

Subject: Ordinance #1590 – Amending
Ch. 21.04 RMC Adding a New
Section 21.04.1310 as Required
by Sewer Pretreatment ILA with
Tacoma.

Proposed Council Action:

This is on for First Reading. Unless directed
Otherwise, this will return to Council for
Second Reading and Action on March 18,
2025.

Dept. Origin: Sewer Utility

Prepared by: Jennifer Robertson
Randi Shaffer
City Attorney's Office

For Agenda of: March 4, 2025

Exhibits: Ordinance #1590

	Initial & Date
Concurred by Mayor:	_____
Approved/form by City Atty:	<u>2-25-2025/JSR</u>
Approved by _____ Director:	_____
Approved by Department Head:	_____

INFORMATION / BACKGROUND

Under the authority of RCW 35A.11.020, 35A.21.150, 35.67.020 and Article XI, § 11 of the Washington State Constitution, Ruston owns and operates a municipal wastewater system. Ruston, however, does not own or operate a wastewater treatment facility. Ruston has long contracted with Tacoma to send its wastewater to the Tacoma Northend wastewater treatment plant. The parties have had this arrangement since 1966.

In 2021, the Ruston City Council passed Resolution No. 724 which authorized an updated agreement between Ruston and Tacoma for wastewater treatment and disposal (Wastewater Treatment and Disposal Agreement), effective date of March 1, 2021. In accordance with Section 9.3.2 of the Wastewater Treatment and Disposal Agreement, Ruston and Tacoma also entered into a Pre-treatment Interlocal Agreement on September 1, 2021, which governs the conditions upon which Tacoma will accept wastewater from Ruston and provides for the implementation of Pre-treatment standards and requirements in Ruston.

In accordance with Section 9.2.1 of the Wastewater Treatment and Disposal Agreement, Ruston adopted Ordinance 1550 (Pre-Treatment Ordinance), adding Ch. 21.04 to the Ruston Municipal Code, establishing and implementing wastewater standards and requirements that are no less stringent and are as broad in scope as Tacoma's applicable standards and requirements and shall include provisions for enforcement of the requirements of the Pre-Treatment Ordinance.

Section 4.D of the Pre-treatment Interlocal Agreement requires Ruston to amend the Pre-Treatment Ordinance within 120 days of receiving notice from Tacoma of adoption of any revisions, modifications, or amendments to Tacoma's wastewater standards and requirements.

On February 20, 2025, Ruston was notified that Tacoma had amended Tacoma Municipal Code (TMC) 12.08C, adding a new section allowing Tacoma to accept electronic reporting from users of the industrial pretreatment program under the Environmental Protection Agency's (EPA's) electronic reporting rule.

In order to comply with the Wastewater Treatment and Disposal Agreement and Pre-treatment Interlocal Agreement, a corresponding section must therefore be added to the Ruston Municipal Code. The language of the proposed section mirrors that of the adopted section to the TMC and will allow Ruston to register for and submit electronic reports to Tacoma.

FISCAL IMPACT

N/A

RECOMMENDATION / MOTION

This is on for First Reading. Unless directed otherwise, this will return for Second Reading and Action on March 18, 2025.

ORDINANCE NO. 1590

AN ORDINANCE OF THE CITY OF RUSTON, WASHINGTON RELATING TO THE PRETREATMENT INTERLOCAL AGREEMENT WITH THE CITY OF TACOMA; AMENDING CHAPTER 21.04 OF THE RUSTON MUNICIPAL CODE AND ADDING A NEW SECTION 21.04.1310 TO ACCEPT ELECTRONIC REPORTING FROM USERS OF THE INDUSTRIAL PRETREATMENT PROGRAM; PROVIDING FOR ENFORCEMENT AND SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of Ruston under authority of RCW 35A.11.020, 35A.21.150, 35.67.020 and Article XI, § 11 of the Washington State Constitution, owns and operates a municipal wastewater system but does not own or operate a wastewater treatment facility; and

WHEREAS, the City of Tacoma (“Tacoma”) owns and operates a Publicly Owned Treatment Works (“POTW”), inclusive of two wastewater treatment plants, under authority of RCW 35.21.210, 35.21.215, 35.67.020, and 35.92.020, Article XI, § 11 of the Washington State Constitution, and Section 4.1 of the Tacoma City Charter; and

WHEREAS, since 1966 under authority of RCW 35.67.300, Ruston and Tacoma have contracted for the treatment and disposal of wastewater generated in Ruston and have conveyed such wastewater to the City of Tacoma Northend Treatment Plant through a connection(s) to Tacoma’s POTW; and

