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Introduced by: Audrey Gruger
Proposed No.: 93 - 617

ORDINANCE NO. 11034

AN ORDINANCE establishing water pollution abatement rules and regulations for the Metropolitan Sewerage System

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. There is hereby established a new chapter in the King County Code which shall pertain to the provision of water pollution abatement in the department of metropolitan services and which shall contain the provisions of this ordinance.

SECTION 2. Statement of Policy. It is the policy of the department to provide water pollution abatement service for King County and to provide water pollution abatement service for such areas adjacent to the county as may, in the judgment of the council, be feasibly served upon such terms, conditions and rates as the council shall determine.

A. In order to carry out its authorized function of metropolitan water pollution abatement and to comply with federal and state laws and regulations, it is necessary and in the best interests of the residents of the county and users of the metropolitan sewerage system that the council adopt policies and procedures for the disposal of sewage and disposal of industrial waste into the metropolitan sewerage system as set forth in this ordinance.

B. It is the policy of King County to provide sewerage facilities adequate for the transportation, treatment and disposal of industrial and other wastes and to operate the metropolitan sewerage system in such a manner that protects public health and the environment. This chapter sets forth uniform requirements for users of the metropolitan sewerage system and enables the county to comply with all applicable state and federal laws including the Clean Water Act (33 U.S.C. 1251 et seq.) and the General Pretreatment Regulations (40 CFR

403). In carrying out this policy, the objectives of this chapter are:

1. To prevent pollutants from entering the sewerage system that will interfere with its normal operation, damage the collection or treatment systems, or contaminate the resulting biosolids;

2. To prevent the introduction of pollutants into the sewerage system that will not be adequately treated and will pass through into the environment;

3. To improve opportunities for recycling and reclamation of wastewater and biosolids;

4. To ensure protection of worker safety and health;

5. To reduce the introduction of clean water into the sewerage system;

6. To implement waste reduction and recycling to prolong the useful life of existing and planned wastewater facilities and to protect the environment;

7. To focus sampling and inspection efforts on those industries discharging the greatest volume and concentration of pollutants while still recognizing the cumulative impact of small discharges;

8. To implement, administer, and enforce a fee program in compliance with federal and state law and ensure that industrial users pay a fair cost for monitoring and treatment;

9. To implement an enforcement response plan aimed at achieving compliance in the shortest time frame possible and promoting responsibility of the industrial user to be in compliance with this chapter; and

10. To make information and data on industrial users available to the public except in such cases where the industrial user has requested confidentiality to protect trade secrets or where otherwise prohibited by law.

SECTION 3. Definitions.

A. The following terms, words and phrases when used in this chapter shall have the meanings hereinafter set forth in

this ordinance, whether appearing in capital or lower case form. If not defined below, the words and phrases used in this chapter shall have their common and ordinary meanings to the degree consistent with the technical subjects herein.

1. "Act" or "the Act" means Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251, et seq.

2. "Annual" shall refer to that twelve-month period commencing January 1 and terminating December 31.

3. "Applicable Pretreatment Standards" means for any specified prohibitive standards, specific pretreatment standards (local limits), State of Washington pretreatment standards, or EPA's Categorical Pretreatment Standards (when effective), whichever standard is appropriate or most stringent.

4. "Authorized Representative of Industrial User" may be:

a. A principal executive officer of at least the level of vice president, if the industrial user is a corporation;

b. A general partner or proprietor if the industrial user is a partnership or proprietorship, respectively;

c. A director or highest official appointed or designated to oversee the operation and performance of the industry if the industrial user is a government agency; or

d. A duly authorized representative of the individual designated above if such representative is responsible for the overall operation of the facilities from which the indirect discharge originates.

5. "Best Management Practices (BMPs)" shall refer to operating and housekeeping pollution control practices that keep pollutants out of the waste stream.

6. "Biochemical Oxygen Demand" or "BOD" shall mean the quantity of oxygen utilized in the biochemical oxidation of

organic matter (as described in American Public Health Association publication Standard Methods For The Examination Of Water And Wastewaters, current edition, or Guidelines Establishing Test Procedures For The Analysis Of Pollutants, contained in 40 CFR Part 136) in five days at temperature of 20 degrees centigrade, expressed in milligrams per liter.

7. "Biosolids" means primarily organic solid products produced by wastewater treatment processes that can be beneficially recycled.

8. "Branch" shall mean a sewer or combined sewer which will receive the flow from more than one lateral and which will discharge into a trunk or interceptor.

9. "Categorical Pretreatment Standard or Categorical Standard" refers to any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Sections 307(b) and (c) of the Act (33 U.S.C. 1317), which apply to a specific category of users and which appear in 40 CFR Chapter I, Subchapter N, Parts 405-471.

10. "Clean Water" or "Unpolluted Water" shall mean water in its natural state, or water which, after use for any purpose, is not substantially changed or contaminated as to chemical or biochemical qualities. Water from roof drains, building foundation drains, storm water, clear water from cooling or condensing systems, air conditioning systems, wells and cisterns shall normally be considered to be "clean water" or "unpolluted water."

11. "Combined Sewer" or "Combined Sewer System" shall mean a conduit or system of conduits in which both wastewater and storm water are transported.

12. "Compatible Pollutants" shall mean biochemical oxygen demand, suspended solids, Ph, and fecal coliform bacteria, plus additional pollutants identified in an NPDES permit if the publicly-owned treatment works is designed to treat such pollutants, and in fact does remove such pollutants to a substantial degree. The term "substantial degree" is not

subject to precise definition, but generally contemplates removals in the order of 80 percent or greater. Examples of the additional pollutants that may be considered compatible include: chemical oxygen demand; total organic carbon; phosphorus and phosphorus compounds; nitrogen and nitrogen compounds; and, fats, oils and greases of animal or vegetable origin (except as prohibited where these materials would interfere with the operation of the publicly owned treatment works).

13. "Composite Sample" shall mean a sample composed of no less than two (2) grab samples, collected by either hand or machine, over the compositing period.

14. "Comprehensive Plan" shall mean the Comprehensive Sewage Disposal Plan adopted by Resolution No. 23 of the Metropolitan Council and all amendments thereto.

15. "Construction Dewatering" shall mean the act of pumping ground water or storm water away from an active construction site.

16. "Contaminated Nonprocess Wastewater" shall mean any water which, during manufacturing or processing, comes into incidental contact with any raw material, intermediate product, finished product, byproduct or waste product by means of a. rainfall runoff, b. accidental spills, c. accidental leaks caused by the failure of process equipment, and d. discharges from safety showers and related personal safety equipment; provided, that all reasonable measures have been taken (1) to prevent, reduce and control such contact to the maximum extent feasible, and (2) to mitigate the effects of such contact once it has occurred.

17. "Control Authority" shall mean a publicly-owned treatment works with an approved pretreatment program. The county is the control authority for dischargers to the metropolitan sewerage system.

18. "Cooling Water" shall mean the water discharged from any use, such as air conditioning, cooling or refrigeration, or to which the only pollutant added is heat.

19. "Decant Water" shall mean water typically generated from the mechanical eduction and subsequent solids settling of wastewater from the cleaning and maintenance of storm and sanitary conveyance systems.

20. "Department" or "DMS" shall mean the department of metropolitan services.

21. "Director" shall mean the director of the department of metropolitan services of King County or a duly authorized designee.

22. "Discharge Authorization" shall mean an authorization issued for the discharge of wastewater into a public sewer, private sewer, or side sewer tributary to the metropolitan sewerage system. Such authorizations may include, but shall not be limited to, waste discharge permits, minor discharge authorizations, letters of authorization, and general permits.

23. "Dilution" shall be defined as the prohibited practice of adding process water, or in any other way, attempting to dilute a discharge as a partial or complete substitution for adequate treatment to achieve compliance with pretreatment standard or requirements.

24. "Discharge to Metropolitan System" shall mean any discharge that enters a private side sewer and/or public sewer that is a tributary to the metropolitan sewerage system, and said discharge shall be considered a discharge to said system whether or not specifically identifiable in effluent reaching the county's treatment works.

25. "Domestic User (Residential User)" means any person who contributes wastewater into the metropolitan sewerage system from a residential dwelling unit.

26. "Engineer" shall mean the engineer duly appointed by a local public agency or the owner of private sewers to

supervise and direct the design and construction of local sewerage facilities, acting personally or through agents or assistants duly authorized by him/her, such agents or assistants acting within the scope of the particular duties assigned to them.

27. "Excessive Infiltration/Inflow" refers to the quantities of infiltration/inflow which can be economically eliminated from a sewer system by rehabilitation, as determined by a cost-effectiveness analysis that compares the cost for correcting the infiltration/inflow conditions with the total costs for transportation and treatment of the infiltration/inflow.

28. "Flow Proportional Composite Sample" shall mean a sample composed of grab samples collected continuously or discretely, by hand or machine, in proportion to the flow at the time of collection or to the total flow since collection of the previous grab sample. The grab sample volume or frequency of grab collection may be varied in proportion to flow.

29. "General Permit" shall mean a written authorization issued for the discharge of wastewater from a category of business into a public sewer or side sewer tributary to the metropolitan sewerage system granted for a specific period of time up to five years.

30. "Grab Sample" shall mean a single sample collected without consideration to the flow in the waste stream and without consideration of time.

31. "Ground Water" shall mean water in a saturated zone or stratum beneath the surface of land or below a surface water body.

32. "Hazardous Waste" shall be as defined in accordance with 40 CFR 261.3 or amended.

33. "Incompatible Pollutants" shall mean any pollutant that is not a compatible pollutant as defined in this chapter.

34. "Indirect Discharge," "Waste Discharge" or "discharge" shall mean the act of introducing or depositing

wastes from any nondomestic source regulated under Section 307(b), (c), or (d) of the Act into a public sewer, private sewer or side sewer tributary to the metropolitan sewerage system.

35. "Industrial Activity" shall refer to areas where material handling equipment or activities, raw materials, intermediate products, final products, waste materials, byproducts, or industrial machinery are located. Such areas include but are not limited to: material handling sites; refuse sites; sites used for the application or disposal of process wastewater; sites used for the storage and maintenance of material handling equipment; sites used for residual treatment; storage or disposal sites; shipping and receiving areas; manufacturing buildings; material storage areas for raw materials and intermediate and finished products; and areas where industrial activity has taken place in the past and significant materials remain.

36. "Industrial User" or "User" means a source or potential source of indirect discharge. The source shall not include "Domestic User" as defined in this chapter.

37. "Industrial Waste" shall mean any liquid, solid or gaseous substance, or combination thereof, resulting from any process of industry, government agency, manufacturing, commercial food processing, business, agriculture, trade or research, including, but not limited to, the development, recovery or processing of natural resources, leachate from landfills or other disposal sites, decant water, contaminated nonprocess water, and contaminated stormwater and ground water.

38. "Infiltration" shall mean the water entering a sewer system, including sewer service connections, from the ground, through such means as, but not limited to, defective pipes, pipe joints, connections or manhole walls. Infiltration does not include, and is distinguished from, inflow.

39. "Infiltration/Inflow" refers to the total quantity of water from both infiltration and inflow without distinguishing the source.

40. "Inflow" shall mean the water discharged into a sewer system, including service connections from such sources as, but not limited to, roof leaders, cellar, yard, and area drains, cooling water discharges, foundation drains, cooling water discharges, drains from springs and swampy areas, manhole covers, cross connections from storm sewers and combined sewers, catch basins, storm water, surface runoff, street wash waters, or drainage. Inflow does not include, and is distinguished, from infiltration.

41. "Interceptor" shall mean a sewer or combined sewer which receives the flow from a number of transverse sewers or combined sewers and transports it to a treatment plant or other point of disposal. Generally, an interceptor collects the flow from a number of trunks or laterals which would otherwise discharge to a natural outlet.

42. "Interference" means a discharge that, alone or in conjunction with a discharge or discharges from other sources, either: a. inhibits or disrupts the POTW, its treatment processes or operations; b. inhibits or disrupts its sludge processes, use or disposal; c. causes King County to violate its NPDES permit, or d. prevents King County from using or disposing of its biosolids in compliance with federal, state and local regulations.

43. "King County" or "County" shall mean the county of King, Washington, a home rule charter county of the State of Washington, acting through the council; executive, when applicable; or any board, committee, body, official or person which shall have been lawfully delegated the power to act for or on behalf of the county. Unless a particular board, committee, body, official or person is specifically designated in this chapter, wherever action by the county is explicitly required or implied herein, it shall be understood to mean

action by the executive or director, if designated by the executive.

44. "Local Public Agency" shall mean any legally constituted city, town, county, special district or other public agency under whose jurisdiction local sewerage facilities may be constructed or operated.

45. "Local Public Sewer" shall mean a sewer, combined sewer or appurtenant facility other than a side sewer, either owned or operated by or within the jurisdiction of a local public agency.

46. "Lateral" shall mean a sewer or combined sewer which will receive the flow from more than one side sewer and discharge into a Branch, trunk or interceptor.

47. "Metro Datum" or "Metro Datum Plane" refers to mean sea level as a reference plane for elevation measured above and below such plane. Mean sea level is the normal level of the ocean at mean tide as determined by the United States Coast and Geodetic Survey - 1929 (1947 adjustments).

48. "County" shall mean the area contained within the boundaries of King County as now or hereafter constituted.

49. "Metropolitan Sewer System," "Metropolitan Sewerage System" or "Metropolitan System" shall mean all or any part of the sewerage facilities acquired, constructed, or used by the department of metropolitan services.

50. "Metropolitan Water Pollution Abatement Advisory Committee" shall mean the citizen advisory committee as now or hereafter constituted pursuant to RCW 35.58.210.

51. "National Pretreatment Standard," "Pretreatment Standard," or "Standard" shall refer to any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307(b) and (c) of the Act, which applies to industrial users. This term includes prohibited discharge limits established pursuant to 40 CFR 403.5.

52. "Natural Outlet" shall mean an outlet into a pond, lake, sound, stream, river, ditch, watercourse or other body of surface water.

53. "New Source" shall apply to facilities subject to Categorical Pretreatment Standards and shall be as defined in 40 CFR 403.3(k) or amended.

54. "New User" shall be defined as an industrial user that applies to a participant local agency for a new building permit or any person who occupies an existing building and proposes to discharge wastewater to the metropolitan sewerage system after the effective date of this chapter. Any person who buys an existing facility that is discharging nondomestic wastewater will be considered an "existing user" if no significant changes are made in the operation that will affect the discharge. A "new user" is not a "new source."

55. "Noncontact Cooling Water" shall mean the same as the words "cooling water" as defined in this ordinance.

56. "Participant Local Agency" shall mean each city, town, county, sewer district, municipal corporation, person, firm or private corporation that shall dispose of any portion of its sanitary sewage into the metropolitan sewerage system and shall have entered into a contract with the county providing for such disposal.

57. "Pass Through" refers to a discharge that exits the POTW into waters of the state in quantities or concentrations that alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the county's NPDES permit (including an increase in the magnitude or duration of a violation).

