRS is installed). If a trap-style GRS is installed, the kitchen may not have a garbage disposal/garbage grinder/macerator or similar unit installed.

(b) All new construction multi-tenant buildings (strip centers) shall include a separate waste line for all leasable spaces that discharges to a common two thousand gallon or

larger interceptor. This waste line shall be permanently marked to identify it as required by the director. When a space is leased, sold, or rented to an FSE or NFD, all kitchen drains and any other drains that may carry grease-laden waste shall be connected to this waste line; no domestic sewage may be connected to this line. The property owner shall be responsible for proper maintenance of this interceptor in accordance with the provisions of this chapter.

(c) All new single-occupancy non-FSE FOG discharger buildings shall install a properly sized GRS. Interceptor-style GRSs are recommended, but trap-style GRSs are permissible. All kitchen drains and any other drains that may carry grease-laden waste shall be connected to this GRS (except the dishwasher if a trap-style GRS is installed). If a trap-style GRS is installed, the kitchen may not have a garbage disposal/garbage grinder/macerator or similar unit installed.

(d) Any FSE or NFD undertaking a substantial remodel or tenant improvements will be considered to be new construction for the purposes of this chapter.

(6) Existing Dischargers of Grease Wastes

Any existing FSE or NFD without a functional GRS shall be required to install one. The type of GRS required will be determined by the director, taking into account cost, available space and gradient, history of impacts and maintenance to the sewer collection system, and any other pertinent information. Where feasible, all kitchen drains and any other drains that may carry grease-laden waste shall be connected to this GRS (except the dishwasher if a trap-style GRS is installed). If a trap-style GRS is installed, the kitchen may not have a garbage disposal/garbage grinder/macerator or similar unit installed.

(7) Source Control.

(a) All food establishments which deep fry, pan fry or otherwise generate liquid or semisolid restaurant grease shall maintain a container on-site for containment of liquid and semisolid grease wastes. This liquid or semisolid grease shall be transported to an approved rendering plant.

(b) In no case shall free liquid grease be disposed of directly into fixtures which are connected to the sewer system.

(c) Unused butter, margarine, or other solid grease products shall not be discharged to the sewer system through garbage disposals or other means. No exceptions to the prohibitions of this subsection are allowed for fixtures which discharge to the sewer system through an approved grease interceptor.

(d) Hauling and recycling of restaurant grease shall be accomplished at a facility holding a state rendering permit.

(8) Additives.

(a) The use of any additive, such as enzymes, chemicals, or bacteria, as a substitute for grease interceptors or the maintenance of grease interceptors is prohibited.

(b) The use of additives as a supplement to grease interceptors may be authorized by the director. The director will provide a specific written protocol for testing of additives proposed for use as supplements for grease interceptor or sewer line maintenance. Completion of the testing protocol to the satisfaction of the director at the expense of the grease generator is required prior to use of any additive.

(c) A written authorization from the director shall be obtained after completion of the testing protocol to verify that no objection is taken to the use of the proposed additive. In no case shall any additive which emulsifies fats, oils or grease be used. The city will provide a written test procedure for determination of emulsifying agents.

(9) Grease ~~removal system~~ ~~Interceptor~~ Maintenance.

(a) Each facility required to install and maintain a ~~grease waste interceptor~~ GRS under this chapter shall provide regular maintenance of said ~~interceptor~~ GRS to the satisfaction of the director in an accordance with the requirements set forth in this chapter.

(b) Trap style GRSs shall be inspected and cleaned no less than once per month. Trap-style GRSs may be maintained by the FSE or NFD. When cleaned, the trap must have surface grease and oil removed, settled solids removed, all sides scraped, removable parts removed and cleaned, be inspected for damage and corrosion, and be properly reassembled. If repairs are required, they shall be performed within seven days. Maintenance and cleaning records must be kept on site and readily accessible for a period of 12 months.