WHEREAS, pursuant to Ruston City Council Resolution No. 724 Ruston and Tacoma entered into a new wastewater treatment and disposal agreement (Wastewater Treatment and Disposal Agreement) with an effective date of March 1, 2021, replacing and superseding prior agreements between Ruston and Tacoma; and

WHEREAS, Federal and State laws and implementing regulations, regulate the collection and conveyance of wastewater to a POTW that discharges into the navigable waters of the United States and the public waters of the state of Washington, under authority of the Federal Clean Water Act, codified at 33 U.S.C. § 1251 et seq. (the “CWA”), and implementing regulations, and RCW Ch. 90.48, and implementing regulations; and

WHEREAS, Tacoma is required to implement and enforce a POTW pretreatment program to regulate and control wastewater discharges from commercial/industrial sources, users and facilities that discharge directly or indirectly to such POTW, pursuant to the requirements of the CWA and the regulations promulgated thereunder (40 CFR Part 403) and Chapter 90.48 RCW and the regulations promulgated thereunder; and

WHEREAS, under these requirements, Tacoma is required to ensure that its pretreatment standards and requirements govern industrial discharges in all jurisdictions contributing wastewater to the Tacoma POTW; and

WHEREAS, pursuant to Section 9.3.2 of the Wastewater Treatment and Disposal Agreement, on August 17, 2021, Ruston and Tacoma entered into a Pretreatment Interlocal Agreement governing the conditions upon which Tacoma accepts wastewater from Ruston, and providing for the implementation of Pretreatment standards and requirements in Ruston; and

WHEREAS, pursuant to Section 9.2.1 of the Wastewater Treatment and Disposal Agreement, Ruston adopted Ordinance No. 1550 adding a new Chapter 21.04 to the Ruston Municipal Code, establishing and implementing wastewater standards and requirements that are no less stringent and are as broad in scope as Tacoma’s applicable standards and requirements and including provisions for enforcement of the requirements of the Wastewater Ordinance; and

WHEREAS, pursuant to Section 4.D of the Pretreatment Interlocal Agreement, upon notification of adoption of any amendments made to Tacoma’s applicable standards and requirements, Ruston shall incorporate such revisions, modifications, or amendments into its own pretreatment standards; and

WHEREAS, on February 20, 2025 Tacoma notified Ruston of an amendment to Tacoma’s pretreatment ordinance enabling Tacoma to accept electronic reporting in compliance with EPA reporting rules and requested the Ruston adopt this provision into the Ruston Municipal Code; and

WHEREAS, the City Council held first reading of this Ordinance at its regular meeting on March 4, 2025; and

WHEREAS, the City Council held second reading of this Ordinance at its regular meeting on March 18, 2025, and, after due consideration, the City Council adopted this Ordinance; **NOW, THEREFORE**,

THE CITY COUNCIL FOR THE CITY OF RUSTON DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Amendment and New Section. Chapter 21.04 of the Ruston Municipal Code is hereby amended to add a new Section 21.04.1310 entitled “Electronic Records” as follows:

21.04.1310 Electronic Records.

The Control Authority accepts electronic documents and signatures using a system compliant with 40 CFR Part 3 (Cross-Media Electronic Reporting). Users that are required to send electronic documents and signatures to the Control Authority to satisfy the requirements of this Subchapter must submit a signed subscriber agreement to the Control Authority for approval and must register online for the reporting service that the Control Authority has available. Users will have the opportunity, at the time of signing the subscriber agreement, to review the content or meaning of the subscriber agreement and the provisions of this Subchapter.

Section 2. Severability. If any section, sentence, clause, or phrase of this Ordinance should be held to be unconstitutional by a court of competent jurisdiction, such invalidity or

unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause, or phrase of this Ordinance.

Section 3. Publication. This Ordinance shall be published by an approved summary consisting of the title.

Section 4. Corrections. Upon the approval of the City Attorney, the City Clerk, and/or the Code Publisher is authorized to make any necessary technical corrections to this ordinance, including but not limited to the correction of scrivener's/clerical errors, references, ordinance numbering, section/subsection numbers, and any reference thereto.

Section 6. Effective Date. This Ordinance shall be effective five days after publication as provided by law.

ADOPTED by the City Council of the City of Ruston and attested by the City Clerk in authentication of such passage on this 18th day of March, 2025.

APPROVED by the Mayor this 18th day of March, 2025.

Bruce Hopkins, Mayor

ATTEST/AUTHENTICATED:

Mario Ortega
City Clerk

APPROVED AS TO FORM:

Jennifer S. Robertson
City Attorney

FILED WITH THE CITY CLERK: _____
PASSED BY THE CITY COUNCIL: _____
PUBLISHED: _____
EFFECTIVE DATE: _____
ORDINANCE NO: 1590