58. "Permittee" shall mean any person to whom the county shall have issued a waste discharge permit.

59. "Person" shall mean any individual, company, partnership, association, corporation, society, joint stock company, trust, estate, governmental entity or any other legal entity or group, or their legal representatives, agents or

assigns. The masculine gender shall include the feminine; the singular shall include the plural where indicated by the context and the singular term shall include the plural.

60. "Ph" shall mean the negative logarithm (base 10) of the concentration of hydrogen ions expressed in grams per liter of solution. Neutral water, for example, has a Ph of 7 and a hydrogen ion concentration of 10(-7).

61. "Point of Compliance" shall be the location immediately downstream from pretreatment facilities, if such exist, or immediately downstream from the regulated process, if no such pretreatment exists and upstream from the point where the discharge enters any sewer after which the industrial user is no longer able to alter the concentration or characteristics of the wastes.

62. "Pretreatment" or "Treatment" shall mean the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration can be obtained by physical, chemical or biological process changes or other means, except as prohibited by 40 CFR Section 403.6(d).

63. "Pretreatment Requirements" refers to any substantive or procedural requirement related to pretreatment, other than a National Pretreatment Standard, imposed on an industrial user.

64. "Private Sewer" shall mean a sewer, or combined sewer, exclusive of side sewers, which is not owned or operated by the county or a local public agency.

65. "Process Wastewater" shall mean any water which, during manufacturing or processing, comes into direct contact with, or results from production or use of any raw material, intermediate product, finished product, byproduct, or waste product. The "process wastewater" does not include "contaminated nonprocess wastewater."

66. "Process Wastewater Pollutants" shall mean pollutants present in process wastewater.

67. "Prohibited Discharge Standards" or "Prohibited Discharges" shall mean prohibitions against the discharge of certain substances.

68. "Public Sewer" shall mean a sewer or combined sewer, exclusive of side sewers, owned or operated, or to be owned or operated, by the county or a local public agency.

69. "Publicly Owned Treatment Works" or "POTW" means a treatment works as defined by Section 212 of the Act, (33 U.S.C. 1292), which is owned in this instance by the county. This definition includes any sewers that convey wastewater to the POTW treatment plant, but does not include any pipes, sewers or other conveyances not connected to a facility providing treatment. For the purposes of this chapter, "POTW" shall also include any sewers that convey wastewaters to the POTW from persons outside of the county who are, by contract or agreement with the county, users of the county's POTW.

70. "POTW Treatment Plant" refers to that portion of the POTW designed to provide treatment to wastewater.

71. "Relief Drain" shall mean a storm drain constructed to carry Storm Water flows in excess of the capacity of an existing combined sewer or storm drain.

72. "Relief Sewer" shall mean a sewer constructed to carry wastewater flows in excess of the capacity of an existing sewer or combined sewer.

73. "Replacement" refers to expenditures for obtaining and installing equipment, accessories, or appurtenances which are necessary during the service life of the treatment works to maintain the capacity and performance for which such works were designed and constructed. The term "operation and maintenance" includes replacement.

74. "Sampling Point" shall mean that point, as identified in the waste discharge permit or discharge authorization, that specifies the location samples should be

collected to verify compliance with applicable pretreatment standards.

75. "Sewage" shall mean water-carrying waste discharged from the sanitary facilities of buildings occupied or used by people.

76. "Sewer" or "Sewerage" shall mean a conduit designed or used to transport wastewater and to which storm water, surface and ground water are not intentionally admitted.

77. "Sewage Disposal Agreement" shall mean the agreement between the county and any local public agency or person providing for the delivery of sewage and industrial waste to the metropolitan sewerage system and the acceptance by the department of such wastewater for disposal.

78. "Side Sewer" shall mean a conduit extending from the plumbing system of a building or buildings to and connecting with a public or a private sewer.

79. "Significant Industrial User" shall mean any industrial users as defined in 40 CFR 403.3(t) including, but not limited to, all industrial users subject to Categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR Chapter I. Subchapter N, and any other industrial user that discharges an average of 25,000 gallons per day or more of process wastewater (excluding sanitary, noncontact cooling and boiler blow down wastewater) to the metropolitan sewerage system or contributes a process waste stream that makes up five percent (5%) or more of the average dry weather hydraulic or organic capacity of a particular treatment plant; or is designated as such by the county on the basis that the industrial user has a reasonable potential for adversely affecting the treatment plant's operation or violating any pretreatment standard or requirement [in accordance with 40 CFR 403.8(f)(6)].

80. "Significant Noncompliance" shall apply to an industrial user if its violation(s) meets one or more of the following criteria:

a. Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all of the measurements taken during a six (6) month period exceed (by any magnitude) the daily maximum limit or average limit for the same pollutant parameter;

b. Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of all of the measurements for each pollutant parameter taken during a six (6) month period equal or exceed the product of the daily maximum limit or the average limit multiplied by the applicable TRC (TRC=1.4 for BOD, TSS, fats, oil, and grease and 1.2 for all other pollutants except Ph).

c. Any other violation of a pretreatment effluent limit (daily maximum or longer-term average) that the control authority determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of POTW personnel or the general public);

d. Any discharge of a pollutant that has caused imminent danger to human health, welfare or to the environment or has resulted in the POTW's exercise of its emergency authority under this chapter to halt or prevent such a discharge;

e. Failure to meet, within ninety (90) days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance;

f. Failure to provide, within 30 days after due date, required reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;

g. Failure to accurately report noncompliance; and

h. Any other violation or group of violations that the control authority determines will adversely affect the operation or implementation of the local pretreatment program.

81. "Sludge" shall mean the wet solids that have settled by physical, chemical, or biological means from the liquid phase in a waste treatment or pretreatment process.

82. "Slug Discharge" shall be defined as any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge under 40 CFR 403.8(f)(2)(v).

83. "Standards" shall mean limitations and requirements established by federal and state laws and regulations for discharges to the metropolitan sewerage system.

84. "Storm Drain" shall mean a conduit designed or used to transport storm water.

85. "Storm Water" shall mean waters on the surface of the ground or underground or any flow occurring during, following any form of, or resulting from, rainfall and/or other natural precipitation.

86. "Suspended Solids" shall mean total suspended matter that either floats on the surface of, or is in suspension in, water or wastewater and is removable by laboratory filtering as described in Standard Methods For The Examination of Water and Wastewaters, current edition, or Guidelines Establishing Test Procedures For The Analysis of Pollutants, contained in 40 CFR Part 136, as published in the Federal Register, and referred to as nonfilterable residue.

87. "Toxic" shall mean having the properties to cause or significantly contribute to death, injury, or illness of persons or wildlife.

88. "Toxic Pollutants" shall mean any pollutant or combination of pollutants listed as toxic in regulations promulgated by the Administrator of the EPA under the provision of Section 307(a) of the Act or other federal acts.

89. "Treatment Plant" shall mean an arrangement of devices, structures and equipment for treating wastewater.

90. "Treatment Works" shall mean any facility, method or system acquired, constructed or used by the county for the storage, treatment, recycling, or reclamation of sewage or industrial wastes of a liquid nature, including waste from combined sewers.

91. "Trunk" shall mean either a. a major sewer or combined sewer into which two or more branches discharge and which transports the flow collected from laterals to an interceptor, pumping station or treatment plant, or b. a major sewer or combined sewer which transports the flow from a pumping station to a treatment plant or other pumping station, with or without collecting flows from laterals or branches enroute.

92. "User Charge" refers to a charge levied on users of a treatment works for the cost of operation and maintenance of such works.

93. "Waste Discharge Permit" or "Permit" shall mean a permit issued pursuant to this chapter for the discharge of waste into a public sewer, private sewer or side sewer tributary to the metropolitan sewerage system. Such permits may be granted for a specified period of time up to five (5) years.

94. "Wastewater" refers to the liquid and water-carried industrial or domestic waste from dwellings, commercial, industrial and governmental activities, industrial facilities, and institutions, together that may be present, whether treated or untreated, that is contributed into or permitted to enter the POTW.

95. "Watercourse" shall mean an open channel, natural or man-made, used to transport Storm Water.

96. "Water Pollution Abatement" shall mean the removal of waterborne pollutants, improvement of water quality, sewage disposal and storm water drainage.

97. "Water Pollution Abatement Advisory Committee" shall mean the Water Pollution Abatement Advisory Committee of the department as now or hereafter constituted pursuant to RCW 35.58.210.

98. "Year" shall refer to a 365-day period.

99. Definition of Additional Terms: The words and terms, or expressions peculiar to the art or science of sewerage not defined in this chapter shall have the respective meanings given in "GLOSSARY: WATER AND WASTEWATER CONTROL ENGINEERING," 1981, 3rd Edition prepared by a Joint Committee representing The American Public Health Association, American Society of Civil Engineers, American Water Works Association, and the Water Pollution Control Federation, or the specialized definitions in applicable state or federal regulations. In the event of any conflict, the definitions prescribed by applicable federal regulations shall be controlling.

SECTION 4. Citizens Water Quality Advisory Committee.

A. The Citizens Water Quality Advisory Committee is hereby established. The committee shall act in an advisory capacity to the director on matters concerning water pollution abatement plans and programs and may submit independent recommendations to the executive and council. The committee shall review, advise and make recommendations regarding matters such as general program focus, program service levels and financing, and policies on water pollution abatement issues.

B. The committee shall be comprised of forty-five (45) members appointed by the executive and confirmed by the council. Membership shall include three members from each county council district and six at-large members. The district members shall reside in the district they represent. The at-large members may reside in any district but not more than one at-large member shall be from any one district. The committee members shall include a cross section of the public affected by water pollution abatement plans and programs, including elderly, students, persons with disabilities, business, labor,

environmentalists, women, minorities, community councils and other citizen, civic and municipal groups.

C. Appointments to the committee shall be effective until December 31 of the second year following each member's appointment date; provided, that members of the committee appointed by the Metro Council prior to January 1, 1994, may serve on the committee until their terms expire or they resign. Members whose terms have expired shall serve until replacements are appointed. Members may be reappointed for one additional term.

D. The committee shall select its officers, including chair, vice-chair and any others it deems necessary. The committee shall adopt appropriate bylaws.

E. The objectives of the committee shall be as follows:

1. To achieve direct involvement of citizens in the facilities and budget planning processes;

2. To develop within the community greater visibility and responsibility for water quality programs;

3. To provide an independent forum to which the citizens can bring their suggestions, desires and complaints regarding water quality problems;

4. To provide a citizen advisory body to aid in the decision-making process;

5. To assure that at each critical point in the planning process there are a maximum number of options considered;

6. To advise on extended citizen participation; and

7. To insure that water quality planning and implementation are consistent with and complementary to region-wide planning.

<u>SECTION 5.</u> Water Pollution Abatement - Sewage Disposal Rules and Regulations.

A. The director shall administer and implement the following rules and regulations for the disposal of sewage into the metropolitan sewerage system.

1. The rules and regulations hereinafter set forth shall be applicable to water pollution abatement activities, including the disposal of sewage into the metropolitan sewer system, whether delivered from within or from without the county.

B. The director is hereby authorized to develop and implement such procedures and to take any other actions as may be necessary to insure that local public sewers and private sewers discharging or proposing to discharge into the metropolitan sewer system are constructed and developed in accordance with applicable laws, regulations and plans and with the provisions of federal grant agreements which may be applicable thereto.

C. The procedures for certification for extensions and connections shall be as follows:

1. A request by a local public agency, person, state or federal agency for an extension to an existing department interceptor or trunk shall not be considered by the department for funding of planning, design or construction, and agreements therefor shall not be considered for approval by the council unless the director has received written certification from the legislative bodies of all cities and counties which have zoning jurisdiction over: a. any portion of the area proposed by the requesting party to be served, or determined by the director as being capable of being served by such extension; and b. any other area in or through which the facility is proposed to be constructed; which certification shall state that such service and construction are consistent with the adopted land use plans and policies of such local governments. If a city or county cannot so certify, it shall issue a written statement to the director that the service or construction is not consistent with said adopted plans and policies, or that action on the application for certification must be deferred pending receipt by the city or county of such additional, specified information

and data as may be reasonably required for the consideration of said application.

2. Requests by a local public agency, person, state or federal agency for approval of a local public sewer facility connection to an existing interceptor or trunk shall be considered by the department only if the director has received a written certification as described herein, provided, that a connection involving service by a local public sewer facility which is located wholly within the boundaries of a city and has a potential service area contained wholly within such boundaries shall require only the written certification of that city.

3. The certification may be made by either the legislative body of the city or county or by such department or division thereof as the legislative body may designate. The issuance of the certification may be preceded by a reasonable analysis and consideration, by a city or county having zoning authority, of alternatives to the proposed connection or extension.

a. If the director has not received a certification or other statement from a city or county as described herein within ninety (90) days of receipt by a city or county of a written application for certification, said city or county shall be deemed, for purposes of this section only, to have certified the proposal as consistent with adopted land use plans and policies; provided, that if such certification has not been received by the director within sixty (60) days of receipt by a city or county of a written application for certification, the director shall notify the chief executive and chair of the legislative body of said city or county of the certification deadline.

b. The director is authorized to develop such additional rules, procedures and forms as may be required to implement this section, to notify local public agencies, cities, counties and interested persons of the certification

process, and to assist such local public agencies, cities, counties and persons in compliance with this section.

c. Any questions concerning the applicability or scope of certification requirements shall be referred to the director for final resolution. Nothing contained herein shall preclude the department from providing staff assistance to a local public agency, city, county or state or federal agency concerning waterborne pollutant removal, water quality improvements or sewage disposal alternatives.

4. The certification provisions of this section shall not apply where an extension of or connection to a interceptor or trunk is required by formal order or directive of a state or federal agency with regulatory powers over said extension, connection or the metropolitan sewer system, or to the following Interceptor extensions: a. That portion of the Phase 1 May Creek Interceptor System, as defined in the Environmental Protection Agency Project No. C-530749 Negative Declaration dated November 29, 1977, which includes the Honeydew Interceptor and a section of the May Creek Interceptor between existing Metro Manhole B and the confluence of May and Honey Creeks; b. SLW 14 in the Comprehensive Plan, also known as the Madsen Creek Trunk; and c. GR 25 and GR 26 of the Comprehensive Plan, extending from 11th Avenue in Algona to Main Street in the City of Auburn. Copies of any formal orders or directives as referred to herein shall be immediately forwarded to every city, county, and other local public agencies within the county.

D. The following local public agency regulations and standards shall apply:

1. Local public agency design and construction standards and standard specifications and local public agency ordinances and resolutions directly relating to the planning or construction of local public sewers or regulating the use of local public sewers or side sewers shall be consistent with this section.

2. Two copies of any such documents which are in effect on the date of adoption of this section and which have not heretofore been submitted to the department shall be submitted to the director within six (6) months following such date. Two copies of any of such documents adopted or placed in use after the date of this section, including any changes in or amendments of documents previously in effect, shall be submitted to the director within sixty (60) days of their adoption.