(c) The material that is removed in the process of cleaning a GRS shall not be discharged back into the GRS, any part of the POTW, any private sewer, any drainage piping, or storm sewer system. All materials removed shall be handled and disposed of in accordance with federal, state, county and local laws, rules and regulations.

(d) In addition to the maintenance required above, automatic grease removal systems shall be maintained in accordance with the manufacturers' guidelines.

(~~be~~) Each person who removes grease waste from the grease interceptor style GRS shall, to the extent technically and mechanically possible, remove the entire content of the grease interceptor.

(i) Pumping. All grease interceptors shall be maintained by the user at the user's expense. Maintenance shall include the complete removal of all contents including floating materials, wastewater, and bottom sludges and solids. Decanting or discharging of removed waste back into the interceptor from which the waste was removed or any other grease interceptor for the purpose of reducing the volume to be hauled is prohibited.

(ii) Grease Removal and Grease Interceptor Pumping Frequency. All grease interceptors must be pumped out completely once every three months, or more frequently, as required by the director. Exception to this minimum frequency of pumping may be

made with special written approval from the director for generators of small quantities of grease wastes. In no case shall the frequency of pumping be less than once every six months.

(iii) Disposal of Grease Interceptor Pumpage. All waste removed from each grease interceptor must be disposed of at a facility permitted by the health department in the county in which the disposal facility is located. Under no circumstances shall the pumpage be returned to any POTW or any sewer.

(iv) Maintenance Requirements. Each person who engages in grease waste handling shall maintain all vehicles, hoses, pumps, tanks, tools, and equipment associated with grease waste handling in good repair, free of leaks, and in a clean and sanitary condition. All hoses and valves on grease waste handling vehicles or tanks shall be tightly capped or plugged after each use to prevent leakage, dripping, spilling or other discharge of grease wastes and any public or private property.

(v) Maintenance Records. A log indicating each pumping of an interceptor for the previous 12 months shall be maintained by each food service establishment. This log shall include date, time, amount pumped, hauler and disposal site and shall be kept in a conspicuous location for inspection by health department or POTW personnel. ~~The maintenance record log shall be recorded in the format of the sample log included in subsection (10) of this section.~~

(vi) Maintenance Reporting. The information required in the maintenance log shall be submitted to the control authority annually ~~or as specified by POTW personnel~~. The reporting period is January 1st through December 31st of each year. The report shall be submitted within 30 days after the end of the reporting period.

(vii) Hazardous Material Prohibited. No person shall collect, transport, or handle any hazardous material in any vehicle used for grease waste handling.

~~(10) Maintenance Log Format. All pumpage collected by haulers from grease interceptors shall be verified by a maintenance log which confirms pumping, hauling and disposal of waste. Maintenance records and maintenance reporting requirements are specified in subsections (9)(b)(v) and (vi) of this section. Each person who engages in grease waste hauling shall complete the log each time such person services a grease interceptor. Such person shall provide a copy of the log to the generator of the grease waste. The log format shall be one of two types.~~

~~(a) Type I Maintenance Log Format. The Type I format shall be used when the transporter of the pumpage maintains and operates a grease waste treatment facility where such facility is permitted by the local department of Health in the county in which the facility is located. The local health department permit shall specifically cover activities associated with grease waste recycling and/or disposal activities.~~

~~The director will maintain a list of approved permitted grease waste receiving facilities. A permitted grease waste facility may be added to the director's list of approved facilities upon submittal of a proper department of health permit for the county in which the receiving facility~~

is located. The Type I grease waste maintenance log format shall be used only by transporters on the director's list of approved permitted grease waste receiving facilities.

(b) Type II Maintenance Log Format. The Type II grease waste interceptor maintenance log format shall be used when the transporter of the pumpage does not maintain and operate a permitted grease waste treatment facility. The Type II format shall be used by all transporters not on the list of permitted and approved grease waste receiving facilities maintained by the director. Any transporter on the approved list who does not dispose of the hauled grease waste at its own permitted treatment facility shall use the Type II format.

