CITY OF QUINCY, WASHINGTON

ORDINANCE NO. 17-492

AN ORDINANCE AMENDING SECTIONS 13.15.110, 13.15.125 AND 13.50.280 OF THE QUINCY MUNICIPAL CODE REGARDING THE CITY’S WASTEWATER TREATMENT FACILITIES AND DISCHARGERS

The City Council of the City of Quincy, Washington, do ordain as follows:

Section 1. Revisions to Section 13.15.110. Section 13.15.110 of the Quincy Municipal Code will be revised as set out in Exhibit A.

Section 2. Revisions to definitions in Section 13.15.125. The definitions of “Discharger” and “User” in section 13.15.125 of the Quincy Municipal Code will be revised as follows:

“Discharger” means any person discharging wastewater into the City’s domestic wastewater facility or industrial wastewater facility, or should be so discharging wastewater, and is synonymous with user.

“User” means a source of indirect discharge. Any person with a source of discharge that does not qualify as domestic wastewater who discharges an effluent into the POTW by means of pipes, conduits, pumping stations, force mains, tank trucks, constructed drainage ditches, intercepting ditches, and all constructed devices and appliances appurtenant thereto, shall be considered a user. A person who should be discharging wastewater to the POTW is also considered a user.

Section 3. Revisions to Section 13.50.280. Section 13.50.280 of the Quincy Municipal Code will be revised as set out in Exhibit B.

Section 4: Repeal of conflicting ordinances. Those portions of any ordinance in conflict herewith are hereby repealed as of the effective date of this ordinance.

Section 5: Severability. If any section, clause or provision of this ordinance or its application to any person or circumstance is declared by the court to be invalid, the remainder of this ordinance or application of the provision to other persons or circumstances shall not be affected.

Section 6: Effective Date. This Ordinance shall be published in the official newspaper of the City of Quincy and shall take effect and be in full force five (5) days after passage and Ordinance No. 17-492
publication.

PASSED by the City Council of the City of Quincy, Washington, this 5th day of July, 2017.

__________________________
Jim Hembery, Mayor

ATTEST:

__________________________
Nancy Schanze, Finance Officer/Clerk

Approved as to form:

__________________________
Allan Galbraith, City Attorney

FILED WITH THE FINANCE DIRECTOR/CLERK: July 5, 2017
PASSED BY THE CITY COUNCIL: July 5, 2017
PUBLISHED: July 6, 2017
EFFECTIVE DATE: July 11, 2017
ORDINANCE NO.: 17-492
EXHIBIT A

Ordinance 17-492

13.15.110 Purpose and policy.

A. For the protection of the health and welfare of the citizens of the City, and as authorized in RCW 35.67.190, this chapter implements the policy and goal of the City that all sewage and polluted waters generated within the City and the City’s urban growth area shall be ultimately discharged into, and treated by, the City’s domestic and/or industrial publicly owned treatment works. All new points of discharge of sewage and polluted waters in the City shall be connected to the City’s POTW, and all existing points of discharge of sewage and polluted waters not connected to the City’s POTW shall be terminated and connected to the City’s POTW at such times as is reasonably practicable.

B. This chapter sets forth uniform requirements for dischargers into the City of Quincy’s (the City’s) industrial and domestic publicly owned treatment works (POTW) and enables the City to protect public health in conformity with all local, state, and federal laws relating thereto, including the Clean Water Act (33 United States Code [USC] 1251 et seq.) and the General Pretreatment Regulations (40 Code of Federal Regulations [CFR] Part 403).