3. The following provisions shall apply to review and approval of such submittal documents:

a. The director shall review design and construction standards and standard specifications submitted by a Local Public Agency and, within thirty days (30) following receipt thereof, shall either approve them in writing or return one set of each disapproved document with written reasons for disapproval.

b. The director shall review ordinances and resolutions submitted by a local public agency and, within thirty (30) days following receipt thereof, shall notify the local public agency in writing of any inconsistencies with the department's rules and regulations.

c. Within sixty (60) days following receipt from the director of a disapproval or a statement of inconsistencies with the department's rules and regulations, the local public agency shall take such action as may be necessary to correct such inconsistencies and shall resubmit the corrected or amended documents as provided for their original submittal.

E. The following provisions shall govern local system plans:

1. Local public agencies connected to the metropolitan sewer system or who have signed contracts for connection to such system shall prepare, at their own expense, a map plan of existing and proposed local public sewers as provided herein. Plans of proposed sewerage facilities shall be called

"Preliminary System Plans." Plans of existing and newly constructed sewerage facilities shall be called "Completed System Plans." Preliminary system plans and completed system plans shall contain the detailed information set forth in this section. The preliminary system plan shall be prepared under the supervision of a professional engineer registered in the state of Washington.

2. Submittal.

a. Local public agencies shall submit to the director three sets of preliminary system plans of proposed sewerage facilities at the earliest possible time which is consistent with the planning and development of the local area and in any event prior to the preparation of construction plans and call for bids. If changes have been made in the preliminary system plan, the plan shall be resubmitted during January of each year with the changes shown thereon.

b. Local public agencies owning or operating local sewers at the time of the adoption of this section shall submit to the director within six (6) months after the adoption of this section two (2) sets of a plan or plans of the existing local system unless such plan or plans are already on file with the department. Local public agencies who shall construct or acquire local public sewers after the adoption of this section shall submit to the director two (2) sets of the plan of such new facilities within six (6) months after their completion or at the end of each calendar year at the option of the local public agency.

3. Unless otherwise approved by the director, preliminary and completed system plans shall include the details required by this section.

a. Both preliminary and completed system plans shall include a title, including the name of the local public agency, an identifying map number or numbers, the scale to which the map is drawn, the direction of due north, the local public agency's boundary, and the datum plane of any elevations

indicated on the plan. If the datum plane differs from the Metro datum plane, the equation to the Metro datum plane shall be shown.

b. Preliminary system plans shall also include the boundary of the land to be served by the proposed sewerage facilities and the area, in acres, within this boundary; the boundary of any additional land which is not served by, but is tributary to the facilities indicated on the plan and the area, in acres, within this boundary; areas which are proposed to be annexed that are tributary to the proposed sewerage facilities; the general location, approximate size and direction of flow of each trunk and interceptor; the point of connection of any local public sewer to the metropolitan sewerage system and the boundaries, area, in acres, and estimated future population of the land to be served by each such connection; the boundaries and area, in acres, of land which is zoned for industry at the time of submittal of the preliminary system plan; the engineering design criteria used in preparation of the preliminary system plan including flow allowances; a description of known unusual conditions such as unstable foundations, wet ground conditions or unusual installations which might affect the design or construction of the local public sewers as relating to quality and quantity of flow; the estimated dates of commencement and completion of construction; and the estimated number of residential customers and residential customer equivalents, as defined in the Sewage Disposal Agreements, to be built or served by the proposed facilities within one year after completion of construction.

c. Completed system plans shall also include the approximate location, the size and the direction of flow of each local public sewer shown on the plan.

d. Whenever required by federal grant agreement for the construction of a department facility, a local public agency or private party applying for preliminary system plan approval or a local public sewer or private sewer proposed to

discharge into said facility shall certify that the local public sewer or private sewer will be constructed and developed in accordance with applicable laws, regulations and plans and shall provide such assurances as the director may require that said local public sewer or private sewer will be developed in accordance with approved service area boundaries and applicable statutory or regulatory environmental and zoning requirements. The form of the certification shall be as provided by the director.

e. Following submission of a preliminary system plan to the director, the local public agency shall not change the proposed points of connection to a department trunk, make major size changes in trunks, major relocations of trunks, or changes in design criteria without first submitting such revisions or changes to the director and securing approval thereof from the director.

F. Detailed construction plans and specifications for proposed local public sewers shall be subject to review and approval by the director only when the director deems such review to be necessary. Each local public agency shall notify the director in writing of its intention to prepare such construction plans and specifications delineating the boundaries of the areas to be sewered by map or sketch, and the estimated date for bid advertisement. Within ten (10) days following receipt of such notice, if determined necessary, the director shall make written request for the submission of construction plans and specifications. If required to do so, the local public agency shall submit two sets of plans and specifications and shall obtain approval thereof prior to advertising for bids. Within fifteen (15) days following receipt of such plans and specifications, the director shall review same and return one set thereof to the local public agency with approval, or required changes indicated. If said plans and specifications are disapproved, the required changes shall be made by the local public agency, and all required

revisions of plans and specifications resubmitted in the same manner as provided for the initial submittal. In the event no communication is received from the director by the local public agency within fifteen (15) days of the date of receipt by the director of such plans and specifications, it shall be deemed that the director has approved such plans and specifications.

G. The following provisions shall govern sewerage standards:

1. New local public sewers or private sewers and extensions of existing sewers shall be designed as separate sewers and storm drains, except where the local public agency can demonstrate the necessity for a combined sewer extension.

2. The design of sewers by local agencies and persons and the method of construction and materials used and the operation and maintenance of sewers and side sewers owned by local public agencies and persons shall be such that flow other than sewage and industrial waste (wastewater) will not exceed 3.06 cubic feet per acre in any thirty minute period. Flow volumes of other than wastewater for any thirty minute period which exceeds this amount will be called excess flow.

H. The following provisions shall apply regarding inspection of new construction:

1. Local public agencies shall be responsible for Inspection of construction of local public sewers as required to insure compliance with this section and with local standards. The director, however, shall have the right to spot inspect local public sewer and Side sewer construction and to notify the local public agencies when, in the opinion of the director, the construction work does not comply with this section. Each local public agency shall notify the director by letter or send a copy of the "Contractor's Notice to Proceed" letter to the director in advance of the start of any public sewer construction.

a. Such letter shall include the name of the organization responsible for contract administration and the

name of the individual the director should contact during construction.

b. Upon receipt of notification from the director that any local public sewer construction work is not being performed in compliance with the plans and specifications therefor, the local public agency shall immediately take such action as may be necessary to insure compliance.

c. The construction of private sewers shall be subject to inspection by the director.

2. A leakage test shall be made of every section of local public sewer after completion of backfill by an internal hydrostatic pressure or air test method; provided that if the ground water table is so high as to preclude a proper exfiltration test, an infiltration test may be used. Other methods of testing must be specifically authorized by the director.

a. Allowable exfiltration leakage shall be no greater than five-tenths gallon per hour per inch of diameter per 100 feet of sewer pipe with a minimum test pressure of six feet of water column above the crown at the upper end of the pipe. For each increase in pressure of two feet above a basic six feet of water column measured above the crown at the lower end of the test section, the allowable leakage shall be increased 10%. Allowable infiltration leakage shall be no greater than four-tenths gallon per hour per inch of diameter per 100 feet of sewer pipe, with no allowance for external hydrostatic head.

b. Air testing shall be in conformance with the latest edition of "Standard Specifications for Municipal Public Works Construction" prepared by the Washington State Chapter, American Public Works Association.

c. A record of leakage tests containing the location of the local public sewer tested, the date of test and the results thereof, shall be submitted to the director prior to acceptance of each contract by the local public agency.

d. Side sewers shall also be tested for their entire length from the public sewer in the street to the connection with the building plumbing. The method of testing side sewers shall be determined by the local public agency, but in no case shall it be less thorough than filling the pipe with water before backfill and visually inspecting the exterior for leakage.

3. Ground water or other water related to local public agency sewer construction, other than water used for leakage test, shall not be admitted into a public sewer without the written permission of the director.

I. The following provisions shall govern connections to the metropolitan sewer system:

1. No connection shall be made to the metropolitan sewer system without the prior approval of the director.

2. Local public sewers shall be planned so as to require the minimum practical number of points of connection to the metropolitan sewerage system. At each point of connection to the metropolitan sewerage system, the department shall timely construct, at its expense, such special manholes or chambers as are required, including the intervening connection from such manhole or chamber to the department trunk.

a. With the written approval of the director, the special manhole or chamber and intervening connection from such manhole or chamber to the department trunk may be designed and constructed by the local public agency at the expense of the department but subject to inspection and approval by the director. It shall be the responsibility of the local public agency to connect local public sewers to said manhole or chamber at its expense and in a manner approved by the director.

3. Each local public sewer connection to a department special manhole or chamber shall be hydraulically designed so as not to interfere with the measuring and sampling of flow.

a. Upon its completion, each such structure and connection shall be owned, operated and maintained by the department, provided that the local public agency may use said chamber for measuring and sampling flows at reasonable times with the concurrence of the director.

4. The director may require a metering manhole or chamber on extensions constructed after January 1, 1961 to local public sewers in existence on that date. The manhole or chamber shall be located on the extension near its connection with the local public sewer. The department shall construct and pay for any manhole or chamber required for extensions constructed prior to April 17, 1969. The local public agency shall construct any required manhole or chamber for any local public sewer extension constructed after the adoption of this section. Such construction shall be performed in accordance with plans and specifications prepared or approved by the director and the department shall pay the additional cost of such manhole or chamber as follows:

a. For pipe sizes eight inches in diameter through twenty-one inches in diameter, and with the measuring device placed in a department standard (four-foot diameter) manhole, the department shall pay one hundred and fifty ($150) dollars per each such measuring manhole.

b. For special chambers and pipe sizes larger than twenty-one inches in diameter, the department shall pay as per agreement for each specific case. Upon its completion, each such manhole or chamber shall be owned, operated, and maintained by the local public agency, provided that the department may use such chamber for measuring and sampling flows at reasonable times with the concurrence of the local public agency.

J. The following provisions shall govern relating to private sewers:

1. The department shall not directly accept wastewater from the facilities of any person which are located within the

boundaries of, or discharge wastewater into the local sewerage facilities of, any local public agency without the prior written consent of such local public agency.

2. Connection of private sewers may be made at the discretion of the director, either by the director or by others subject to inspection and approval by the director. Whenever a local public sewer becomes available, the private sewer shall be disconnected from the metropolitan sewerage system under the inspection of and in a manner approved by the director, and shall be connected to the available local public sewer in accordance with the requirements of the local public agency. All work of making connections, disconnections and reconnection of private sewers to the metropolitan sewerage system shall be at the expense of the owner or developer of such private sewers.

3. Two sets of plans and specifications for proposed private sewers shall be submitted to the department for review and approval. Written approval must be obtained prior to advertising for bids or proceeding with the work if bids are not called.

4. The provisions of this section applying to local public sewers of local public agencies shall also apply to private sewers and to owners of private sewers.

K. The following regulations shall apply to the use of local public sewers:

1. The discharge into any sewer by direct or indirect means of any of the following is hereby prohibited: subsoil foundation, footing, window-well, yard, or unroofed basement floor drains; overflows from clean water storage facilities; clear water from refrigeration, reverse-cycle heat pumps and cooling or air-conditioning equipment installed hereafter, except for the periodic draining and cleaning of such systems; roof drains or downspouts from areas exposed to rainfall or other precipitation; and surface or underground waters from any source.

2. Where manholes in sewers have open, perforated, or grating covers, resulting in surface waters entering the manhole, the director may require the local public agency to adjust or modify the manholes, at the expense of the local public agency so that the entry of surface water is reduced to a minimum. Openings in manholes for new construction shall be limited to not more than three one-inch diameter holes.

3. An additional charge will be made for quantities of water other than Sewage and Industrial Waste hereafter entering those sewers constructed after January 1, 1961 in excess of the volume established for design purposes in this section. Any charge made in addition to the regular charge shall be based on metered records of flow taken and compiled by the department. If the director elects to meter and record flow from such sewers, the local public agency will be given at least five days notice in advance of such metering. Metering periods shall continue until excessive flow conditions are corrected.

a. The allowable volume of flow for any thirty minute period shall be determined by taking the sum of the following items 1 to 3, inclusive:

(1) Maximum dry-weather wastewater flow as measured in the preceding August-September period. Such flow shall be determined as follows:

(a) Meter and record all flow for the above period.

(b) Discard all flow records for each day containing measurable rainfall and discard the flow records of the succeeding days.

(c) Determine the maximum flow volume occurring in a thirty minute period for each day's metering.

(d) Average all of such maximum flow volumes to arrive at a maximum dry-weather wastewater flow.

(2) Additional dry-weather flow resulting from new customers or equivalents added after the measured August-September period. Such flow shall be determined as follows:

(a) Determine the number of added residential customers and equivalents.

(b) Multiply each such customer and equivalent by the departmental allowance of 750 cubic feet per month.

(c) Reduce (b) from a monthly to a thirty minute allowance by the formula:

cubic feet per month divided by

[30 days x 24 hrs. x 2] = additional dry weather flow

(3) Flow allowance for ground water infiltration and storm water inflow on which the metropolitan sewerage system was designed. Such flow shall be determined as follows:

(a) Determine the sewered area being metered in acres.

(b) Flow allowance = 3.06 cubic feet per acre x sewered area in acres.

b. Flow volumes for any thirty minute period which exceed the above allowable volume of flow will be considered to be excess flow.

c. Since excess flow is based upon a thirty minute period of time, the volume so measured will be small. In order that the surcharge for excess flow will more nearly approach the cost of providing additional capacity in the metropolitan sewerage system, excess flow will be adjusted as though it were occurring for a 24 hour period. Such flow will be called adjusted excess flow. Adjusted excess flow = Excess flow x 24 x 2.

d. Daily surcharges for adjusted excess flow will be the department current rate for each 750 cubic feet of such adjusted excess flow. Such daily surcharges shall remain in effect for ten days. In the event excess flow occurs again during said ten day period, and the new excess flow exceeds the former, the more recent excess flow will be used in lieu of the former and continue for ten days from date of its measurement.

e. In the event the new excess flow does not exceed the former excess flow, the former will be used for ten days from time of its measurement, at which time the new excess flow will be used for as many days as will complete ten days from the time of measurement of such new excess flow.

f. Amounts due the department as monthly surcharges for excess flows shall be shown as a separate item on the department's normal monthly billing to the local public agency, accompanied by appropriate records and calculations, and shall include only the surcharges for the previous month.

g. Such surcharges for excess flows shall be paid to the department by local public agencies in the same manner and at the same times as regular sewer service charges; provided that a local public agency may offset against such surcharges amounts actually expended on local sewerage facility improvements or modifications which have been constructed by the local public agency for the purpose of reducing said excess flows and the plans for which shall have been approved by the director. In the event the local public agency elects to construct such improvements, it shall so signify in writing to the director within thirty (30) days of receipt of the department's first billing of each specific excess flow surcharge. Upon receipt of such notice, the department will allow the local public agency one (1) year to prepare approved plans and specifications and let a contract for the corrective work. Failure to meet the one-year deadline shall result in the original surcharge, as well as any intervening surcharges, becoming immediately due and payable.

h. Metering and metered records may be checked at reasonable time intervals by local public agency personnel accompanied by department personnel upon at least one (1) day's notice to the department.

i. In the event of excessive infiltration/inflow under applicable regulations of the Environmental Protection Agency, such that the department will be denied federal grants

in the absence of correction, the director may elect to do the corrective work utilizing therefor solely surcharges collected from the local public agency.

