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**CITY OF FIRCREST
ORDINANCE NO. 1685**

**AN ORDINANCE RELATING TO INDUSTRIAL
WASTEWATER PRETREATMENT AUTHORIZING THE
CITY MANAGER TO EXECUTE THE PRETREATMENT
INTERLOCAL AGREEMENT WITH THE CITY OF
TACOMA; ADOPTING FIRCREST MUNICIPAL CODE
CHAPTER 20.30 "INDUSTRIAL WASTEWATER
PRETREATMENT PROGRAM"; PROVIDING FOR
SEVERABILITY; AND ESTABLISHING AN EFFECTIVE
DATE**

WHEREAS, the City of Fircrest ("City"), 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 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, the City and Tacoma, under authority of RCW 35.67.300, have contracted for the treatment and disposal of wastewater generated in the City and conveyed to Tacoma POTW through a connection(s) to Tacoma's POTW; 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"), 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, the City and Tacoma have agreed to enter into a Pretreatment Interlocal Agreement governing the conditions upon which Tacoma will accept wastewater from the City, and providing for the implementation of Pretreatment standards and requirements in the City; and

1 **WHEREAS**, the City desires to adopt an ordinance (“Wastewater Ordinance”)
2 establishing and implementing wastewater standards and requirements that are no less
3 stringent and are as broad in scope as Tacoma’s applicable standards and requirements and
4 shall include provisions for enforcement of the requirements of the Wastewater Ordinance;
5 and

6 **WHEREAS**, the City Council finds that it is in the best interest of the public health,
7 safety and welfare to authorize execution of the Pretreatment Interlocal Agreement with the
8 City of Tacoma in substantially the form of the agreement on file with the City Clerk, and
9 adopt the Industrial Pretreatment Program as set forth in Exhibit “A” attached hereto.

10 **NOW, THEREFORE, THE CITY COUNCIL FOR THE CITY OF FIRCREST**
11 **DOES HEREBY ORDAIN AS FOLLOWS:**

12 **Section 1. Authorizing Execution of Pretreatment Interlocal Agreement.**
13 The City Manager of the City of Fircrest is hereby authorized to execute the Pretreatment
14 Interlocal Agreement for and on behalf of the City, such agreement being in substantially
15 the form of the Pretreatment Interlocal Agreement on file with the City Clerk.

16 **Section 2. Posting.** That the City Clerk shall cause a copy of the Pretreatment
17 Interlocal Agreement to be posted on the City website pursuant to RCW 39.34.040.

18 **Section 3. Adopting Chapter 20.30 FMC.** Chapter 20.30 “Industrial
19 Wastewater Pretreatment Program” is hereby adopted to read as set forth in Exhibit A
20 attached hereto and incorporated herein by this reference as if fully set forth herein.

21 **Section 4. Severability.** If any section, sentence, clause or phrase of this
22 Ordinance should be held to be unconstitutional by a court of competent jurisdiction,
23 such invalidity or unconstitutionality shall not affect the validity or constitutionality of
24 any other section, sentence, clause or phrase of this Ordinance.


25 **Section 5. Corrections.** Upon the approval of the city attorney, the city clerk,
26 and/or the code publisher is authorized to make any necessary technical corrections to
27 this ordinance, including but not limited to the correction of scrivener’s/clerical errors,
28 references, ordinance numbering, section/subsection numbers, and any reference thereto.

29 **Section 6. Summary, Publication, and Effective Date.** This Ordinance or a
30 summary thereof consisting of the title, shall be published in the official newspaper of
the City, and shall take effect and be in full force five (5) days after its adoption and
publication as required by law.

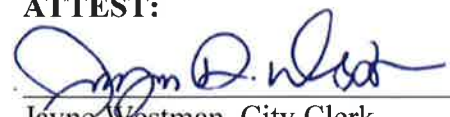
PASSED BY THE CITY COUNCIL OF THE CITY OF FIRCREST,
WASHINGTON, at a regular meeting thereof this 26th day of July 2022.

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APPROVED:


Brett L. Wittner, Mayor

ATTEST:


Jayne Westman, City Clerk

APPROVED AS TO FORM:


Hillary J. Evans, City Attorney