

ORDINANCE NO. 3778

AN ORDINANCE OF THE CITY OF KIRKLAND AMENDING CHAPTER 15.36 OF THE KIRKLAND MUNICIPAL CODE, "DRAINAGE AND DISCHARGE INTO SEWERS REGULATED."

WHEREAS, it is necessary to amend KMC Chapter 15.36, Drainage and Discharge into Sewers Regulated, for the purpose of updating codes and practices to comply with state and federal guidelines, which changes will also provide needed improvements to the City's Wastewater Utility system capabilities; and

WHEREAS, the City Council desires to amend KMC Chapter 15.36 accordingly;

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

Section 1. Section 15.36.030 of the Kirkland Municipal Code is hereby by amended by the addition of new subsections to read as follows:

15.36.030 Discharges prohibited.

It is unlawful to discharge or cause to be discharged any of the following described waters or wastes in any public sewer, drain, ditch or natural outlet:

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- (11) Every building, structure or premise used or occupied by any sewer user where any commercial or industrial operations are conducted or permitted which result in the discharge into the sewer system of any products, waste products, or other substances, matter, or liquid in the manner and to the extent prohibited in this section shall be equipped with an adequate and suitable grease trap, filter or other interception device installed in such a manner that the product, waste products, or other substances, materials or liquid herein set forth will not flow into or be discharged into the sanitary sewer system. The grease trap, filter, or other interceptor shall be adequately maintained, readily accessible for inspection by the city at any time to ensure its proper operation, and is subject to terms in section 15.36.040.
- (12) The owner of any vehicle-washing facility shall install and maintain in a proper manner, and at his own expense, an approved grit and oil trap located in the side sewer line subject to terms in section 15.36.040.

Section 2. Chapter 15.36 is hereby amended by the addition of a new section to read as follows:

15.36.035 Pretreatment of fats, oils and greases required.

(a) Dischargers who operate newly constructed or remodeled restaurants, cafes, lunch counters, 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 into the sewer system shall have pretreatment facilities to prevent the discharge of fat waste, oil, or grease (FOG). Take-out food establishments or other establishments that prepare food, but do not cook in oil or grease, and who serve food only in disposable containers, may be exempted from this requirement, provided their discharges will not violate the general discharge prohibitions of this chapter. These pretreatment facilities must be grease interceptors installed in the waste line leading from sinks, drains, or other fixtures where grease may be discharged. The grease interceptors must meet, at a minimum, the specifications of the current Uniform Plumbing Code adopted by the city at the time of construction. The city is authorized to adopt and publish additional criteria for grease interceptors. Dischargers must maintain these facilities in a manner that will always prevent fat waste, oil, or grease from being carried into the sewer system. Fat waste, oil, or grease removed from such a facility shall not be disposed of in sanitary or storm sewers.

(b) All existing restaurants, cafes, lunch counters, cafeterias, bars, or clubs; or hotel, hospital, sanitarium, factory or school kitchens or other establishments that prepare food where grease may be introduced into the sewer system which do not have a grease trap or interceptor at time of adoption of the ordinance codified in this chapter shall meet the requirements for grease, oils and fats by either installing a grease trap or interceptor or by providing a FOG management plan which shall include specific disposal practices and proof they are being adhered to no later than January 1, 2002. If any of the aforementioned businesses are sold or leased and the new owners or operators must apply for a new business license they shall be required to install or hookup to a grease removal system within six months or provide a management plan within one month of the time the business license is granted. The Public Works Director shall approve of all management plans or installations of grease removal systems.

Section 3. Section 15.36.040 is hereby amended as follows:

15.36.040 Grease, oil and sand interceptors required. Washing facilities, grease rack – Pretreatment.

Dischargers who operate automatic and coin-operated laundries, car washes, filling stations, commercial garages or similar businesses having any type of washing facilities or grease racks and any other dischargers producing grit, sand, oils, or other materials which have the potential of causing partial or complete obstruction of the building sewer or other areas in the sewer system shall install approved interceptors or tanks in accordance with the latest specifications adopted by the city such that excessive amounts of oil, sand and inert solids are effectively prevented from entering the city sewer.