L. The following provisions shall apply to disposal of materials from septic tanks and chemical toilets:

1. The discharge of materials from cesspools, septic tanks, and privies into local sewer systems is prohibited.

2. Chemical toilet waste may be discharged into the local public sewer or private sewer system through a side sewer connection at the place of business.

a. Such means of disposal shall be approved by the director, the local public agency, and the Seattle-King County health department.

b. If the above conditions cannot be met, chemical toilet wastes may be discharged directly into the metropolitan sewer system in accordance with the provisions of this section.

3. No person engaged in the collection and disposal of materials from cesspools, septic tanks, chemical toilets, portable toilets and privies, as a business or commercial enterprise, may discharge into the metropolitan sewer system any of the materials so collected without having first obtained from the director a written permit to do so. This permit shall be in addition to all other permits and/or licenses required by law, and shall be issued only to the holder of a proper registration and inspection certificate issued by the Seattle-King County health department to carry on or engage in the business of cleaning septic tanks and cesspools.

4. Any person required to obtain such permit shall submit to the director an application therefor on forms approved by the director.

a. A separate permit shall be obtained for each vehicle so used, which permit shall thereafter be carried in the vehicle at all times. No permit may be transferred from one vehicle to another except in the event of loss, destruction

or replacement of the original vehicle, and then only with the approval of the director.

b. The name of the person and the permit number shall be prominently displayed in numbers and letters at least three (3) inches high, in contrasting color on both sides of the vehicle.

5. The annual fee for a permit to discharge materials from cesspools, septic tanks, chemical toilets, and privies into the metropolitan sewerage system, unless exempted in this section, is hereby fixed and determined to be the sum of $200.00 for each vehicle employed or used by the permit holder for the hauling and discharge of such materials. At the time of issuance of each discharge permit, there will also be issued an entrance control identification card for each truck under permit. No person may discharge into the metropolitan sewer system any materials collected from cesspools, septic tanks, chemical toilets, and privies without first paying such permit fee, and registering with the proper entrance control identification card at the point of discharge into the metropolitan sewer system for each load dumped.

Annual fees shall be payable in advance and permit holders shall renew their permits on or before the annual expiration date thereof. Fees for permits issued for less than a full year shall be prorated to the nearest full month. No refund of any permit fee shall be granted for cessation of operations prior to the expiration of the permit.

6. In addition to the permit fee, each permit holder shall pay to the department a gallonage fee. Said gallonage fee shall be determined by the director and shall be adjusted at such times as he or she may deem to be in the best interest of the department.

a. The director may waive the gallonage fee to permit holders dumping septic tank sludge from residences and businesses paying the department sewerage charges to local agencies. Claims for exemption of gallonage fees shall be made

on forms provided by the department and shall be accomplished in the manner described thereon. The department shall bill each permit holder for the accumulated gallonage fee monthly. This billing shall provide for the subtraction of all volumes declared on valid gallonage fee exemption claims. Payment of gallonage fees shall be made within 30 days from the date of invoice by the department.

b. A late charge of 12% per annum shall be assessed upon and added to any charge or portion thereof that remains unpaid after 30 days from the date of invoice. Failure to pay all charges due within 60 days from the date of invoice shall be considered a breach of the terms of the permit and shall result in revocation of the permit.

7. Wastes discharged into the metropolitan sewer system pursuant to this section shall be discharged only at such points as are designated by the director and in a clean, inoffensive manner satisfactory to the director. Equipment and methods used by the permittee to discharge shall be subject to inspection by and approval of the director as a condition of granting the permit.

8. The discharge of industrial waste, or any waste other than domestic septage and chemical toilet waste, into a designated septage disposal site is prohibited unless specifically approved by the director.

9. A permittee hereunder shall be liable for the costs of any damages to property or personal injury caused by reason of his operations. In addition, failure to pay such costs upon demand shall be cause for revocation of said permit.

10. A permit may be revoked or suspended by the department for failure to discharge at designated points, for any discharge which is in violation of the provisions of this section, or for the reasons set forth in this section.

11. Each permittee shall be required to obtain liability insurance in such amount and in such form as shall be determined by the director. Such insurance shall afford bodily

injury limits of liability of $500,000.00 for each person and $1,000,000.00 for each occurrence. Evidence of such insurance coverage shall be provided to the director. Nothing herein shall in any manner preclude any applicant from obtaining such additional insurance coverage as the applicant may deem necessary for his or her own protection.

12. The director is hereby authorized to designate the points of disposal of materials collected by the permittees, the places where permits may be obtained, and the persons authorized to sign such permits on behalf of the department.

The director is further authorized to revoke or suspend permits for failure to comply with the provisions of this ordinance, subject to the right of persons affected to appeal from such revocation or suspension as provided in this ordinance.

M. The following practices shall be prohibited:

1. No person shall discharge, directly or indirectly, into a sewer any material or substance which is prohibited by any county ordinance, rule established by the director, local agency rule or regulation, or other applicable requirement.

2. No unauthorized person shall enter any department sewer, manhole, pumping station, treatment plant, or appurtenant facility. No person shall maliciously, willfully or negligently break, damage, destroy, deface, or tamper with any structure, appurtenance, or equipment which is part of the metropolitan sewerage system.

No person, other than an authorized employee or agent of the department, shall operate or change the operation of any department sewer, pumping station, treatment plant, outfall structure, or appurtenant facility.

N. The following provisions shall apply to user charges:

1. As required by federal regulations, each local public agency shall adopt and maintain a system of user charges to assure that each recipient of waste treatment services within the department's service area will pay its proportionate

share of the costs of operation and maintenance, including replacement, of all waste treatment provided by the department.

Notwithstanding the obligation of the local public agency to collect such charges, the director shall have authority directly to assess, when in the opinion of the director it is necessary in order to comply with federal regulations, a user surcharge directly against industrial users within a local public agency in an amount determined by the director to be necessary to assure that said industrial users pay their proportionate share of the costs of operation and maintenance, including replacement, of waste treatment provided by the department. Any such surcharge is distinct from and in addition to sums to be paid by industries as industrial cost recovery, pursuant to provisions contained in this section or as may be adopted by the council, regarding the control and disposal of industrial waste into the metropolitan sewage system.

2. Each local public agency shall charge each recipient of waste treatment services within its jurisdiction, in addition to any surcharge to be assessed by the local public agency against an industrial user in an amount to be determined by the director to be necessary under federal regulations (and separate from and in addition to any sums paid by industry pursuant to this section), a sum to be paid to the department for its waste treatment services to be determined as follows:

a. The local public agency shall determine on a quarterly basis, (1) the number of residential customers billed by the local public agency for local sewage charges; (2) the total number of all customers so billed; and (3) the total water consumption billed other than residential customers. The quarterly water consumption report shall be taken from water meter records and may be adjusted to exclude water not entering the sanitary facilities of a customer.

(1) Where actual sewage flow from an individual customer is metered, metered sewage flows shall be reported in

lieu of adjusted water consumption. Total quarterly water consumption in cubic feet shall be divided by 2,250 to determine the number of residential customer equivalents for which each non-residential customer shall be billed.

(2) The director shall develop such additional instructions and rules for preparation of the quarterly water consumption report as may be necessary to implement the requirements of this section.

b. The director will establish a monthly user charge for each component agency based upon a rate for each residential customer or residential customer equivalent which the local public agency shall collect from its residential customers and equivalents.

3. Each local public agency shall charge each industrial recipient of waste treatment services within its jurisdiction as required by the department, in addition to the user charge, a surcharge in an amount to be determined by the director based on the average annual strength and volume of discharge by the industry. For the purpose of computing average annual strength, all wastes shall be assumed to have a minimum strength equivalent to that of domestic sewage.

a. Each local public agency shall provide the director each quarter with a listing of the water consumption of each surcharged industry.

4. Each local public agency shall maintain such records as are necessary to document compliance with the user charge system herein established.

O. The following provisions shall apply regarding capacity charges:

1. All customers of a public or private sewage facility who connect, reconnect or establish a new service which uses metropolitan sewage facilities after February 1, 1990 shall pay a capacity charge in an amount established annually by the council in accordance with state law. Users of metropolitan sewage facilities shall be subject to the capacity charge upon

connection or reconnection to public or private sewage facilities and/or establishment of a new sewer service.

a. "Reconnection," for purposes of this subsection, shall mean reconnection of an existing structure following physical disconnection and abandonment of prior sewer service.

b. "Establishment of a new service" shall mean: (1) change of property use from single family residential to other than single family residential, or (2) reuse of an existing sewer connection by a new structure following demolition of an existing structure and abandonment of sewer service.

2. The capacity charge shall be a fixed rate per residential customer or residential customer equivalent determined annually by the council. The number of residential customer equivalents (RCEs) for multi-family customers shall be determined using the following scale:

2 - 4 units	0.8 RCEs per unit
5 or more units	0.64 RCEs per unit
Senior citizen housing	0.32 RCEs per unit
Mobile home space	1.0 RCE per space

a. Senior citizen housing shall be multi-family structures of two or more dwelling units within which each dwelling unit shall consist of a room or a suite of two or more rooms, of which not more than one is a bedroom, for which occupancy has been limited to two persons, at least one of whom is age sixty-two or older. In the case of privately owned senior citizen multi-family housing, said requirements shall be contained in a permit, covenant or deed restriction in which the county or a local government is granted enforcement authority.

(1) In the case of such housing owned by a government or non-profit corporation, said requirements shall be integral to the establishment of the corporation as a legal entity or a legally enforceable condition of construction and operation of the housing.

(2) If use of a multi-family structure that initially qualifies as senior citizen housing changes so that it no longer meets the above criteria, residential customer equivalents shall then be calculated in the same manner as multi-family customers and the department will collect the incremental difference then due.

b. The number of residential customer equivalents for customers other than residential customers shall be projected using estimated hydraulic capacities or loading values of plumbing fixtures and/or estimates of wastewater flow acceptable to the department from other than plumbing fixtures. An appropriate schedule of hydraulic capacity or loading values equating to residential customers shall be determined by the director.

3. The capacity charge shall be collected by the department directly from the customer. The charge may be established as a monthly charge for 15 years. The total amount of the charge shall be due and payable at the time of the initial billing. The customer may, however, elect to pay the charge over the 15-year period.

Each customer subject to the charge shall be billed by the department semi-annually or at such frequency as may be determined by the director. The total amount of the charge, hereinafter the "total amount due", can be paid at any time. The total amount due shall be the sum of all remaining payments discounted at the rate of 8% annually.

4. The following shall apply to capacity charge billing:

a. Capacity charge billing to a customer shall commence as soon as possible and practical after the effective date of the sewer service provided by a local public agency served by the department in accordance with the billing frequency determined by the director.

b. Late notice to the department of commencement of sewer service to a customer or failure of a customer to receive

a capacity charge bill does not relieve a property owner of the responsibility for payment of charges and interest.

5. Delinquent Capacity Charge Accounts

a. If a customer elects to pay over time and fails to make a payment when due, all remaining payments shall become due and owing. An interest charge computed at an annual rate of twelve percent (12) of the delinquent amount and a one-time penalty not more than ten percent (10%) of the remainder due shall be added to the account balance.

b. Whenever the capacity charge for an account plus interest charges are delinquent for more than 30 days, the department shall send a Notice of Intention to File Lien to the property owner, or representative, and the mortgagee, directing the property owner or representative to pay the total amount due, as described in this section, no later than 15 days from the date of said letter or to make suitable arrangements to bring the account current. If such payment is not made within 15 days or suitable arrangements have not been made, the total amount due will be certified as delinquent and a lien will be filed against the property with the treasurer of the county. A lien charge to cover the cost of preparing and filing the lien in the amount of $150.00 will be added to the delinquent amount on the date of certification of the lien to the treasurer of the county. Action may be taken by the department to enforce collection of the delinquent amount at any time after said charges have been delinquent for a period of 60 days.

(1) The department is authorized to request the prosecuting attorney to bring suit for foreclosure by civil action in the Superior Court of the county in which the real property is located and to request payment of its costs and disbursements as provided by statute, as well as reasonable attorneys' fees. Each account which has been submitted to the prosecuting attorney for foreclosure shall be charged for legal fees incurred in connection with the foreclosure, even when court proceedings are unnecessary.

6. Local public agencies shall, at the director's request, provide such information regarding new residential customers and residential customer equivalents as may be reasonable and appropriate for purposes of implementing the capacity charge.

7. The director is authorized to develop and implement such additional policies and requirements and to take such actions as may be necessary and appropriate for collection of the capacity charge and administration of the capacity charge program as described in this section.

P. No person may connect a local public or private sewer to the metropolitan sewerage system unless such local public agency or person shall then be in compliance with this section.

1. If any local public agency or person shall construct a local public sewer, private sewer or side sewer in violation of this section, the department may issue an order to such local public agency or person to stop work in progress which is not then in compliance with this section or the department may issue an order to correct work which has been performed. Such local public agency or person shall forthwith take such action as may be necessary to comply with such order and with this section, all at the expense of such local public agency or person.

2. Other Penalties.

a. Any person failing to comply with or violating any of the provisions of this section or rules and regulations developed by the director hereunder shall, for each such failure or violation, be subject to a fine in an amount not exceeding $2,000.00 for each separate failure or violation hereunder.

b. The director may order the owner of any property from which prohibited discharges are entering any sewer to correct such condition, provided that if the property of such owner lies within a local public agency, the director shall first give written notice of such prohibited discharge to the

local public agency, and only if such local public agency fails to correct such condition within ninety (90) days after receipt of such notice, may the director directly order such owner to correct such condition.

(1) If any owner shall not cause such condition to be corrected within thirty (30) days following receipt of such department order, the department may proceed to enter upon such property and correct such condition, and the cost thereof together with a penalty of $50.00 shall be a lien upon the property to be enforced in the manner provided by law for liens for local sewage charges.

c. Any person who shall damage, destroy or deface any structure, appurtenance, equipment or property of the metropolitan sewerage system shall be fined in an amount not exceeding $300.00, and in addition, shall be liable for double the actual cost of restoration or repair or double the actual amount of any irreparable damage.

SECTION 6. Water Pollution Abatement -- Industrial Waste Rules and Regulations.

A. The director shall administer and implement the following fees, rules, and regulations for the disposal of industrial waste into the metropolitan sewerage system.