Each log entry shall consist of a single sheet of eight and one half inch by 11 inch paper on which the required data is entered. The following format shall be used for each log entry:

Type I Format

GREASE INTERCEPTOR
MAINTENANCE LOG

TYPE I FORMAT

PREPARED FOR THE CITY
OF MARYSVILLE, WA

GENERATOR INFORMATION

- NAME: (type facility name)
- ADDRESS: (type facility address)
- DATE: (handwritten entry)
- VOLUME PUMPED: (handwritten entry)

TRANSPORTER INFORMATION

- NAME: (type business name of transporter)
- ADDRESS: (type transporter address)
- VEHICLE DESCRIPTION AND CAPACITY: (handwritten entry)
- ESTIMATED THICKNESS OF FLOATING GREASE: (handwritten entry)
- ESTIMATED DEPTH OF BOTTOM SOLIDS: (handwritten entry)
- COMMENTS: (provide four lines the full width of the page to allow driver to enter observations on the condition of the grease interceptor)
- DRIVER NAME: (hand print driver name)
- SIGNATURE: (driver signature)

Type II Format

GREASE INTERCEPTOR
MAINTENANCE LOG

TYPE II FORMAT

PREPARED FOR THE CITY
OF MARYSVILLE, WA

GENERATOR INFORMATION

- NAME: (type facility name)
- ADDRESS: (type facility address)
- DATE: (handwritten entry)
- VOLUME PUMPED: (handwritten entry)

TRANSPORTER INFORMATION

- NAME: (type business name of transporter)
- ADDRESS: (type transporter address)
- VEHICLE DESCRIPTION AND CAPACITY: (handwritten entry)
- ESTIMATED THICKNESS OF FLOATING GREASE: (handwritten entry)
- ESTIMATED DEPTH OF BOTTOM SOLIDS: (handwritten entry)
- COMMENTS: (provide four lines the full width of the page to allow driver to enter observations on the condition of the grease interceptor)
- DRIVER NAME: (hand print driver name)
- SIGNATURE: (driver signature)

RECEIVING FACILITY INFORMATION

- FACILITY NAME: (type facility name)
- ADDRESS: (type facility address)
- FACILITY PERMIT NUMBER: (type Dept. of Health permit number)
- DATE: (handwritten entry)
- VOLUME OF WASTE: (handwritten entry)
- CLASSIFICATION OF WASTE: (handwritten entry)
- NAME: (print name of receiving facility employee authorized to document waste discharge)
- SIGNATURE: (signature of above employee)

(11) Inspection and Entry.

(a) Any and all premises serviced by a grease interceptor and any and all records pertaining thereto shall be subject to inspection by the director for the purpose of determining compliance with this chapter.

(b) All GRSs shall be made accessible for inspection.

(c) Any and all premises and vehicles used by any person performing grease waste handling any and all records of such person which relate to such person's grease waste handling activities shall be subject to inspection by the director for the purpose of determining compliance with this chapter.

~~(12) Existing Dischargers of Grease Wastes.~~

~~(a) All existing restaurants, cafes, bakeries, lunch counters, cafeterias, meat cutting facilities, bars, or clubs, or hotel, hospital, sanitarium, factory or school kitchens; or other establishments that serve or prepare food where grease may be introduced to the sewer system which do not have grease interceptors, or do not have adequately sized interceptors at the time of adoption of the ordinance codified in this chapter shall meet the requirement for interception of grease, oils and fats by installing an approved grease interceptor.~~

~~(b) Approved grease interceptors shall be installed within six months of the adoption of the ordinance codified in this chapter for existing facilities identified by the director as having a history of causing problems in the city's collection system. Facilities which must install approved grease interceptors within six months of ordinance adoption will be notified in writing by the director.~~