(a) No grease, oil, sand, liquid, waste containing grease or inflammable material or other harmful ingredients in excessive amounts shall be discharged into any public sewer without the installation of interceptors, grease traps, or other equipment, which shall be of a type and capacity approved by the Director and shall be so located as to be readily accessible for cleaning and inspection.

(b) When any interceptors, grease traps or other equipment are installed for private use, they shall be maintained by the owner at his expense and in continuously efficient operation at all times.

Section 4. Chapter 15.36 is hereby amended by the addition of a new section to read as follows:

15.36.045 FOG pretreatment facilities – Installation and maintenance.

All grease traps, interceptors, oil/water separators, settling tanks and grit traps shall be installed, maintained and operated by the discharger at his own expense. The installation 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. All material removed shall be disposed of in accordance with all state and federal regulations. Certification of maintenance shall be made readily available to the city authorized personnel for review and inspection. If a failure to maintain settling tanks, grit traps, grease interceptors, grease traps or oil/water separators results in partial or complete blockage of the building sewer or other parts of the wastewater utility system, adversely affects the treatment or transmission capabilities of the system, or requires excessive maintenance by the city, the discharger responsible for the facilities shall be subject to the remedies, including enforcement and penalties detailed in this chapter.

Section 5. Chapter 15.36 is hereby amended by the addition of a new section to read as follows:

15.36.100 Right of revision.

The City reserves the right to amend this Chapter, and any permits issued under it, to provide for more stringent limitations or requirements on discharges to the Wastewater Utility system if such amendments are deemed necessary to comply with the objectives set forth in Section 15.36.030 of this ordinance, or are otherwise in the public interest. No vested right shall be created by the issuance of any permit under this Chapter.

Section 6. Chapter 15.36 is hereby amended by the addition of a new section to read as follows:

15.36.110 Entry of private property.

The City or its representative, bearing proper credentials and identification, shall be permitted to enter upon all and any premises at all reasonable times for the purpose of inspection, observation, measurement, sampling, testing of sewers and sewage, and performance of all other acts or duties required within the provisions of this Chapter.

Section 7. Chapter 15.36 is hereby amended by the addition of a new section to read as follows:

15.36.120 Standards for discharges and reporting – enforcement - penalties.

(a) Those dischargers subject to National Pretreatment Standards will be subject to enforcement action in accordance with this Chapter for any violations of the criteria and limitations specified in the categorical standard or the General Pretreatment Standards set forth in 40 CFR 403, as currently written or hereafter amended, which standards are hereby adopted by reference.

(b) Maximum Daily Concentration Allowed. The maximum daily allowable concentration for dischargers not regulated under National Pretreatment Standards is violated under the following circumstances:

1. The arithmetic mean of concentrations for eight consecutive samples collected within a 24 hour time period over intervals of fifteen (15) minutes or greater is in excess of the limitation.
2. The concentration value obtained from a composite sample that is representative of the 24 hour discharge is in excess of the limitation.

3. The concentration of any single sample (whether as single grab sample or a sample within a series) exclusive of any fats, oils, and grease exceeds the limitation by a factor of two and a half times (2.5).
4. The arithmetic mean of the concentration of fats, oils, or greases for three grab samples, taken no more frequently than five- (5) minute intervals exceeds the limitation.

