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Introduced By: Ron Sims

Proposed No.: 95-623

ORDINANCE NO. **11963**

AN ORDINANCE relating to water pollution abatement policies, rules, procedures and penalties, amending Ordinance 11034, Sections 1, 2, 3 (part), 4, 6, 9, as amended, and 11 and K.C.C. 28.81.010, K.C.C. 28.81.020, K.C.C. 28.82.130, K.C.C. 28.82.210, K.C.C. 28.82.220, K.C.C. 28.82.500, K.C.C. 28.82.510, K.C.C. 28.82.610, K.C.C. 28.82.810, K.C.C. 28.84.040, K.C.C. 28.84.060, K.C.C. 28.84.100, and repealing Ordinance 11034, Sections 3 (part) and 6 (part), and K.C.C. 28.82.980 and K.C.C. 28.84.070.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Ordinance 11034, Section 3 (part) and Section 6 (part), and

K.C.C. 28.82.980 and K.C.C. 28.84.070 are hereby repealed.

SECTION 2. Ordinance 11034, Section 1, and K.C.C. 28.81.010 are each hereby

amended to read as follows:

Chapter established. 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-))~~ King County and which shall contain the provisions of this chapter.

SECTION 3. Ordinance 11034, Section 2, and K.C.C. 28.81.020 are each hereby

amended to read as follows:

Statement of policy. It is the policy of ~~((the department))~~ the county to provide water pollution abatement service ~~((for-))~~ within 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 as provided in RCW 35.58, 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

1 disposal of sewage and disposal of industrial waste into the metropolitan sewerage system
2 as set forth in this chapter.

3 B. It is the policy of King County to provide sewerage facilities adequate for the
4 transportation, treatment and disposal of industrial and other wastes and to operate the
5 metropolitan sewerage system in such a manner that protects public health and the
6 environment. This chapter sets forth uniform requirements for users of the metropolitan
7 sewerage system and enables the county to comply with all applicable state and federal
8 laws including the Clean Water Act (33 U.S.C. 1251 et seq.) and the General Pretreatment
9 Regulations (40 CFR 403). In carrying out this policy, the objectives of this chapter are:

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

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

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

7 4. To ensure protection of worker safety and health;

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

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

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

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

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

1 10. To make information and data on industrial users available to the public
 2 ~~((except in such cases where the industrial user has requested confidentiality to protect~~
 3 ~~trade secrets or where otherwise prohibited by law.)) in accordance with state law.~~

4 SECTION 4. Ordinance 11034, Section 3 (part), and K.C.C. 28.84.130 are each
 5 hereby amended to read as follows:

6 **Compatible Pollutants.** Compatible pollutants shall mean biochemical oxygen
 7 demand, suspended solids, ~~((Ph))~~ pH, and fecal coliform bacteria, plus additional pollutants
 8 identified in an NPDES permit if the publicly-owned treatment works is designed to treat
 9 such pollutants, and in fact does remove such pollutants to a substantial degree. The term
 10 "substantial degree" is not subject to precise definition, but generally contemplates
 11 removals in the order of 80 percent or greater. Examples of the additional pollutants that
 12 may be considered compatible include: chemical oxygen demand; total organic carbon;
 13 phosphorus and phosphorus compounds; nitrogen and nitrogen compounds; and, fats, oils
 14 and greases of animal or vegetable origin (except as prohibited where these materials
 15 would interfere with the operation of the publicly owned treatment works).

16 SECTION 5. Ordinance 11034, Section 3 (part), and K.C.C. 28.82.210 are each
 17 hereby amended as follows:

18 **Department ~~((or DMS))~~.** Department ~~((or DMS-))~~ shall mean the department of
 19 ~~((metropolitan services.))~~ natural resources.

20 SECTION 6. Ordinance 11034, Section 3 (part), and K.C.C. 28.82.220 are each
 21 hereby amended to read as follows:

22 **Director.** Director shall mean the director of the department of ~~((metropolitan~~
 23 ~~services))~~ natural resources of King County or a duly authorized designee.

