

ORDINANCE NO. 17-5698

AN ORDINANCE OF THE CITY OF BILLINGS, AMENDING BILLINGS MUNICIPAL CODE ARTICLE 26-600, INDUSTRIAL WASTE DISCHARGE. PROVIDING UPDATES FOR THE CITY'S INDUSTRIAL WASTE DISCHARGE AND AMENDING ALL ORDINANCES AND RESOLUTIONS INCONSISTENT THEREWITH.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BILLINGS, MONTANA:

Section 1. AMENDMENT. That Section 26-604 of the Billings, Montana City Code be amended as follows:

Sec. 26-604. – Prohibited Discharges and Limitations.

- (d) The following pollutant limits are established to protect against pass through and interference and will be applied to discharges from significant industrial users through industrial wastewater permits or control mechanisms, based on the reasonable potential to exceed the following maximum allowable discharge limits:

| Pollutant | Daily Maximum Discharge Limit ⁽¹⁾ | Units ⁽²⁾ |
|--------------------|--|----------------------|
| Arsenic | 1.33 1.52 | #/day |
| Cadmium | 0.03 0.04 | mg/l |
| Chromium | 27.25 12.96 | mg/l |
| Chromium VI | 3.39 1.33 | mg/l |
| Copper | 5.18 2.91 | mg/l |
| Cyanide | 0.66 0.39 | mg/l |
| Lead | 1.04 | mg/l |
| Mercury | 0.0057 0.0017 | mg/l |
| Nickel | 8.87 3.44 | mg/l |
| Selenium | 3.87 5.17 | #/day |
| Silver | 1.80 0.375 | mg/l |
| Zinc | 24.87 12.76 | mg/l |
| BTEX | 0.75 | mg# |
| Methylene Chloride | 0.80 | mg# |
| Tetrachloroethene | 1.60 | mg# |

(1) All pollutants show in the Table are total.

(2) All mass limits (#/day) proportionately allocated to permitted users.

- (de) Dilution is prohibited as a substitute for treatment and shall be a violation of this Article. Except where expressly authorized to do so by an applicable Pretreatment Standard or Requirement, no Industrial User shall ever increase the use of process water, or in any other way attempt to dilute a Discharge as a partial or complete substitute for adequate treatment to achieve compliance with a Pretreatment Standard or Requirement. The City may impose mass limitations on industrial users which are using dilution to meet applicable Pretreatment Standards or Requirements or in other cases where the imposition of mass limitations is appropriate.
- (ef) All industrial users subject to a Categorical Pretreatment Standard shall comply with all requirements of such Standard, and shall also comply with any limitations contained in this Article. Where the same pollutant is limited by more than one Pretreatment Standard, the limitations which are more stringent shall prevail. Compliance with Categorical Pretreatment Standards shall be the timeframe specified in the applicable Categorical Pretreatment Standard.
- (fg) The City may establish more stringent pollutant limits, additional site-specific pollutant limits, Best Management Practices, or additional Pretreatment Requirements when, in the judgment of the City, such limitations are necessary to implement the provisions of this Article.
- (gh) Promulgation of Standards.
 - (1) Upon the promulgation of the federal Categorical Pretreatment Standard for a particular industrial subcategory, the federal Standard, if more stringent than limitations imposed by this Article for sources in that subcategory, shall immediately supersede the limitations imposed by this Article as required by the applicable Categorical Pretreatment Standard.
 - (2) State requirements and limitations on discharges shall apply in any case where they are more stringent than federal Pretreatment Standards and Requirements or those in this Article.

Section 2. SEVERABILITY. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect the other provisions of this ordinance which may be given effect without the invalid provisions or application, and, to this end, the provisions of this ordinance are declared to be severable.

Section 3. REPEALER. All resolutions, ordinances, and sections of the City Code inconsistent herewith are hereby repealed.

Section 4. EFFECTIVE DATE. This ordinance shall be effective thirty (30) days after second reading and final adoption as provided by law.

PASSED by the City Council on first reading this 12th day of June, 2017.

PASSED, ADOPTED and APPROVED on second reading this 11th day of September, 2017.



CITY OF BILLINGS

By: *Thomas W. Hanel*
Thomas W. Hanel, Mayor

ATTEST:

By: *Denise R. Bohlman*
Denise R. Bohlman, City Clerk