(c) Maximum Allowable Poundage Limitations. A violation shall occur if the maximum allowable effluent poundage limitation as established in the private wastewater discharge permit is exceeded. The daily poundage discharged shall be calculated using the volume of effluent discharged that day times the concentration for that day either reported by the discharger or obtained through sampling by the City. The poundage shall be determined utilizing the formula:

$$\text{Lb./day} = \text{conc. in mg/L} \times \text{gal/day disch.} / 1,000,000 \times 8.34$$

(d) Reporting Requirements. A violation shall occur if any reporting requirements established by permit, accidental discharges, upset conditions, written request of the City or authorized representative, or as specified by general pretreatment standards (40 CFR 403.12) are not complied with. A violation shall occur when any person knowingly makes any false statement, representation, or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this ordinance, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this Chapter.

(e) "F.O.G." pretreatment Facility - Maintenance. A violation shall occur if there is any failure to maintain grease or grit interceptors or oil/water separators which causes maintenance on any sewer line to be greater than once every two years caused by excessive oil, grease, or fat buildup in the sewer lines; or excess buildup of sand, gravel or other materials clogging the sewer lines. The lack of any device to prevent discharge of grease, oil, fats, sand, gravel or any other materials which will cause excessive maintenance of the sewer lines shall not relieve the discharger of the responsibility of liability for any costs to City for excessive maintenance and/or other costs incurred by the City.

(f) Discharge of Dangerous Waste. A violation shall occur if any material listed on the Discharge Chemical Products List of the State of Washington (WAC 173.303.9903) is discharged into any public sewer or building sewer tributary thereto.

(g) Explosion Meter Readings. A violation shall occur if the readings on an explosion meter at any point in the collection system or Wastewater Treatment Plant is greater than 10% for a single reading or greater than 5% for two successive readings.

(h) Termination of Treatment Services - Permit Revocation. The City shall have the authority to terminate wastewater treatment services of the discharger and revoke any permit issued if it determines that the discharger has:

1. Failed to accurately report wastewater constituents and characteristics more than once; or,
2. Failed to report significant changes in wastewater constituents, characteristics, flow volumes or types of discharge to the Wastewater Treatment Plant; or,
3. Refused reasonable access to the discharger's premises for purposes of inspection or monitoring; or,
4. Violated conditions of the Wastewater Discharge Permit; or,
5. Violated any of the provisions of this Chapter, regulations promulgated hereunder, state law or federal law; or,
6. Violated any lawful order of the City issued with respect to the Discharger's Permit or this Chapter; or,
7. Tampered with, disrupts, damages or renders inaccurate any wastewater monitoring device required by this Chapter.

(i) Other Violations.

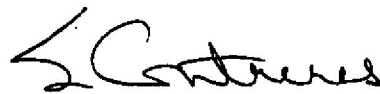
- (1) If reports required by permit, this ordinance or state or federal pretreatment regulations are submitted later than thirty (30) days after they are due, the discharger shall be subject to civil penalties of \$25 per day for a maximum of twenty (20) working days. The penalty shall then be increased to \$100 per day with a maximum fine of \$1000. In the event the reports have not been submitted at the time the maximum penalty is imposed, the City shall seek remedies under Section 15.36.120(h).
- (2) If any of the actions prescribed in any compliance schedule established by permit or by order of the City are not complete within thirty (30) days of the time they are required to be complete, the discharger shall be subject to civil penalties of \$100 per day for a maximum of sixty (60) days for each day the action(s) have not been completed. In the event the actions have not been completed ninety (90) days after the date scheduled in the permit or order the City shall seek remedies under Section 15.36.120(h).

- (3) If a discharger fails to maintain grease, oil and/or sand removal systems which results in the City having to perform the maintenance of the collection system or treatment plant, the discharger shall be subject to a civil penalty of \$500 which shall be added to the costs incurred by the City to perform the maintenance. If the City must perform any maintenance for that a second time within a three year period, the penalty shall be \$1000, which shall be added to the costs of maintenance by the City. In the event the City having to perform any maintenance for that discharger continues, the City shall seek remedies under Section 15.36.120(h).
- (4) Failure to provide accurate or complete information on any wastewater discharge reports or the requirements of a discharge permit, shall result in a civil penalty of \$100 for the first offense. Thereafter, the discharger shall be subject to remedies under Section 15.36.120(h).
- (5) In addition to the assessments described in this section, any costs incurred by the City, including but not limited to, attorney's fees, shall be added to the total amount of the civil penalty assessment.