B. The following provisions shall govern the applicability of this section.

1. This section shall apply to all nondomestic users of the metropolitan sewerage system including, but not limited to, commercial and industrial companies and government agencies. Indirect discharges from nondomestic users regulated by this section include, but are not limited to, liquid, solid or gaseous substances, or any combination thereof resulting from any process of industry, government, manufacturing, commercial food processing, business, agriculture, trade, research, the development, recovery, or processing of natural resources, leachate from landfills or other disposal sites, contaminated nonprocess water, contaminated storm water, and ground water.

2. This section shall not apply to the discharge of storm water into an existing combined sanitary and storm system unless such discharge results from industrial activity and the director has determined that such discharge may affect the county's water quality and biosolids objectives.

3. This section shall not apply to participant local agencies when collecting domestic and industrial waste and conveying such waste to the metropolitan sewerage system.

4. This section authorizes the issuance of wastewater discharge permits, authorizes monitoring, compliance, and enforcement activities, establishes administrative review procedures, requires user reporting and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

5. Industrial waste shall be accepted into the metropolitan sewerage system subject to regulations and requirements as may be promulgated by state and federal regulatory agencies or the county for the protection of sewerage facilities and treatment processes, public health and safety, receiving water quality and avoidance of nuisance. As a minimum, all industrial users of metropolitan sewerage system facilities shall comply with the applicable pretreatment standards and requirements developed pursuant to Sections 307(b) and 307(c) of the Act. This includes the pretreatment standards for existing and new discharges, which are defined in regulations promulgated pursuant to such Sections of the Act.

C. The director shall administer, implement, and enforce the provisions of this section. Any powers granted to or duties imposed upon the director may be delegated by the director to other department personnel. The director shall establish and publish administrative procedures for implementation of this section which shall include but not be limited to issuing permits and discharge authorizations, collecting samples, identifying and inspecting industrial users, monitoring, revenue/cost recovery, appeals, discharge

approval processes, issuing waste discharge permits and discharge authorizations, conducting investigations of noncompliance, preparing enforcement actions according to the department's enforcement response plan, and setting local limits.

D. The following discharge standards and limitations shall be applicable under this section:

1. Discharge standards and limitations shall be established to the extent necessary to enable the county to comply with current NPDES requirements, as promulgated by the EPA or the Washington State Department of Ecology, and to protect sewerage facilities and treatment processes, public health and safety and the receiving waters, air quality, and biosolids quality.

2. Dischargers shall comply with all applicable pretreatment standards and requirements. Discharges subject to federal categorical discharge limits shall be subject to those limits, or to county local discharge limits, whichever is most restrictive. In addition to concentration limits, permit limits may also include mass limits stated as total pounds of a pollutant allowed per day.

3. No industrial user shall ever increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with an applicable pretreatment standard or requirement unless expressly authorized by an applicable pretreatment standard or requirement. The director may impose mass limitations or flow restrictions on users he or she believes may be using dilution to meet applicable pretreatment standards or requirements.

4. No industrial user shall introduce or cause to be introduced into the POTW any pollutant or wastewater that causes pass through or interference. These general prohibitions apply to all industrial users of the POTW whether or not they are subject to categorical pretreatment standards

or any other federal, state, or local pretreatment standards or requirements.

5. No industrial user shall discharge any of the following pollutants, substances, or wastewater directly or indirectly into any public sewer, private sewer or side sewer tributary to the metropolitan sewerage system:

a. Flammable liquids, solids or gases capable of causing or contributing to explosion or supporting combustion in any sewerage facilities.

b. Any solid or viscous substances or particulates in quantities, either by itself or in combination with other wastes, that are capable of obstruction of flow or of interfering with the operation or performance of sewer works or treatment facilities.

c. Any gas or substance that, either by itself or by interaction with other wastes, is capable of creating a public nuisance or hazard to life or of preventing entry by authorized personnel to pump stations and other sewerage facilities.

d. Any gas or substance that, either by itself or by interaction with other waste, may cause corrosive structural damage to sewer works or treatment facilities.

e. Wastes at a flow rate and/or pollutant discharge rate that are excessive over relatively short time periods so that there is a treatment process upset and subsequent loss of treatment efficiency.

f. Heat in amounts that will inhibit biological activity in treatment plant facilities resulting in either interference in the treatment process or preventing entry by authorized personnel to pump stations and other sewerage facilities. This prohibition includes but is not limited to heat in such quantities that the temperature of the treatment works influent exceeds 40 degrees C (104 degrees F) or the temperature exceeds 65 degrees C (150 degrees F) at the point of discharge from the industrial source to public sewers and/or the metropolitan sewerage system.

g. Food waste unless it will pass a 1/4-inch sieve. The director shall establish rules on the use of food grinders to meet the 1/4-inch criterion. Such rules shall be based upon department biosolids criteria, impact on solid waste utilities, concerns of local health agencies and imposition of high strength surcharge fees.

h. Any radioactive wastes or isotopes that exceed such concentration limitations as established by applicable Washington State Department of Social and Health Services regulations.

i. Trucked and hauled wastes shall not be discharged into a sewer except at points in the metropolitan sewerage system designated for such discharge by the director.

j. Any waters or wastes containing higher than ordinary concentrations or quantities of compatible pollutants, including but not limited to, biochemical oxygen demanding pollutants, suspended solids, Ph and fecal material, may be required to discharge at a specific release rate or at a specified strength if, in the opinion of the director, the release of such waste in an uncontrolled manner could adversely affect proper handling and treatment in the metropolitan sewerage system.

k. Storm water, surface water, ground water, roof runoff, subsurface drainage, cooling water, and unpolluted wastewater unless specifically authorized elsewhere in this section or by rules published by the director regarding the acceptance of clean water into the metropolitan sewerage system. Such rules shall be based upon existing sewer capacity, cost and availability of alternate disposal options, cost of implementing control measures to prevent contamination of storm water, surface water, and ground water, cost of recycling or reclaiming clean water, benefits to regional water conservation using reclaimed effluent and adverse impacts to water quality and public health.

1. Any waters or wastes generated during construction activities which may include, but not be limited to, contaminated storm water, surface water or ground water and wells constructed for the purpose of lowering the groundwater table unless specifically authorized by the director.

m. Wastewater that imparts color that cannot be removed by the treatment process, such as dye wastes and vegetable tanning solutions that consequently impart color to the treatment plant's effluent, thereby violating the county's NPDES permit.

n. Detergents, surface-active agents, or other substances that may cause excessive foaming in the metropolitan sewerage system.

E. The national categorical pretreatment standards found at 40 CFR Chapter I, Subchapter N, Parts 405-471 are hereby incorporated in this section. These categorical pretreatment standards shall be met by all industrial users of the regulated industrial categories.

F. Local discharge limits shall be developed and complied with as follows:

1. The director shall publish and revise from time to time local discharge limits developed according to guidelines promulgated by the EPA and/or Washington State Department of Ecology using data specific to the metropolitan sewerage system and its industrial users. At a minimum, local discharge limits shall restrict the following parameters: metals; organics; Ph; temperature; fats, oils and greases of animal or vegetable origin; fats, oils and greases of mineral origin; and other toxic substances as required, including those defined in applicable state and federal regulations. These published local discharge limits shall, by this reference, be made a part of this section.

2. No industrial user shall discharge wastewater containing concentrations (and/or mass limitations) in excess

of the published local discharge limits, except as provided for in this section.

3. Individual limits for specific companies or general permit limits for groups of companies may be established on a case-by-case basis for compounds not specifically listed in published local discharge limits or at levels higher or lower than published local discharge limits. Such individual limits may be higher than published local discharge limits only for companies or groups of companies that have demonstrated that no reasonable treatment method is available to meet published limits, and the volume and mass of pollutants discharged does not endanger sewerage facilities or put the POTW at risk of violating NPDES limits, water quality standards, air quality standards, biosolids standards or worker safety standards. Individual limits may be lower than published local discharge standards when the volume of discharge and/or mass of pollutants is such that lower limits are necessary to protect sewerage facilities and treatment processes, public health and safety, the receiving waters, air quality, or biosolids quality.

G. Whenever deemed necessary, the director may require users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate domestic wastewaters from industrial waste streams, and such other conditions as may be necessary to protect the POTW and determine the users compliance with the requirements of this section.

H. In areas of combined sewers, storm water may be discharged without authorization from the director unless the discharge has the potential to affect the county's ability to comply with all federal, state, and local regulations and meet the county's water quality objectives as stated in this ordinance. In such cases, the storm water shall be regulated as an industrial waste and be subject to all the provisions of

this section. In some cases, the county may require the industrial user to eliminate or mitigate storm water discharges by implementing control measures that shall include but not be limited to installation of a separate storm sewer, detention, pretreatment, roofing, reuse, relocation of processing or treatment areas, and discharging to receiving waters.

I. The following provisions shall govern compliance with applicable pretreatment requirements:

1. Compliance by existing users covered by categorical pretreatment standards shall be within three years of the date the standard is effective unless a shorter compliance time is specified in the appropriate standards.

2. The director shall establish a final compliance deadline date for any existing user not covered by categorical pretreatment standards or for any categorical user when the local limits for said user are more restrictive than EPA's categorical pretreatment standards. In establishing such a compliance deadline, the director shall consider the potential for violations of NPDES limits, biosolids quality, air quality, and worker safety standards and the difficulty and cost to industrial users of changes in industrial processes and installation of new pretreatment equipment.

3. New source industrial users and all other new users including significant industrial users shall comply with applicable pretreatment standards within the shortest feasible time (not to exceed 90 days from the beginning of discharge). New sources and new users shall install and have in operating condition all pollution control equipment required to meet applicable pretreatment standards before beginning to discharge.

J. The following provisions shall govern waste discharge permits and authorizations:

1. Each person discharging or proposing to discharge industrial waste into a public sewer, private sewer, or side sewer tributary to the metropolitan sewerage system shall

1 secure written discharge authorization, which may include, but
2 shall not be limited to, a waste discharge permit, minor
3 discharge authorization, or general permit from the department
4 unless otherwise provided in this section. The conditions and
5 discharge standards in all written discharge authorizations
6 shall be predicated on federal, state, county, and other
7 applicable local regulations and requirements and on the
8 results of analysis of the type, concentration, quantity and
9 frequency of discharge including the geographical relationship
10 of the point of discharge to sewerage and treatment facilities.
11 These conditions and discharge standards shall be re-evaluated
12 upon expiration of the written discharge authorization and may
13 be revised from time to time as required by county, state or
14 federal regulations and requirements or to meet any emergency.
15 Obtaining a written discharge authorization, however, shall not
16 relieve a user of its obligation to comply with all federal and
17 state pretreatment standards or requirements, or with any other
18 requirements of federal, state and local law.
19 a. Any person proposing to discharge industrial
20 waste, but not holding a valid waste discharge permit or other
21 written discharge authorization, shall apply to secure a waste
22 discharge permit or discharge authorization unless the director
23 has determined that written authorization is not required.
24 Application to the department shall be made for permits at
25 least sixty (60) days prior to beginning discharge unless the
26 industrial user is subject to categorical pretreatment
27 standards under 40 CFR 403.6 and 40 CFR Chapter I, Subchapter
28 N, in which case application to the department shall be made
29 for such permit ninety (90) days prior to beginning of
30 discharge. Application to the department shall be made for all
31 other written discharge authorizations thirty (30) days prior
32 to beginning of discharge. Any new source or new user meeting
33 the definition of significant industrial user shall not
34 discharge without a waste discharge permit.

b. Any person with an existing permit or written discharge authorization proposing to make a change in an existing industrial waste discharge which will substantially change the volume of flow or the characteristics of the waste or establish a new point of discharge, shall apply for a new waste discharge permit thirty (30) days prior to making the change. Substantial changes may include, but are not limited to, a twenty (20) percent increase in the authorized daily maximum flow, addition of a new process, product, or manufacturing line that will increase or decrease the concentration of pollutants in the waste stream or require modification in the operation of the pretreatment system, addition of new pretreatment equipment, or altering a sample site.

c. The director may grant permission to discharge without written authorization when the discharge is limited in concentration of pollutants, volume or duration, or when the user has applied for and is in the process of obtaining written discharge authorization.

2. All significant industrial users shall secure a waste discharge permit. Existing significant industrial users without permits and industrial users that the director has determined present a substantial risk with existing discharges shall, upon receipt of written notice, apply for a waste discharge permit within thirty (30) days. Extensions of time for submittal of an application may be granted by the director, not to exceed a total of sixty (60) days. The director on his or her own initiative or in response to a petition from an industrial user may determine that an industrial user is not a significant industrial user when there is no reasonable potential for the discharge to adversely affect the POTW's operation or to violate any pretreatment standard or requirement.

3. Persons who are not subject to federal categorical standards or who discharge less than 25,000 gallons per day or

who in the opinion of the director have no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement are not required to obtain a waste discharge permit. Instead, the director may require and issue some other form of written authorization, which may include but is not limited to a minor discharge authorization, a letter of discharge approval, or a general permit. The director may require industrial users to obtain a waste discharge permit when noncompliance with this section exists. Upon written notice from the department that a permit is required the person so notified shall apply for a waste discharge permit within thirty (30) days. Extensions of time for submittal of an application may be granted by the director, not to exceed a total of sixty (60) days.

4. Application for waste discharge permits and authorizations shall be made to the director in writing on forms provided by the department and shall include such data, information and drawings as to enable the department to determine which federal, state and local regulations apply to the discharge and to set conditions for the industrial user to comply with such regulations. Such information shall include but not be limited to identifying information such as name, address, owner and contact person, other environmental permits held by the operation, operation and site descriptions including manufacturing processes, flow measurements, measurements of pollutants, pretreatment system designs and operation and maintenance manuals, spill control plans, and certification statements. The department will act only on complete applications. Significant industrial users shall comply with all requirements of 40 CFR 403.12 (b) by the time of permit issuance or upon commencement of discharge, whichever comes first, unless the specific conditions of a waste discharge permit establish an alternate deadline.