C. In this regard, the objectives of this chapter are the following:

1. To prevent the introduction of pollutants into the domestic or industrial sewer which will interfere with the operation of the POTW;

2. To prevent the introduction of pollutants into the domestic or industrial sewer which will pass through the POTW, inadequately treated, into receiving waters or otherwise be incompatible with the POTW;

3. To ensure that the quality of domestic and industrial POTW biosolids is maintained at a level that allows their use and disposal in compliance with applicable statutes and regulations;

4. To protect domestic and industrial POTW personnel who may be affected by wastewater and biosolids in the course of their employment, and to protect the general public;

5. To improve the opportunity to reuse and reclaim wastewater and biosolids from the domestic and industrial POTW;

6. To promote strategies which reduce the amounts of pollution generated by users of the domestic and industrial POTW, thereby reducing the associated hazards to the domestic and industrial POTW and receiving waters;
7. To enable the City to run a pretreatment program that meets Washington State rules in Chapter 173-216 WAC, Federal rules of 40 CFR Part 403, conditions of its NPDES permit and reclaimed water permit, sludge use and disposal requirements, and any other Federal or State laws to which the POTW is subject; and

8. To provide for fees for the equitable distribution of the cost of operation, maintenance, and improvement of the POTW.

D. This chapter shall apply to all users connected (or believed connected) to the domestic or industrial sewer collection systems. This chapter compels the production of information; authorizes the issuance of wastewater discharge permits; provides for monitoring, compliance, and enforcement activities; establishes administrative review procedures; requires user reporting; and provides for the establishment of fees for the equitable distribution of costs resulting from the program established pursuant to this chapter.

E. Enforcement of this chapter will be under the provisions of Chapter 13.50.
13.50.280 Civil penalties

A. Any discharger who has violated or continues to violate an order of the City, or who fails to comply with any sewer regulation or any rule or order of the City, issued pursuant to this chapter, shall be deemed to have committed a civil infraction and shall be subject to a C-1 penalty as provided in Chapter 1.01, in an amount not to exceed $10,000 per day, plus actual damages incurred by the City. Each day upon which a violation occurs or continues shall constitute a separate violation.

B. In determining the amount of civil liability, the court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration, any economic benefit gained through the discharger’s violation, corrective actions by the discharger, the compliance history of the discharger, and any other factor as justice requires.

C. Under RCW 35.67.190, the penalty for a person not connected to, and discharging wastewater into, the City’s POTW will be the amount equal to the charge that would be made for sewer service if the property was connected to the City’s POTW.

D. In addition to the above described penalty and damages, the City may recover reasonable attorney’s fees, court costs, and other expenses associated with the enforcement activities, including sampling and monitoring expenses.

E. Unpaid civil penalties shall constitute a lien against the individual discharger’s property to be enforced according to the provisions of Chapter 3.05.

F. Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against a discharger.
RCW 35.67.190

Revenues from system—Classification of services—Minimum rates—Compulsory use.

The legislative body of such city or town may provide by ordinance for revenues by fixing rates and charges for the furnishing of service to those served by its system of sewerage or system for refuse collection and disposal, which rates and charges shall be uniform for the same class of customer or service. In classifying customers served or service furnished by such system of sewerage, the city or town legislative body may in its discretion consider any or all of the following factors: (1) The difference in cost of service to the various customers; (2) the location of the various customers within and without the city or town; (3) the difference in cost of maintenance, operation, repair, and replacement of the various parts of the system; (4) the different character of the service furnished various customers; (5) the quantity and quality of the sewage delivered and the time of its delivery; (6) capital contributions made to the system, including but not limited to, assessments; (7) the nonprofit public benefit status, as defined in RCW 24.03.490, of the land user; and (8) any other matters which present a reasonable difference as a ground for distinction.

If special indebtedness bonds or warrants are issued against the revenues, the legislative body shall by ordinance fix charges at rates which will be sufficient to take care of the costs of maintenance and operation, bond and warrant principal and interest, sinking fund requirements, and all other expenses necessary for efficient and proper operation of the system.

All property owners within the area served by such sewerage system shall be compelled to connect their private drains and sewers with such city or town system, under such penalty as the legislative body of such city or town may by ordinance direct. Such penalty may in the discretion of such legislative body be an amount equal to the charge that would be made for sewer service if the property was connected to such system. All penalties collected shall be considered revenue of the system.

[1995 c 124 § 4; 1965 c 7 § 35.67.190. Prior: 1959 c 90 § 2; 1941 c 193 § 5; Rem. Supp. 1941 § 9354-8.]