~~(c) Existing facilities which are not so notified by the director shall have 18 months from the time of adoption of the ordinance codified in this chapter to install approved grease interceptors in accordance with this chapter. Existing facilities which currently have grease interceptors of adequate size to meet the requirements of this chapter shall submit drawings of the existing installation along with calculations to demonstrate the adequacy of the existing installation. If the director determines that the existing grease interceptor meets the requirements of this chapter, the facility will be required to install only the sampling chamber as shown on the standard plan for grease interceptors. (Ord. 2072 § 2.11, 1996).~~

Exhibit B – MMC Chapter 14.21 ILLICIT DISCHARGE DETECTION AND ELIMINATION (IDDE)

Chapter 14.21

ILLICIT DISCHARGE DETECTION AND ELIMINATION (IDDE)

Sections:

- 14.21.010 Purpose/objectives.
- 14.21.020 Applicability.
- 14.21.030 Definitions.
- 14.21.040 Prohibited discharges.
- 14.21.050 Allowable discharges.
- 14.21.060 Conditional discharges.
- 14.21.070 Prohibition of illicit connections.
- 14.21.080 **Inspections and investigations.** ~~Access to premises.~~
- 14.21.090 Requirements to prevent, control, and reduce storm water pollutants by the use of best management practices (BMPs).
- 14.21.110 Watercourse protection.
- 14.21.120 Notification of spills.
- 14.21.130 Suspension of MS4 access.
- 14.21.140 Enforcement.
- 14.21.150 Compensatory action.
- 14.21.160 Severability.
- 14.21.170 Ultimate responsibility.

14.21.010 Purpose/objectives.

The purpose of this chapter is to provide for the health, safety, and general welfare of the citizens of Marysville through the regulation of ~~non-storm water~~ discharges to ~~the city's~~ storm drainage systems to the maximum extent practicable as required by federal and state law. ~~This chapter establishes methods for controlling the introduction of pollutants into the municipal separate storm sewer system (MS4) in order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) permit process.~~

The objectives of this chapter are:

- (1) To regulate the contribution of pollutants to the MS4, **or private storm sewer systems** by **storm water** discharges **by from** any user;
- (2) To prohibit illicit connections and discharges to the municipal separate storm sewer system;
- (3) Require applicable source control BMPs for stormwater discharge; and**
- (34)** To establish legal authority to carry out all inspection, surveillance and monitoring procedures necessary to ensure compliance with this chapter. (Ord. 2782 § 1 (Exh. A), 2009).

14.21.020 Applicability.

This chapter shall apply to all **water discharges, either directly or indirectly,** entering the municipal separate storm sewer system (MS4) **and private storm sewer systems** from any developed and undeveloped lands unless explicitly exempted by the city. (Ord. 2782 § 1 (Exh. A), 2009).

14.21.030 Definitions.

“AKART” means all known, available, and reasonable methods of prevention, control, and treatment. See also the State Water Pollution Control Act, RCW 90.48.010 and 90.48.520.

“Best management practices (BMPs)” means schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures, and structural or managerial practices to prevent or reduce the discharge of pollutants directly or indirectly to storm water, receiving waters, or storm water conveyance systems. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

“Director of public works” or “director” means the director of the public works department or his/her designee.

“Ground water” means water in a saturated zone or stratum beneath the surface of the land or below a surface water body.

“Hazardous materials” means any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

“Hyperchlorinated” means water that contains more than 10 mg/liter chlorine.

“Illicit discharge” means any direct or indirect non-storm water discharge to the city’s storm drain system, except as expressly exempted by this chapter.

“Illicit connection” means any manmade conveyance that is connected to a municipal separate storm sewer without a permit, excluding roof drains and other similar type connections. Examples include sanitary sewer connections, floor drains, channels, pipelines, conduits, inlets, or outlets that are connected directly to the municipal separate storm sewer system.