Section 8. If any section, subsection, sentence, clause, phrase, part or portion of this ordinance is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.


Section 9. This ordinance shall be in force and effect five days from and after its passage by the Kirkland City Council and publication, pursuant to Section 1.08.017 Kirkland Municipal Code in the summary form attached to the original of this ordinance and by this reference approved by the City Council.

Passed by the Kirkland City Council in open meeting this 6th day of March, 2001.




DEPUTY MAYOR

ATTEST:


City Clerk

APPROVED AS TO FORM


City Attorney

PUBLICATION SUMMARY OF
ORDINANCE 3778

AN ORDINANCE OF THE CITY OF KIRKLAND AMENDING CHAPTER 15.36 OF THE KIRKLAND MUNICIPAL CODE, "DRAINAGE AND DISCHARGE INTO SEWERS REGULATED."

The City Council of the City of Kirkland do ordain as follows:

Section 1. Adds subsections (11) and (12) to KMC 15.36.030 to require commercial or industrial users to adequately trap harmful discharge before it can enter the sewage system.

Section 2. Adds section .035 to KMC 15.36 to require pretreatment of fats, oils and greases from newly constructed commercial kitchens before introduction to the sewage system; allowing pre-existing commercial kitchens until January 1, 2002 to implement such pretreatment pursuant to an approved FOG management plan and requiring compliance within 6 months for existing commercial kitchens which are conveyed to another.

Section 3. Amends KMC 15.36.040 to require dischargers who operate automatic and coin-operated laundries, car washes, filling stations, commercial garages or similar businesses having any type of washing facilities or grease racks, and any other dischargers producing grit, sand, oils, or other materials which have the potential of causing partial or complete obstruction of the building sewer or other areas in the sewer system, to install interceptors or tanks to prevent such material from entering the sewage system.

Section 4. Adds section .045 to KMC 15.36 to require that all grease interceptors and traps, oil/water separators, settling tanks and grit traps required by Chapter 15.36 must be adequately maintained at the dischargers expense.

Section 5. Adds section .100 to KMC 15.36 by which the City reserves the right to require more stringent limitations on discharges if deemed necessary to comply with the objectives of Section 15.36.030, or if such limitations are otherwise in the public interest, and providing that no vested rights to certain discharge levels will be created by the issuance of any permit under that Chapter.

Section 6. Adds section .110 to KMC 15.36 to authorize the City, upon showing proper credentials, to enter any regulated premises at all reasonable times for the purpose of insuring compliance with Chapter 15.36.

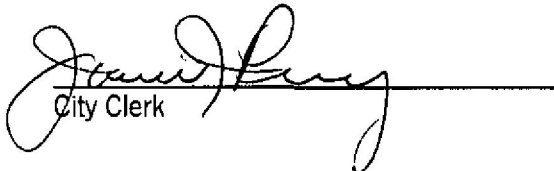
Section 7. Adds section .120 to KMC 15.36 for the purpose of establishing discharge standards, enforcement procedures, reporting and maintenance requirements, and penalties for violations thereof.

Section 8. Provides that if any portion of the ordinance is held invalid or unconstitutional, the validity of the remainder of the ordinance will not be affected.

Section 9. Authorizes publication of the ordinance by summary, which summary is approved by the City Council pursuant to Section 1.08.017 Kirkland Municipal Code and establishes the effective date as five days after publication of summary.

The full text of this Ordinance will be mailed without charge to any person upon request made to the City Clerk for the City of Kirkland. The Ordinance was passed by the Kirkland City Council at its meeting on the 6TH day of March, 2001.

I certify that the foregoing is a summary of Ordinance 3778 approved by the Kirkland City Council for summary publication.


City Clerk