5. Upon receipt of a completed application, the director shall determine if a permit, minor discharge

authorization or other document is required and notify the applicant. Waste discharge permits and authorizations shall be processed in accordance with Chapter 90.48 RCW, as amended, Public Law 92-500, and this section, which includes: public notice for discharges requiring permits; determination of applicable discharge limits and special conditions; review and approval of any pretreatment facilities; facility inspections; issuance of a draft permit; review of the application and any draft permits by appropriate federal, state, and local agencies; and issuance of the final permit or written authorization.

a. If a permit is required, the director shall complete the public notice requirements and bill the applicant for the cost or the director shall instruct the applicant at its expense to publish notices twice in a newspaper of general circulation within King County and in a local newspaper serving the area where the industry industrial user is located and in such other appropriate information media as the director may direct. Said notice shall include a statement that any person desiring to present their views with regard to said application may do so in writing to the director, provided said person submits their views or notifies the director of their interest within thirty (30) days of the last date of publication of the notice. Such notification or submission of views to the director shall entitle said person to review and comment on the draft permit and to a copy of the action taken on the application.

b. Waste discharge permits and written discharge authorizations shall be issued with conditions to demonstrate compliance, meet applicable federal, state and local regulations and prevent violations of this section and the waste discharge permit or authorization. Such conditions may include, but shall not be limited to, discharge limitations and standards, spill control measures, accidental spill prevention plans, slug control plans, monitoring requirements, maintenance

requirements, installation of monitoring equipment, record keeping requirements, reporting requirements, federal and state requirements, installation of sampling sites, flow restrictions, engineering reports, solvent management plans, implementation of best management practices, and special studies to evaluate discharge limits or compliance status.

c. As a condition of the granting of a waste discharge permit or other authorization, the director may require the industrial user to install pretreatment facilities or make plant or process modifications as deemed necessary by the director to meet the requirements of this section and applicable federal and state standards. Such facilities or modifications shall be designed, installed, constructed, operated and maintained at the industrial user's expense in accordance with the provisions of this section, and in accordance with the rules and regulations of all local and governmental agencies.

d. No industrial user may discharge industrial waste into a public sewer, private sewer, or side sewer tributary to the metropolitan sewerage system until inspection has been made by the department for compliance with conditions of the permit or authorization and with this section unless the director has determined that an inspection is not required.

e. A draft permit shall be issued for review and comment by the applicant, federal, state and local agencies, and members of the public who wish to comment on the application or draft permit. All comments will be reviewed and addressed by the director prior to issuance of a final permit.

f. During the application processing, the department will consult with and provide copies of applications and draft permits to participant local agencies, the Washington State Department of Ecology, and the EPA, when appropriate, to ensure that the limitations and conditions of waste discharge permits or other written discharge authorizations will meet

requirements of applicable federal, state, and local regulations.

g. The director may deny a permit or discharge authorization when the applicant's discharge will not comply with this section or will create a public nuisance. The director may also deny a permit or authorization to protect public health and welfare.

h. Waste discharge permits and authorizations shall be issued by the director for a specified time period, not to exceed five (5) years. A waste discharge permit or authorization may be issued for a period less than five (5) years at the discretion of the director. Each waste discharge permit or authorization will indicate a specific date upon which it will expire.

i. If the characteristics of the proposed discharge or discharges meet the requirements of appropriate participant local agencies, the Washington State Department of Ecology, the EPA, and any other applicable state and federal laws and regulations, and this section, the director shall issue a waste discharge permit or authorization to the applicant therefor with appropriate conditions. A copy of the draft permit, final permit, or authorization and the completed application on which the permit or authorization is based will be submitted to the Department of Ecology. The appropriate local agencies will be notified in writing of the issuance of such a permit and will be furnished with one copy of each draft and final permit or other written discharge authorization issued within its jurisdiction at no charge.

6. Discharge conditions published in a waste discharge permit or authorization shall remain in effect until the permit or authorization expires, except that the director may modify the permit or authorization for good cause including the following:

a. To incorporate any new or revised federal, state, or local pretreatment standards or requirements;

b. To address alterations or additions to the user's operation, processes, or wastewater volume or character since the time of permit or authorization issuance (such modifications may be requested by the industrial user);

c. A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;

d. Information indicating that the permitted discharge poses a threat to the metropolitan sewerage system, the department's, county's and/or participant local agency's personnel, or the receiving waters;

e. Violation of any terms or conditions of the waste discharge permit or authorization;

f. To correct typographical or other errors in the waste discharge permit or authorization; or

g. To reflect a transfer of the facility ownership and/or operation to a new owner/operator.

7. If the industrial user wishes to continue discharging after the expiration date, an application shall be filed for renewal of the permit or authorization at least 180 days prior to the expiration date. Applications for renewal permits or authorizations shall be processed in accordance with the requirements of this section, with the exception of the public notice requirement. An industrial user whose existing waste discharge permit or authorization has expired and has submitted its application for permit renewal in the time specified herein shall be deemed to have an effective waste discharge permit or authorization until the director issues or denies the new waste discharge permit. An industrial user whose existing waste discharge permit or authorization has expired and who failed to submit its reapplication in the time period specified herein will be deemed to be discharging without a waste discharge permit or authorization.

8. A permit or authorization shall be subject to revocation upon thirty (30) days' notice in writing if the director finds:

a. It was procured by misrepresentation of any material fact or by lack of full disclosure in the application;

b. A material change in the volume of flow or characteristics of waste was effected without notice to the department and application to the department for a new permit or authorization was not made and a permit or authorization issued as required in this section;

c. There has been a violation of the limitations or conditions of the permit or authorization, and the industrial user refuses to take corrective action, or that a violation has continued after notice thereof;

d. The industrial user has refused reasonable access to its premises for the purpose of inspecting or monitoring the discharge;

e. The industrial user has falsified self-monitoring reports or tampered with monitoring equipment;

f. The industrial user has failed to pay sewer charges or fines; or

g. The industrial user has failed to provide advance notice of the transfer of a waste discharge permit.

At the time that a permit or authorization is revoked, the director may thereafter require disposal of the waste in some manner other than into a public sewer, private sewer or side sewer tributary to the metropolitan sewerage system at the expense of the person whose permit is revoked. The appropriate local agency and the Department of Ecology will be notified in writing of the revocation of such permit.

9. A permit or authorization may be suspended temporarily and further discharges halted by the director if the director determines that waste discharges are in violation of waste discharge permit or authorization limitations or conditions or county, state, or federal standards and pose an

immediate risk to public health and safety, receiving water quality, biosolids quality, or an immediate risk of damage, obstruction, or interference with treatment facilities. Such suspension shall be effective immediately upon written notice delivered to the industrial user's business premises or posting at the point of discharge.

10. A waste discharge permit or authorization shall not be transferred without prior notification and approval by the director. Such notification shall be submitted at least thirty (30) days prior to the date of facility transfer and shall:

a. include a statement that the new owner and/or operator has no immediate intent to change the facility's operations and processes;

b. identify the specific date on which the transfer is to occur; and

c. acknowledge full responsibility for complying with the existing waste discharge permit.

Failure to provide advance notice of a transfer renders the waste discharge permit or authorization voidable on the date of facility transfer.

K. Industrial users shall have the following responsibilities in discharging industrial waste into the metropolitan sewerage system:

1. It shall be the responsibility of every industrial user to control the discharge of industrial waste into a public sewer, private sewer or side sewer tributary to the metropolitan sewerage system in compliance with this section and the requirements of a waste discharge permit or written discharge authorization issued under the provisions of this section.

2. Whenever pretreatment facilities are required pursuant to this section, they shall be designed, constructed, installed, operated and maintained at the expense of the industrial user and in a manner prescribed by the director. The director may require dischargers to submit plans in the

form of engineering reports and drawings for approval. Such reports and plans shall be prepared according to federal and state requirements. The industrial user shall maintain records indicating routine maintenance check dates, cleaning and waste removal dates, and means of disposal of accumulated wastes. Such records shall be retained for a minimum of three (3) years and subject to review in accordance with this section. Approval of proposed facilities or equipment by the director will not in any way guarantee that these facilities or equipment will function in the manner described by their constructor or manufacturer, nor shall it relieve a person of the responsibility of enlarging or otherwise modifying or replacing such facilities to accomplish the intended purpose and to meet the applicable standards, limitations and conditions of a waste discharge permit.

3. Industrial users will be required to submit samples of industrial waste discharges to the director or to perform tests and report the test results to the director on a routine and continuing basis when:

a. required by the terms and provisions of 40 CFR 403.12, as amended;

b. requested by state or participant local agencies; or

c. deemed necessary by the director for the proper treatment, analysis or control of waste discharges.

All such tests and reports shall be at the cost of the industrial user.

4. All sampling data collected by significant industrial users and analyzed using procedures approved by 40 CFR 136 or approved alternatives shall be submitted to the director whether required as part of a written authorization or done voluntarily by the significant industrial user.

5. To the degree practicable, the director will provide each permittee or applicant with information on applicable county, state and federal waste analysis and reporting

requirements, provided, however, that any failure or inadvertence to do so shall not excuse the permittee from compliance with said requirements. Specific requirements will be established by written permit or authorization.

6. All wastewater discharge permit applications and user reports must be signed by an authorized representative of the user and contain the following certification statement:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

7. When required by the director, the industrial user shall install and maintain at its expense a suitable sample site or control manhole in its side sewer to facilitate observation, sampling and measurement of wastes therein. Such sample sites or manholes shall be located, if feasible, where it is accessible from a public road or street. It shall be constructed in accordance with plans approved by the director and shall be arranged so that flow measuring and sampling equipment and a shutoff gate or a screen may be conveniently installed by the director. The industrial user shall make access to such manhole available to the director at all times. Any tampering with flow or sampling equipment by the discharger or employees is prohibited. When deemed necessary by the director, an industrial user may be required to obtain, install, operate, and maintain, at its expense, an automatic

sampler and/or analyzer or flow measurement device in order to monitor its industrial waste discharges in the manner directed by the director.

8. Any person becoming aware of the discharge of regulated substances, spills or slug discharges directly or indirectly into a public sewer, private sewer, or side sewer tributary to the metropolitan sewerage system shall report such discharge immediately by telephone to the department and one of the treatment plants of the county. This notification shall include the location of discharge, type of waste, concentration and volume, if known, and any corrective actions. Failure by any person aware of such discharge of prohibited or restricted substances, spills, or slug discharges to report such discharge in the manner provided above shall constitute a violation (as that term is defined in this section), and subject said person to the penalties set forth in this section. Each failure to report a discharge shall be considered a separate violation. Notification shall not relieve the person responsible from penalties or recovery of the cost of damages resulting from the discharge. Discharges of prohibited or restricted substances directly or indirectly into navigable waters, or into streams, ditches or sewers tributary to navigable waters, shall be reported to the U.S. Coast Guard or to the regional office of the Washington State Department of Ecology, in accordance with Section 311 of the Act, 42 U.S.C. 1321, as amended.

9. In order that employees of industrial users involved in discharge to sewers will be informed of the county's requirements, said industrial users shall make available to their employees copies of this section together with such other wastewater information and notices directed toward more effective water pollution control that may be furnished by the director from time to time. A notice advising employees whom to call in case of a discharge violation of this section shall be furnished and permanently posted in highly visible places such as bulletin boards and lunchrooms. Where lack of proper

employee training is determined to have caused noncompliance with the provisions of this section or with the requirements of a waste discharge permit or written discharge authorization, the director shall require industrial users to provide employee training.

10. Any direct or indirect connection or entry point that could allow prohibited or regulated substances to enter the industrial user's plumbing or drainage system shall be eliminated. Where such action is impractical or unreasonable, the industrial user shall label such entry points appropriately to warn against discharge of such wastes in violation of this section.

11. All industrial users shall notify the director, the EPA Region 10 Waste Management Division Director, and the Washington State Department of Ecology in writing of any discharge to the sewer of a substance, which, if otherwise disposed of would be a hazardous waste as set forth in 40 CFR Part 261.

a. Notification shall include the name of the hazardous waste as set forth in 40 CFR part 261, the EPA hazardous waste generator number, where required, and the type of discharge (continuous, batch or other). If the industrial user discharges more than 100 kilograms (220 pounds) of such waste per calendar month to the POTW, the notification shall also contain the following information:

(1) An identification of the hazardous constituents contained in the wastes;

(2) An estimation of the mass and concentrations of such constituents in the waste stream discharged during that calendar month; and

(3) An estimation of the constituents in the waste stream expected to be discharged during the following 12 months.

Discharges of more than 15 kilograms (33 pounds) of non-acute hazardous wastes in a calendar month or of any quantity

of acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e) requires a one-time notification. All notifications shall be submitted by January 24, 1991 for existing industrial users. Industrial users who commence discharge after January 24, 1991 shall submit notification no later than 180 days after the discharge of the hazardous wastes. Any industrial user required to submit notification under this subsection shall be required to submit only once for each hazardous waste discharged unless the discharge is changed according to 40 CFR 403.12 (j). Notification requirements under this subsection do not apply to pollutants already reported under the self monitoring requirements of 40 CFR 403.12 (b), (d), and (e) prior to January 24, 1991.

b. Industrial users are exempt from the notification requirements during a calendar month in which they discharge no more than 15 kilograms of hazardous wastes, unless the wastes are acute hazardous waste as specified in 40 CFR 261.30 (d) and 261.33(e).

c. In the case of new regulations under Section 3001 of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. 6921, identifying additional characteristics of hazardous wastes or listing any additional substance as a hazardous waste, the industrial user shall submit notification as required under this section within 90 days of the effective date of the new regulations.

d. Any industrial user subject to the notification requirements under this section shall certify in writing at the time of notification that the industrial user has a program in place to reduce the volume or toxicity of hazardous wastes generated to the degree it has determined to be economically practical.

12. Industrial users shall maintain records relating to discharges to the metropolitan sewerage system. Such records, which include, but are not limited to, routine maintenance, waste disposal dates, manifests and disposal records for

accumulated wastes, self-monitoring reports, analytical lab results, dates and times of sample collection and batch discharges, Ph and equipment calibration log books, Ph monitoring records, and flow records, shall be retained for a minimum of three (3) years and shall be subject to review in accordance with the provisions of this section.

L. The following provisions shall apply to the inspection and sampling of industrial users:

1. To carry out the provisions of this section and ensure compliance with federal and state laws and regulations relating to water pollution, authorized and properly identified representatives of the county shall have the right to enter that portion of the premises of any person discharging industrial waste into a public sewer, private sewer or side sewer tributary to the metropolitan sewerage system, whether or not the discharge is officially permitted or authorized. The purpose of entry shall be for inspection, observation, measurement, review of operating and waste management records, sampling and testing in accordance with the provisions of this section, at reasonable times or for the purpose of handling an emergency, as determined by the director, at any time if the director determines that an emergency exists. Inspections shall be limited to that portion of the premises that contains a side sewer, measuring manhole, pretreatment facilities, or facilities for the transportation, collection, concentration, or treatment of wastes. All regular sanitary and safety requirements of such person shall be complied with by such representative during such inspection. Prior to entering the premises, representatives of the county shall state their purpose, and present credentials and an administrative inspection warrant, if one is required.

2. A warrant shall not be required for entry and administrative inspections (including observation, measurement, sampling or testing) under this section in the following situations:

a. With the consent of the owner, operator or agent in charge of the premises;

b. If the discharge is permitted under an industrial waste discharge permit or other written discharge authorization;

c. In situations where the director has determined that an emergency exists presenting imminent danger to the public or worker health, safety and welfare, the environment or water quality of a receiving water or interference or risk of interference or obstruction with the functioning of the metropolitan sewerage system, or violating the county's NPDES permit limits;

d. In any emergency circumstance where there is neither time nor opportunity to apply for a warrant; and

e. In any other situation where a warrant is not required by law.

