

Ordinance No. _____

AN ORDINANCE OF THE CITY OF OLYMPIA, WASHINGTON, REPEALING OLYMPIA MUNICIPAL CODE CHAPTER 13.20, WASTEWATER SYSTEM, AND REPLACING IT WITH CHAPTER 13.20, WASTEWATER SYSTEM

WHEREAS, the LOTT Clean Water Alliance Budd Inlet Treatment Plan provides wastewater treatment services for wastewater treatment for the City of Olympia as well as Thurston County and the cities of Lacey and Tumwater; and

WHEREAS, the City of Olympia is a signatory to the governing intergovernmental agreement that created LOTT; and

WHEREAS, the LOTT Budd Inlet Treatment Plant is regulated by the Washington State Department of Ecology under the authority of the US Environmental Protection Agency under the National Pollutant Discharge Elimination System (NPDES) program; and

WHEREAS, the NPDES permit includes requirements for the quality of the effluent entering Budd Inlet and requirements on what may be discharged to the treatment plant; and

WHEREAS, these pretreatment requirements protect the treatment plant from substances that may damage the treatment works, cause pass-through or interference with the microbial treatment process, or endanger the health or safety of municipal workers; and

WHEREAS, the local pretreatment regulations are the means that LOTT uses to control the discharges from industrial users and limit the discharge of other substances; and

WHEREAS, after regulatory review of the discharge and industrial pretreatment regulations, changes to the regulations were deemed necessary. The changes include typographical corrections, the establishment of an appeal process, updates to the requirements for certain businesses (such as dental offices), and to clarify other requirements; and

WHEREAS, the revisions to the pretreatment regulations have been reviewed and unanimously approved by the LOTT Board on February 12, 2025; and

WHEREAS, under the terms of the LOTT Intergovernmental Agreement, the City of Olympia agrees to adopt the revisions to the pretreatment regulations into their municipal code within 90 days of approval by the LOTT board; and

WHEREAS, the City is adopting the LOTT pretreatment regulations into the Olympia Municipal Code by reference, as if those regulations were fully set forth in the Code; and

WHEREAS, in addition, the City is adopting certain implementing provisions into the Olympia Municipal Code that govern the administration of civil fines when a user has violated or continues to violate a provision of those regulations; these provisions provide for the issuance of such fines, the appeal of fines, and how fines are collected if not promptly paid by the user;

NOW, THEREFORE, THE OLYMPIA CITY COUNCIL ORDAINS AS FOLLOWS:

Section 1. Repeal and Replace OMC 13.20. Olympia Municipal Code Chapter 13.20, Wastewater System, is hereby repealed in its entirety and replaced with the following:

Chapter 13.20
WASTEWATER SYSTEM

13.20.000 Chapter Contents

Sections:

- 13.20.010 LOTT Discharge and Industrial Pretreatment Regulations Adopted and Incorporated by Reference.
- 13.20.020 Administrative Civil Fine; Administration; Appeal; Collection.

13.20.010 – LOTT Discharge and Industrial Pretreatment Regulations Adopted and Incorporated by Reference

That document titled "LOTT Discharge and Industrial Pretreatment Regulations," as adopted by the LOTT Clean Water Alliance ("LOTT") in 2025, or as subsequently amended, is hereby adopted as the official rules and regulations of the City of Olympia setting forth industrial pretreatment requirements and regulations of discharges into the City's wastewater system. That document is hereby incorporated into this Chapter by reference. As used in those regulations, the term "City" means the City of Olympia.

13.20.020 – Administrative Civil Fine; Administration; Appeal; Collection

When a User, as defined in the LOTT Discharge and Industrial Pretreatment Regulations, has violated or continues to violate a provision of those Regulations, and is subject to an administrative civil fine under those Regulations, the administrative civil fine is administered under section 10.06 of the LOTT Discharge and Industrial Pretreatment Regulations, and as follows:

- A. The Water Resources Director ("Director"), or the Director's designee, after consultation with the LOTT Executive Director, shall determine the amount of an administrative civil fine to be imposed; however, such fine may not exceed the maximum allowed for in the LOTT Discharge and Industrial Pretreatment Regulations.
- B. Upon the Director's imposition of an administrative civil fine upon a User, the Director or designee shall serve a Notice of Administrative Civil Fine ("Notice") either (i) upon the User either personally or by mailing a registered or certified copy of the Notice to such User at the User's last known address or (ii) upon the User's registered agent, either personally or by mailing a registered or certified copy of the Notice to the User's registered agent at the address on file with the Secretary of State. The Director or designee must make proof of service by a written declaration under penalty of perjury executed by the person affecting the service, declaring the time and date of service, and the manner which the service was made. Where the Notice is served by mail, service is complete the date of delivery, as shown by the registered or certified mail receipt. If the User refuses delivery of the Notice, service must be deemed complete the date of such refusal.
- C. A User upon whom an administrative civil fine is imposed may appeal the administrative civil fine as provided in section 10.03 B of the LOTT Discharge and Industrial Pretreatment Regulations.
- D. When the User upon whom an administrative civil fine is imposed does not appeal such civil fine, the civil fine amount determined by the Director or designee is the final civil fine. When the User appeals a civil fine and the LOTT Technical Sub-Committee affirms the civil fine imposed by the Director or designee, the administrative civil fine amount determined by the Director or designee is the final administrative civil fine. When the User appeals an administrative civil fine and the LOTT Technical Sub-Committee changes the administrative civil fine imposed by the Director or designee, the final administrative civil fine is the changed administrative civil fine determined by the LOTT Technical Sub-Committee

- E. The final administrative civil fine is a personal or corporate obligation of the User on whom it was imposed. The final administrative civil fine is due and must be paid by the User within 30 days of the service of the Notice of Administrative Civil Fine, or, if the User appeals the administrative civil fine, within 30 days of issuance of the LOTT Technical Sub-Committee’s decision affirming or changing the administrative civil fine.
- F. If the User does not pay the final administrative civil fine within the time identified in the preceding subparagraph, the past-due final administrative civil fine accrues interest at the rate of one percent per month, or at the rate allowed by law if different from the foregoing.
- G. Any past-due final administrative civil fine, together with any interest accrued under the preceding subparagraph, is subject to enforcement and collection by the City as provided in section 10.06 of the LOTT Discharge and Industrial Pretreatment Regulations and by any one or more of the following means:
 - 1. The past-due final administrative civil fine becomes a lien upon the property of the User where the violation or violations occurred, superior to all other liens or encumbrances except those for general taxes and special assessments. The City may enforce such lien in any manner provided by law.
 - 2. The Director may order the shutoff of the water furnished to the property of the User where the violation or violations occurred, with the water service to such property to remain shut off until the final administrative civil fine, together with any interest accrued, is paid in full.
 - 3. The City may engage a collection agency in order to collect a past-due final civil fine or penalties from a User.
 - 4. The City Attorney, or designee, on behalf of the City may collect a past due final civil fine or fines, together with any interest accrued, by use of any available legal remedy.

Section 2. Corrections. The City Clerk and codifiers of this Ordinance are authorized to make necessary corrections to this Ordinance, including the correction of scrivener/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

Section 3. Severability. If any provision of this Ordinance or its application to any person or circumstance is held invalid, the remainder of the Ordinance or application of the provisions to other persons or circumstances is unaffected.

Section 4. Ratification. Any act consistent with the authority and prior to the effective date of this Ordinance is hereby ratified and affirmed.

Section 5. Effective Date. This Ordinance takes effect after passage and publication, as provided by law, on April 21, 2025.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

Michael M. Young

SENIOR DEPUTY CITY ATTORNEY