24 SECTION 7. Ordinance 11034, Section 3 (part), and K.C.C. 28.82.500 are each
 25 hereby amended to read as follows:

26 **Metropolitan Sewer System, Metropolitan Sewerage System or Metropolitan**
 27 **System.** Metropolitan sewer system, metropolitan sewerage system or metropolitan
 28 system shall mean all or any part of the sewerage facilities acquired, constructed, or used
 29 by ~~((the department of metropolitan services~~ King County.

SECTION 8. Ordinance 11034, Section 3 (part), and K.C.C. 28.82.510 are each

hereby amended to read as follows:

Metropolitan Water Pollution Abatement Advisory Committee. Metropolitan Water Pollution Abatement Advisory Committee shall mean the ~~((citizen))~~ advisory committee to the metropolitan King County council as now or hereafter constituted pursuant to RCW 35.58.210.

SECTION 9. Ordinance 11034, Section 3 (part), and K.C.C. 28.82.610 are each

hereby amended to read as follows:

~~((Ph))~~**pH.** ~~((Ph))~~ 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))~~ pH of 7 and a hydrogen ion concentration of $10(10^{-7})$.

SECTION 10. Ordinance 11034, Section 3 (part), and K.C.C. 28.82.810 are each

hereby amended to read as follows:

Significant Noncompliance. 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, ~~((t))~~by any magnitude~~((t))~~, 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))~~ 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);

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

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

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

0 G. Failure to accurately report noncompliance; and

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

3 SECTION 11. Ordinance 11034, Section 4, and K.C.C. 28.84.040 are each hereby
4 amended to read as follows:

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

2 B. The committee shall be comprised of forty-five (45) members appointed by the
3 executive and confirmed by the council. Membership shall include three members from
4 each county council district and six at-large members. The district members shall reside in
5 the district they represent. The at-large members may reside in any district but not more
6 than one at-large member shall be from any one district. The committee members shall
7 include a cross section of the public affected by water pollution abatement plans and
8 programs, including elderly, students, persons with disabilities, business, labor,
9 environmentalists, women, minorities, community councils and other citizen, civic and
0 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)) ensure that water quality planning and implementation are consistent with and complementary to region-wide planning.

SECTION 12. Ordinance 11034, Section 6 (part), and K.C.C. 28.84.060 are each hereby amended to read as follows:

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

1 include, but are not limited to, liquid, solid or gaseous substances, or any combination
2 thereof resulting from any process of industry, government, manufacturing, commercial
3 food processing, business, agriculture, trade, research, the development, recovery, or
4 processing of natural resources, leachate from landfills or other disposal sites,
5 contaminated nonprocess water, contaminated storm water, and ground water.

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

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

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

7 5. Industrial waste shall be accepted into the metropolitan sewerage system
8 subject to regulations and requirements as may be promulgated by state and federal
9 regulatory agencies or the county for the protection of sewerage facilities and treatment
0 processes, public health and safety, receiving water quality and avoidance of nuisance.

1 ((As)) At a minimum, all industrial users of metropolitan sewerage system facilities shall
2 comply with the applicable pretreatment standards and requirements developed pursuant to
3 Sections 307(b) and 307(c) of the Act. This includes the pretreatment standards for
4 existing and new discharges, which are defined in regulations promulgated pursuant to
5 such Sections of the Act.

6 C. The director shall administer, implement, and enforce the provisions of this
7 section. Any powers granted to or duties imposed upon the director may be delegated by
8 the director to other department personnel. The director shall establish and publish
9 administrative procedures for implementation of this section which shall include but not be
0 limited to issuing permits and discharge authorizations, collecting samples, identifying and

1 inspecting industrial users, monitoring, revenue/cost recovery, appeals, discharge approval
2 processes, issuing waste discharge permits and discharge authorizations, conducting
3 investigations of noncompliance, preparing enforcement actions according to the
4 department's enforcement response plan, and setting local limits.

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

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

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

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

3 4. No industrial user shall introduce or cause to be introduced into the POTW
4 any pollutant or wastewater that causes pass through or interference. These general
5 prohibitions apply to all industrial users of the POTW whether or not they are subject to
6 categorical pretreatment standards or any other federal, state, or local pretreatment
7 standards or requirements.

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