3. In the event an administrative inspection warrant must be obtained to enter upon the premises of any person disposing of industrial waste into a public sewer, private sewer, or side sewer tributary to the metropolitan sewerage system, the director shall apply to any judge of the Superior Court of the state of Washington who shall within their territorial jurisdiction and upon proper oath or affirmation showing probable cause, issue warrants for the purpose of conducting administrative inspections authorized by this section. For purposes of an administrative inspection, probable cause justifying the issuance of a warrant may be based either on:

a. specific evidence of an existing violation of the terms and conditions of a waste discharge permit, this section or any state or federal law or regulation relating to water pollution; or

b. evidence that reasonable administrative standards for conducting an inspection (including observation, measurement or testing of industrial waste) are satisfied with

respect to a particular premises and that a specific premises has been selected for county inspection on the basis of a general administrative plan for the enforcement of this section or any county, state, or federal laws or regulations relating to water pollution.

4. Consistent with federal pretreatment standards, pollutant levels for all regulated processes will be monitored at the point of compliance. The point of compliance shall be at the end of the regulated process following pretreatment or as specified in the waste discharge permit or written discharge authorization. Such monitoring shall be prior to the addition of any dilution water.

5. The purpose of the inspection and sampling programs shall be to verify independent of information supplied by industrial users pursuant to this section, the compliance or noncompliance with applicable pretreatment standards and requirements, or special requirements as prescribed by the director.

6. The sampling programs shall be designed to provide sampling emphasis on those industrial users discharging the greatest volume and concentration of pollutants. Comprehensive sampling by automatic samplers will be augmented with grab samples taken on a random basis. Flow proportioned samples are preferred. A significant industrial user will be sampled at least twice (2 times) per year. Those users with large industrial discharges can expect to be sampled quarterly or more often, while users with small discharges may be sampled once annually or as required by federal regulations or an NPDES permit issued to the county. Industrial users also discharging high strength waste will be sampled or classified as part of the industrial surcharge program.

7. The inspection programs shall be designed to provide emphasis on those industrial users discharging the greatest volume and concentration of pollutants. A significant industrial user will be inspected at least once per year.

8. The post-violation inspection and sampling program shall provide for additional inspection and sampling of any industry failing to comply with or violating any of the provisions of this section and/or applicable state and federal requirements.

9. Except as otherwise stipulated below, information and data on industrial users obtained from reports, questionnaires, permit applications, permits, monitoring programs, and inspections shall be available to the public or other governmental agencies in conformance with county ordinances and state laws and regulations. Industrial user information such as trade secrets may be withheld provided confidentiality is specifically requested by the industrial user at the time the information is provided or submitted to the director. Wastewater constituents and characteristics shall not be recognized as confidential information and will be available to the public without restriction.

10. A portion (or co-collected sample in the instance of fats, oils, and greases) of any samples collected by department personnel shall be made available to the industrial user being sampled. If the industrial user has samples analyzed for comparison with the department's results, such a comparison will be considered valid only if methods and procedures are the same as those utilized or approved by the department and those methods and procedures conform to and are consistent with the analytical methods established by the latest edition of the following references:

a. Standard Methods for the Examination of Water and Wastewater;

b. American Society for Testing and Materials, A.S.T.M. Standards, part 23, Water, Atmospheric Analysis;

c. Environmental Protection Agency, Water Quality Office Analytical Control Laboratory, Methods for Chemical Analysis of Water and Wastes; or

d. any other analytical method determined by the department to be required to identify and quantify a particular pollutant not adequately sampled by the above referenced methods.

11. If, as the result of a valid sample comparison, a discrepancy arises between the analytical results obtained by an industrial user and the county's results, and if a statistical summary indicates that the precision of the county's and the industrial user's results are within acceptable quality assurance/quality control standards, the two results will be averaged to determine the user's compliance.

12. The director may require any user to develop and implement an accidental discharge (spill)/slug control plan. An accidental discharge or accidental spill prevention plan (ASPP)/slug control plan describing facilities to prevent accidental discharge or slug discharges of pollutants and/or operating procedures to provide this protection, shall be submitted to the director for review and approval before implementation. The director shall determine which user is required to develop a plan and require said plan be submitted within 90 days following notification by the director. Each user shall implement its ASPP as submitted or as modified after such plans have been reviewed and approved by the director. Review and approval of such plans and operating procedures shall not relieve the user from the responsibility to modify its facility as necessary to meet spill control requirements.

a. Any user required to develop and implement an accidental discharge/slug control plan shall submit a plan that addresses, at a minimum, the following:

(1) Description of discharge practices, including non-routine batch discharges;

(2) Description of stored chemicals;

(3) Procedures for immediately notifying the POTW of any accidental or slug discharge; and

(4) Procedures to prevent adverse impact from any accidental or slug discharge including, but not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency response.

b. Users shall notify the director immediately upon the occurrence of a slug or accidental discharge of substances regulated by this section. The notification shall include location of discharge, date and time thereof, type of waste, concentration and volume, and corrective actions.

c. Within fourteen (14) days following an accidental discharge, the user shall submit to the director a detailed written report describing the cause of the discharge and the measures taken by the user to prevent similar future occurrences.

d. Signs shall be permanently posted in conspicuous places on the user's premises advising employees whom to call in the event of a slug or accidental discharge.

M. The following provisions shall govern permit fees, compliance monitoring and administrative fees, and post-violation inspection and sampling program charges.

1. To cover the cost of drafting waste discharge permits as provided in this section, the director shall establish a permit fee. Such fee shall be applicable to each new or revised permit issued after the adoption of this section. Such permits shall normally be issued for a period of five years and said fee shall entitle the permittee to the review of two draft permits and the review and issuance of one final permit and one permit revision during the stated term of each permit. No additional charges shall be made for revisions or draft permit revisions initiated by the department. The cost for routine permit administration, including annual permit

inspections, are covered under other provisions in this section. The director is hereby authorized to establish the permit drafting fee as part of the county's annual budget process.

2. Those permittees authorized to discharge heavy metals and/or those permittees authorized to discharge oil and grease shall pay a compliance monitoring and administrative fee. Such fee shall be a unit charge calculated in accordance with the procedures hereafter set forth herein and in accordance with the following:

HEAVY METAL AND OIL & GREASE
MONTHLY COMPLIANCE MONITORING AND ADMINISTRATIVE FEES

The heavy metal and oil & grease monthly compliance monitoring and administrative charges for each company shall be computed using the following formulas:

Heavy metals monthly charge - $\frac{[Q_t - Q_s]\ [Cost_{HM}]}{12}$

Oil & Grease monthly charge - $\frac{[Q_t - Q_s]\ [Cost_{OG}]}{12}$

Where:

Q_t = measured sewage flow; 100 cubic feet/year;
Q_s = computed sanitary flow; 100 cubic feet/year;
$Cost_{HM}$ = unit cost for administering and monitoring for heavy metals of permitted companies;
$Cost_{OG}$ = unit cost for administering and monitoring for oil & grease of permitted companies;

Further:

$Q_t - Q_s$ = industrial wastewater discharged; 100 cubic feet/yr

Where: $\frac{Q_{ve}\ E\ O}{748}$

Q_{ve} = sanitary volume exclusion per employee per day; gallons/day;
E = average daily number of employees;
O = average number of annual operating days;
748 = factor for converting gallons to 100 cubic feet;

Further:

$Cost_x = \frac{AM_x}{IF_x}$

Where:

$Cost_x$ = unit cost for administering and monitoring heavy metals or oil and grease program;
AM_x = budget allocated to administering heavy metals or oil and grease program;
$^{T}IF_x$ = total industrial flow discharged by heavy metal permittees or oil and grease permittees; 100 cubic feet/year.

a. The compliance monitoring and administrative fees shall be based upon the county's estimated costs for the total compliance monitoring program for the heavy metals and oil and grease programs. A review of such costs and their allocation will be conducted annually by the director, and unit charges may be adjusted to reflect the actual monitoring costs. Compliance monitoring and administrative fees shall include, but not be limited to, routine permit administration, program development, laboratory analysis, and recovery of fifty (50) percent of the costs of the key manhole monitoring program and industrial monitoring costs not recovered directly via fees for the post-violation inspection and sampling program.

b. Compliance monitoring and administrative charges shall be based upon the average monthly volume of discharge by each industrial/commercial permittee served directly or indirectly by the metropolitan sewerage system. The average monthly discharge volume will be based on water consumption figures of each industrial/commercial permittee for the previous four quarters of the year. Each participant local agency shall provide the department each quarter with a listing of the water consumption of each industrial/commercial permittee served by said participant local agency and the department. Where actual sewage flow is metered, the metered flow shall be reported in lieu of water consumption.

c. The director shall not impose the compliance monitoring and administrative fee where the compliance monitoring payments do not exceed the department's estimated costs for monitoring and processing an individual account. The department reserves the right to thereafter reimpose the compliance monitoring and administrative fee for heavy metals

and/or oil and grease whenever the director determines that said payments will exceed administrative costs.

d. The department will assign the responsibility for billing and collecting the compliance monitoring and administrative fees to each of its participant local agencies for those companies within the agencies' jurisdiction. The permit fee will be billed directly to the permittee.

3. The department shall have the right to impose an administrative fee to recover the cost of drafting minor discharge authorizations and general permits as provided under other provisions of this section.

4. Users having strength greater than domestic waste shall pay a high strength surcharge in addition to the basic fee. The surcharge for high strength industrial wastes shall be based on treatment or removal costs of those constituents whose concentration exceeds that contained in domestic wastes and which contribute to the costs of operation and maintenance of the metropolitan sewerage system. The constituents presently in this category are biochemical oxygen demand (BOD) and suspended solids.

a. The surcharge shall be the unit cost of treating BOD_5 or suspended solids times the strength in excess of domestic strength. The unit costs for BOD_5 and suspended solids are computed from the actual costs of operating and maintaining the metropolitan sewerage system by allocating costs to flow, BOD_5 and suspended solids and dividing the allocated costs by the total amounts of flow, BOD_5 and suspended solids treated in the metropolitan sewerage system.

b. The fees shall be determined according to the following surcharge formula:

The computation of the high-strength surcharge is described by the following formula:

$$\text{Surcharge} = Q_t \quad [(BOD_M - BOD_d)UC_{BOD} + (SS_M - SS_d)UC_{SS}]$$

Where:

Surcharge = Monthly surcharge payment; $/month
Q_t = Average month sewage flow; 100 cubic feet/month
BOD_M = Measured BOD waste strength for industry; mg/l
BOD_d = Defined BOD strength for domestic waste; mg/l
SS_M = Measured SS waste strength for industry; mg/l
SS_d = Defined SS strength for domestic waste; mg/l
UC_{BOD} = Unit cost of treating BOD; $/mg/l/100 cubic feet
UC_{SS} = Unit cost of treating SS; $/mg/l/100 cubic feet

And;

$$UC_x = \left[\frac{OM_x}{TW_x} + \frac{PC}{SW_x} \right] (8.34\ lb/gal)(7.48/ft^3)(100ft^3)(10^{-6})$$

UC_x = Unit cost for BOD or suspended solids
OM_x = Allocated operation and maintenance costs to BOD or suspended solids;
PC = Costs of administering and sampling for the surcharge program;
TW_x = Total BOD or suspended solids handled by the county sewerage system; lb/year
SW_x = Surchargeable BOD or suspended solids handled by the county sewerage system; lb/year

Surchargeable BOD and suspended solids is the amount that exceeds the established domestic waste strength.

c. The concentration of domestic wastes shall be defined as 300 milligrams per liter of BOD and 400 milligrams per liter of suspended solids.

d. Treatment costs will be based on system-wide maintenance and operation costs allocated to the appropriate waste parameters. The director shall conduct an annual review of treatment costs and adjust charges to reflect actual operation and maintenance costs.

e. The surcharge shall be based upon the average annual strength and volume of discharge by the industrial user. Industrial users shall have the right to challenge the values the director develops by submitting a series of analyses from a state certified laboratory documenting the substitute values proposed by the industrial user. Satisfactory sampling techniques in such instances shall be subject to approval by the director.

f. The director shall establish the average annual waste strength for each industrial user either by direct

measurement or by classification. Those users discharging in excess of 600 pounds per day of BOD and suspended solids will be monitored directly at a frequency of not less than twice per year. Those users discharging less than said quantities will be classified by user group and assigned a waste strength based upon measured values for representative industrial users within each group. Industrial users who can demonstrate a significant difference in waste generating operations from that of their assigned class leader shall have the right to challenge their assigned classification by submitting a series of analyses from a competent laboratory documenting the substitute values proposed by the industrial user. Satisfactory sampling techniques in such instances shall be subject to approval by the director.

g. There shall be a domestic type classification established originating from domestic type activities. All industrial users in the domestic type classification shall be assigned a waste strength equal to the domestic equivalent.

h. The average annual discharge volume will be based upon water consumption figures utilized by the industrial user for the previous four quarters. Each participant local agency shall provide the county each quarter with a listing of the water consumption of each surcharged user. Where actual sewage flow is metered, the metered flow shall be reported in lieu of water consumption.

i. Those industrial users whose high strength waste surcharge payments fall below the administrative costs for an individual account will be excluded from the program.

j. The county will assign the responsibility for billing and collecting the high strength waste surcharge to each of its participant local agencies for those industrial users within the agencies' jurisdiction. The county will review the local agencies' billing procedures annually to ensure that the agencies' user charge is being applied equitably and in accordance with federal regulations.

5. Any industrial user that believes the compliance monitoring and administrative fee or permit fee imposed on it by the director may be in error may appeal the action by following the appeal process outlined in this section.

6. Any industrial user for whom the director implements a post-violation inspection and sampling program under this section shall be responsible for costs therefor incurred by the county, including without limitation expert, legal, and administrative costs. Such costs shall be in addition to the other fees, penalties and costs for damages set forth in this section. Any industrial user subject to post-violation inspection and sampling shall be billed directly for the county's costs. The costs recovered by the county shall include all labor, supplies, and special costs incurred for the inspection and monitoring effort. A review of such costs and their allocation will be conducted annually by the director, and unit charges may be adjusted by the director to reflect the actual sampling and inspection costs.

N. The following provisions shall govern violations of discharge requirements:

1. The criteria constituting violations shall be as follows:

a. A discharge violation will be considered to have occurred if the limitations established in or pursuant to this section, federal or state pretreatment standards, specific requirements of an industrial waste discharge permit, written discharge authorization or any other pretreatment standards are exceeded, regardless of intent or accident.

b. A mass violation will be considered to have occurred if mass related limitations for specific pollutants have been exceeded. Mass related limitations will be based on daily average limits. A violation will be determined utilizing the formula: (8.34) x (millions of gallons discharged per day) x (concentration of pollutant in mg/L). The concentration used for the pollutant will be the arithmetic mean of those

concentrations for samples collected during the period monitored over the operating day or the concentration of a flow proportioned composite during that period. The volume will be determined by either a water meter or sewer meter serving the monitored process and read immediately prior to and after sampling.

c. A violation will be considered to have occurred if special reporting requirements established by permit, provided for in this section, included in written documents from the director, or specified by general federal pretreatment standards (40 CFR 403.12 as amended), are not complied with.

d. A violation will be considered to have occurred if special conditions or requirements established by this section, waste discharge permit, general permit, minor discharge authorization or letter of special discharge authorization are not complied with.

e. Each discrete discharge that constitutes a violation under this section shall constitute a separate violation, or if such discharge is continuous, then each hour of said discharge shall constitute a separate violation, provided the director shall have the discretion to combine such discrete or continuous discharges and limit the number of violations for purposes of assessing penalties, if the violations are minor and do not pose significant risks to public health and safety or treatment processes and facilities, and the industrial user demonstrates to the reasonable satisfaction of the director that it is using its best efforts and the most current technology to avoid such discrete or continuous discharges.

