

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 (RMC) AND ADDING A NEW RMC 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 April 1, 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.

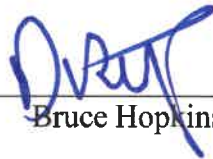
Section 3. Publication. This Ordinance shall be published by an approved summary consisting of the title.

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 1st day of April, 2025.

APPROVED by the Mayor this 1st day of April, 2025.

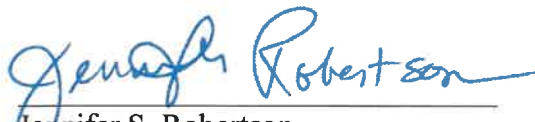


Bruce Hopkins, Mayor

ATTEST/AUTHENTICATED:


Mario Ortega
City Clerk

APPROVED AS TO FORM:


Jennifer S. Robertson
City Attorney

FILED WITH THE CITY CLERK: 02-25-25

PASSED BY THE CITY COUNCIL: 04-01-25

PUBLISHED: 04-03-25

EFFECTIVE DATE: 04-08-25

ORDINANCE NO: 1590