“Municipal separate storm sewer system (MS4)” means a conveyance or system of conveyances, including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains, which are:

- (a) Owned or operated by the city of Marysville;
- (b) Designed or used for collecting or conveying storm water;
- (c) Not part of a publicly owned treatment works (POTW) (“POTW” means any device or system used in treatment of municipal sewage or industrial wastes of a liquid nature which is publicly owned); and
- (d) Not a combined sewer (“combined sewer” means a system that collects sanitary sewage and storm water in a single sewer system).

“National Pollutant Discharge Elimination System (NPDES) storm water discharge permit” means a permit issued by the Environmental Protection Agency (EPA) (or by the Washington Department of Ecology under authority delegated pursuant to 33 U.S.C. Section 1342(b)) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

“Non-storm water discharge” means any discharge to the storm drain system that is not composed entirely of storm water.

“Person” means any individual, association, organization, partnership, firm, corporation or other entity recognized by law and acting as either the owner of a premises or as the owner’s agent.

“Pollutant” means anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; nonhazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

“Premises” means any building, lot, parcel of land, or portion of land, whether improved or unimproved, including adjacent sidewalks and parking strips.

“Source control best management practices (BMPs)” means a structure or operational practices intended to prevent pollutants from coming into contact with storm water through physical separation of areas or careful management of activities that are sources of pollutants and are defined in the Stormwater Manual.

“Stormwater Manual” means the Stormwater Management Manual for Western Washington adopted in MMC as the city’s minimum stormwater regulations, technical reference manual and maintenance standard.

“Storm or storm water drainage system” means publicly owned facilities, including the city’s municipal separate storm sewer system, by which storm water is collected and/or conveyed, including but not limited to any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human made or altered drainage channels, reservoirs, and other drainage structures.

“Storm water” means runoff during and following precipitation and snowmelt events, including surface runoff, drainage or interflow. (Ord. 3035 § 6 (Exh. F), 2016; Ord. 2782 § 1 (Exh. A), 2009).

“Storm water treatment best management practices (BMPs)” means BMPs that are intended to remove pollutants from stormwater using gravity, settling, filtration, biological uptake, soil adsorption, and other processes as defined in the Stormwater Manual.

14.21.080 Inspections and investigations~~Access to premises.~~

(1) Authority. The director is authorized to establish inspection programs. Inspection programs may include, but are not limited to:

- (a) Routine inspections;
- (b) Random inspections;
- (c) Inspections based upon complaint or other notices of possible violations;
- (d) Inspection of drainage basins or areas identified as higher than typical sources of sediment or other pollutant or pollutants;
- (e) Inspection of any potential pollution generating sources on all public and private properties within the City; and
- (f) Joint inspection with other agencies inspecting under environmental or safety laws.

(2) Right of Entry. An authorized representative of the city may enter private property, upon receiving permission from a property owner (or other person responsible for the premises), for the purpose of engaging in activities pursuant to this chapter and the NPDES permit program. Activities may include inspection, technical assistance, sampling, testing, examination, abatement, copying of records, and the performance of any other duties as defined by state and federal law or imposed by this chapter. If entry is refused or cannot be obtained, the director shall have recourse to every remedy provided by law to secure entry.

(3) Right of Entry in Emergency. In the event of an emergency presenting a threat to public health or safety and requiring immediate action by the director under this chapter, the director may enter onto any property without obtaining consent; provided, that as soon as practicable thereafter, the director shall advise the property owner or other responsible person of such entry.

~~(4)~~ As a condition of approval of storm water facilities pursuant to this title, property owners shall be deemed to have permitted the city to enter and inspect premises subject to regulation under this title, as set forth in this section and as often as may be reasonably necessary to determine compliance with this title. If a discharger has security measures in force which require proper identification and clearance before entry into its premises, the discharger shall make the necessary arrangements to allow access to representatives of the city.