2. Pursuant to the requirements of 40 CFR 403.8, the director will cause to be published in the daily newspaper with the largest daily circulation in the county, as a minimum once every twelve (12) months, a list of those industrial users which since the last previous publication were determined to be in significant noncompliance of the limitations established by

this section and applicable pretreatment standards or other requirements pursuant to this section. This notification will summarize enforcement actions taken by county during the same period covered by the publication.

3. The following criteria shall be used to determine a discharge violation for companies with permits issued prior to November 26, 1990, for the duration of the permit:

a. The arithmetic mean of concentrations for eight consecutive samples collected over intervals of 15 minutes or greater is in excess of the limitation for maximum daily allowable concentration;

b. The concentration of any single sample (whether grab or a sample within a series) - exclusive of any fats, oils, and grease - exceeds the limitation for maximum daily allowable concentration by a factor of four (4); and

c. The arithmetic mean of the antilog of the negative pH values of at least eight consecutive samples taken at intervals of 15 minutes or greater is less than an equivalent Ph value of 5.5, or the Ph of any single sample is less than 5.0.

O. The following provisions shall govern penalties and enforcement of the requirements of this section:

1. Any person failing to comply with or violating any of the provisions of this section shall, for each such failure or violation or for each day that such failure or violation occurred or continues to occur, be required to correct such violation and shall be subject to enforcement action(s) to be determined by the director. Depending upon the severity of the situation, the director may require the immediate cease of discharge and disposal of the industrial waste in some manner other than into the public sewer, private sewer or side sewer tributary to the metropolitan sewerage system, at the expense of the person responsible for the failure or violation.

2. The director shall develop and implement an enforcement response plan that contains guidelines indicating

how the county will investigate and respond to instances of industrial user noncompliance. At a minimum the plan shall: a. describe how the county will investigate violations, b. describe escalating enforcement remedies and the time periods in which they will take place, including Notice of Violation, Compliance Order, Final Notice, Monetary Penalties, Post-Violation Inspections and Sampling, Cease Discharge Notice, Emergency Suspension, Termination of Discharge and Supplemental Environmental Projects, c. identify by title the official(s) responsible for implementing each enforcement response, and d. reflect the county's responsibility to enforce all applicable pretreatment requirements and standards. In determining the type of enforcement action and the amount of penalties to be levied, the enforcement response plan shall consider the type and concentration of the pollutant causing the violation, the analytical variability for that pollutant, the volumes discharged, the damages caused by or related to the discharges, the history of past violation by the same person, the assessment of any prior penalties for similar violations and the number of violations as determined pursuant to other provisions of this section.

a. Upon determination that a violation has taken or is taking place, a representative of the county shall make a reasonable effort to notify the violating party immediately. The first notification may be verbal if followed by written notification. Such written notification shall be entitled "Notice of Violation" and shall specify the nature and source of the violation. Such written notice may be delivered to the business premises of an industrial user or submitted by regular mail to the permit holders' address, as given to the county. Following these notification procedures, applicable follow-up correspondence will be used to establish penalties and/or corrective action to be taken by the violator. Within fourteen (14) calendar days of receiving a Notice of Violation, the violator shall submit a report to the director describing the

circumstances surrounding the violating condition. In the case of a discharge violation, the violator shall also collect an effluent sample and submit resultant data to the director in addition to the report. Submission of this report shall in no way relieve the user of liability for any violations occurring before or after receipt of the Notice of Violation.

b. Upon determination that a violation has taken or is taking place, the director may issue a compliance order to the violating party responsible for the discharge, directing that the user come into compliance within a time specified in a schedule. Compliance orders may also contain other requirements to address the noncompliance, including but not limited to additional self-monitoring and management practices, evaluations of control measures or pretreatment equipment, and installation of pretreatment equipment designed to minimize the amount of pollutants discharged to the sewer. A compliance order may not extend the deadline for compliance established for a federal pretreatment standard or requirement, nor does a compliance order release the user of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a prerequisite to taking any other action against the user.

c. Upon determination that a violation has taken or is taking place, the director may issue a final notice to the violating party. Final notice places the user on notice that further violations, or failing to complete a requirement within a designated period of time, shall result in assessment of monetary penalties. Issuance of final notice shall not be a prerequisite to taking any other action, including assessment of monetary penalties, against the user.

d. For each failure or violation hereunder, the person responsible shall be liable for a maximum civil penalty of Ten Thousand Dollars ($10,000.00) per violation per day, but not less than One Hundred Dollars ($100.00) per violation, per day.

Issuance of a monetary penalty shall not be a prerequisite for taking any other action against the user.

e. Upon determination that a violation has taken place, the director may require post-violation inspections and sampling of an industrial user. Costs for post-violation inspection and monitoring, as set forth in this section, shall be in addition to other fees, penalties and costs for damages set forth in this section.

f. Upon determination that a violation has taken or is taking place, or that the user's past violations are likely to recur, the director may issue an order to the user directing it to cease and desist all such violations and directing the user to:

(1) immediately comply with all requirements; and

(2) take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge. Issuance of a cease discharge notice shall not be a prerequisite for taking any other action against the user.

g. The director may immediately suspend a user's discharge (after informal notice to the user) whenever such suspension is necessary in order to stop an actual or threatened discharge that reasonably appears to present or cause an imminent or substantial endangerment to the health or welfare of persons. The director may also immediately suspend a user's discharge (after notice and opportunity to respond) that threatens to interfere with the operation of the metropolitan sewerage system, including, but not limited to, maintaining compliance with the county's NPDES permit and biosolids quality requirements, or which presents or may present a danger to the environment.

h. In addition to other provisions of this section, any user that violates the following conditions is subject to discharge termination: (1) violation of waste discharge permit

or written discharge authorization conditions; (2) failure to accurately report wastewater constituents and characteristics of discharge; (3) failure to report significant changes in operations or wastewater volume, constituents and characteristics prior to discharge; (4) refusal of reasonable access to the user's premises for the purpose of inspection, monitoring or sampling, as provided in this section; and (5) violation of the limitations established in this section.

i. The penalties and enforcement provisions in this section are not exclusive remedies. The director is authorized to take any, all, or any combination of these actions against a noncompliant user. Enforcement of pretreatment violations will generally be in accordance with the enforcement response plan. However, the director may take other action against any user when the circumstances warrant. Further, the director is authorized to take more than one enforcement action against any noncompliant user. Enforcement actions may be taken concurrently.

j. Where criminal enforcement action is considered in a particular case, that case may be referred to state or federal authorities.

3. Any person causing structural damage to a public sewer or treatment facility or causing resource damage to receiving water quality or biosolids by discharges not in compliance with this section and the requirements of any permit or written discharge authorization, shall be liable for any such damage and for any additional treatment costs, additional operational costs, monetary gain by the industrial user due to noncompliance, costs or fines incurred by the county from NPDES violations, costs incurred by the county from tracking down violators and for any penalties, including the withholding of any grant money, levied against the county for violation of state and federal permits resulting from said noncompliant discharges and for any other expert, legal or administrative

costs incurred by the county or the local public agency as a result of such damage or discharge.

4. In accordance with the provisions of this section, where the enforcement remedy is the assessment of a substantial monetary penalty, where in certain instances projects or activities remediating adverse public health conditions or environmental consequences of the violations may be included in the enforcement action, and where the size of the final assessed penalty may reflect the commitment of the user to undertake environmentally beneficial expenditures, the director may approve a supplemental environmental project other than those required to correct the underlying violation to be undertaken by the user in exchange for a reduction in the amount of the assessed monetary penalty. All supplemental projects must improve the injured environment or reduce the total risk burden posed to public health or the environment by the identified violation. Any supplemental environmental project must be shown to be of equal monetary value to the amount of reduction in the assessed monetary penalty. The director shall establish rules by which consideration and acceptance of a supplemental environmental project are determined. Such rules shall be based upon categories of potential supplemental environmental projects including but not limited to: pollution prevention projects; pollution reduction projects; environmental restoration projects; environmental auditing projects; and environmental public awareness projects. The rules shall also provide for public involvement in the acceptance of any project and in establishing the benefit of any project to the performance of the metropolitan water pollution abatement function by the county. Categories of potential supplemental environmental projects (except for public awareness projects) may be considered if there is an appropriate relationship or "nexus" between the nature of the violation and the environmental benefits to be derived from the type of supplemental project. A supplemental environmental

project cannot be used to resolve violations at a facility other than the facility or facilities that are the subject of the enforcement action. Under no circumstances will a user be given additional time to correct the violation and return to compliance in exchange for the conduct of a supplemental environmental project.

5. The county does not allow for the affirmative defense of an enforcement action brought for noncompliance with applicable pretreatment standards based on conditions of "upset" or "bypass." For the purpose of this section, "upset" means an exceptional incident in which there is unintentional and temporary noncompliance with discharge standards because of factors beyond the reasonable control of the user. For the purpose of this section, "bypass" means the intentional diversion of waste streams from any portion of a user's treatment facility. The diversion or bypass of any discharge from any pretreatment facility utilized to maintain compliance with applicable pretreatment standards is prohibited except where unavoidable to prevent loss of life or severe property damage. "Severe property damage" means substantial physical damage to property, damage to the treatment facilities, which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass.

P. The following provisions shall govern the functioning of the Industrial Waste Advisory Board:

1. An Industrial Waste Advisory Board consisting of ten (10) voting members shall be established. Members shall be appointed by the executive and confirmed by the council. Six (6) Board members shall represent industrial activities located in the county. One (1) member shall be appointed from each of the following industries: food and kindred products; chemical manufacturing and chemical waste treaters; and metal processing. Three (3) members shall be appointed at large from other industries, including but not limited to industrial

laundries, metal recyclers, photoprocessors, transportation, and biotechnology; provided, that at least one (1) representative shall be from a small business. Two (2) members shall be selected by the members of the Metropolitan Water Pollution Abatement Advisory Committee and two (2) members shall be selected from and by the Citizens' Water Quality Advisory Committee. Members appointed to serve as representatives of specific industrial categories shall be nominated by businesses and associations serving that category of industry.

2. The purposes of the Industrial Waste Advisory Board shall be:

a. To advise the director on industrial waste matters based on a synthesis of views from the industrial community, area municipalities and concerned citizens; and

b. When requested by the director, to review decisions of the director pertaining to the discharge of industrial wastes into a public sewer, private sewer, or side sewer tributary to the metropolitan sewerage system.

3. Members shall be appointed to two- or three- year terms on a rotational basis, with a portion of the membership changing every year; provided, that no member shall serve for more than six consecutive years. Board members who were appointed by the Metro Council prior to January 1, 1994 may continue on the Board until their terms expire or they resign.

4. The Board shall select a chair and establish its own rules of procedure, except that where the director requests the Board to review decisions made by the director, such review shall be conducted pursuant to rules established by the director. A record shall be kept of all meetings, including the attendance and actions taken. A copy of the record shall be forwarded to interested local public agencies. All meetings shall be open to the public. Recommendations of the Board shall be advisory only.

Q. The director is authorized and directed to promulgate such rules, regulations and guidelines as the director deems necessary to carry out the purposes or provisions of this section, to ensure the department's compliance with the requirements of any federal or state law or administrative regulation relating to water pollution and any changes or amendments thereto, and to ensure the department performs the metropolitan water pollution abatement function under Chapter 35.58 RCW. Nothing herein shall prevent the director from seeking judicial or governmental agency assistance to implement the policies and requirements of this section. The rule-making process followed by the director shall provide for public participation. Prior to the adoption of any rule, the director shall notify users and the general public of the proposed rule. Notification will include but need not be limited to: news letters; public hearings; or legal notices published in area newspapers.

R. The director is authorized to delegate responsibility to participant local agencies where the participant agency has requested such delegation and where the director has approved its plans and procedures for implementation of the delegated responsibility.

SECTION 7. Financial Feasibility Guideline for Extension to the Metropolitan Sewage System.

The county's guideline for determining the financial feasibility of extensions to the metropolitan system shall be revised to increase the allowable capital expenditure per new residential customer or new residential customer equivalent to $450.

SECTION 8. Interlocal Agreements for Biosolids Management and Pursuit of Formation of a Regional Biosolids Authority.

A. The executive is hereby authorized to execute and the director to administer interlocal agreements with local, county, state, and federal agencies to allow access to sites for biosolids beneficial-use coordinated by the department;

provided, that such agreements shall be approved by the council as required by the King County Charter, King County Code and/or applicable state law.

B. The director is hereby authorized to consult with other jurisdictions on the feasibility and desirability of a regional biosolids authority.

SECTION 9. Appeal procedure. The following provisions shall govern appeals from decisions of the director related to permits, discharge authorizations, violations and penalties under Sections 4 and 5 of this ordinance.

A. Any person allegedly aggrieved by any such decision of the director may request that the director reconsider such decision. Such request must be made within fifteen (15) calendar days of the date of such decision. The director shall promptly issue a final decision which shall be appealable only as provided herein.

B. Within fifteen (15) calendar days of the date of issuance of the director's final decision following a request for reconsideration, the person allegedly aggrieved may file a written appeal statement with the office of the zoning and subdivision examiner. The appeal shall state the decision being appealed and the grounds for appeal.

C. The examiner shall hear such appeal, determine whether the decision of the director was consistent with the provisions of Section 4 or Section 5, as applicable, of this ordinance and rules and regulations promulgated by the director, and promptly issue a final decision under the provisions of K.C.C. 20.24.080.

D. Appeals of the examiner's final decision shall be to the Superior Court of King County or the State Pollution Control Hearings Board, as provided by law.

SECTION 10. Effective date. The effective date of this ordinance shall be January 1, 1994.

SECTION 11. Severability. If any section, subsection, sentence, clause, chapter, provision, or phrase of this

ordinance or its application to any person or circumstance is found to be unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remainder of the ordinance or the application or the provisions to other persons or circumstances.

INTRODUCED AND READ for the first time this 23rd day of August, 1993

PASSED this 20th day of September, 1993

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

Cynthia Sullivan
VICE Chair

ATTEST:

Janet Mason
Deputy Clerk of the Council

APPROVED this 22ND day of September, 1993.

Gary Locke
King County Executive