~~(2) Premises owners, occupiers and their agents shall allow the city ready access to all parts of the premises for the purposes of inspection, sampling, examination and copying of records that must be kept under the conditions of this title and the performance of any additional duties as defined by state and federal law.~~

(5) Inspections and Investigations of Prohibited Discharges and Pollutants. The city shall have the authority to inspect sources of prohibited storm water discharges and pollutants and BMPs. Inspections may include, but are not limited to:

(a) Examination of vehicles, trailers, tanks, or mobile or stationary equipment which could cause a prohibited discharge;

(b) Inspection, sampling, and testing any area, discharge, material, or drainage facility for the purpose of determining the potential for contribution of pollutants to the storm water drainage system or waters of the state;

(c) Screening for and/or tracking illicit discharges or illicit connections;

(d) Inspecting land uses and potential pollution generating activities to ensure that appropriate source control BMPs are implemented and maintained;

(e) Investigation of the integrity of drainage facilities on the premises using appropriate tests including but not limited to dye or smoke testing or video surveys;

(f) Creating records reasonably necessary to document conditions related to storm water pollution or BMPs implemented on the premises, including but not limited to photographs, video, measurements and drawings; and

(g) Inspection and copying of nonconfidential records relating to site activity or processes presently or previously occurring, including but not limited to safety data sheets, storm water pollution prevention plans, spill response plans, hazardous waste manifests, drainage inspection records, state or federal storm water permits, or other records related to prohibited connections or discharges.

(36) The city shall have the right to set up on any premises such devices as are necessary in the opinion of the director to conduct monitoring and/or sampling of the storm water discharge.

(47) The city has the right to require premises owners, occupiers or their agents to install monitoring equipment as necessary. The monitoring equipment shall be maintained at all times in a safe and proper operating condition by the premises owners, occupiers, or their agents at their own expense. All devices used to measure storm water flow and quality shall be calibrated to ensure their accuracy.

(58) Any temporary or permanent obstruction to safe and easy access to the premises to be inspected and/or sampled shall be promptly removed by the premises owner, occupiers or their agents at the written or oral request of the city and shall not be replaced. The costs of clearing such access shall be borne by the premises owner or occupier.

(69) Unreasonable delays in allowing the city access to a premises is a violation of this chapter. A person who is the owner or operator of a premises commits an offense if the person denies the city reasonable access to the premises for the purpose of conducting any activity authorized or required by this chapter. (Ord. 2782 § 1 (Exh. A), 2009).

14.21.090 Requirements to prevent, control, and reduce storm water pollutants by the use of best management practices (BMPs).

The Stormwater Manual sets forth approved best management practices (BMPs). The owner or operator of a commercial or industrial establishment shall provide, at its own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the municipal storm drain system, **private storm drain systems**, or watercourses through the use of these structural and nonstructural BMPs. Further, any person responsible for a property or premises, which is, or may be, the source of an illicit discharge, may be required to implement, at said person's expense, additional structural and nonstructural BMPs to prevent the further discharge of pollutants to the municipal separate storm sewer system. (Ord. 2782 § 1 (Exh. A), 2009).

(1) **Prohibited Discharges. Best management practices (BMPs) as specified in the Stormwater Manual shall be applied to any activity that might result in a prohibited discharge.**

(2) **Source Control of Pollution. Source control BMPs shall be applied to all properties within the city that are engaged in pollution generating activities that have the potential to discharge pollutants into the storm water drainage system or waters of the state, regardless of whether the property is covered under a separate NPDES permit. Pollutants shall be controlled by implementing appropriate source control BMPs as specified in the Stormwater Manual. Pollutants associated with land uses or activities not addressed in the Stormwater Manual shall be controlled using BMPs reviewed and accepted by the city.**

(3) **If upon inspection of existing BMPs, the director determines that the BMPs are inadequate at controlling prohibited discharges or pollutants, the director may require any person responsible for a property or premises which is, or may be, the source of a prohibited discharge or pollutant to implement, at their own expense, additional operational BMPs, and if necessary, structural BMPs and/or treatment BMPs or facilities, or both, to prevent the further discharge of prohibited storm water discharges or pollutants.**