

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

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

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

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

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

1 requirements of applicable federal, state, and local
2 regulations.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 20 a. required by the terms and provisions of 40 CFR
21 403.12, as amended;
- 22 b. requested by state or participant local agencies;
- 23 or
- 24 c. deemed necessary by the director for the proper
25 treatment, analysis or control of waste discharges.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 of acute hazardous wastes as specified in 40 CFR 261.30(d) and
2 261.33(e) requires a one-time notification. All notifications
3 shall be submitted by January 24, 1991 for existing industrial
4 users. Industrial users who commence discharge after January
5 24, 1991 shall submit notification no later than 180 days after
6 the discharge of the hazardous wastes. Any industrial user
7 required to submit notification under this subsection shall be
8 required to submit only once for each hazardous waste
9 discharged unless the discharge is changed according to 40 CFR
10 403.12 (j). Notification requirements under this subsection do
11 not apply to pollutants already reported under the self
12 monitoring requirements of 40 CFR 403.12 (b), (d), and (e)
13 prior to January 24, 1991.

14 b. Industrial users are exempt from the notification
15 requirements during a calendar month in which they discharge no
16 more than 15 kilograms of hazardous wastes, unless the wastes
17 are acute hazardous waste as specified in 40 CFR 261.30 (d) and
18 261.33(e).

19 c. In the case of new regulations under Section 3001
20 of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C.
21 6921, identifying additional characteristics of hazardous
22 wastes or listing any additional substance as a hazardous
23 waste, the industrial user shall submit notification as
24 required under this section within 90 days of the effective
25 date of the new regulations.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 30 (1) Description of discharge practices, including
31 non-routine batch discharges;
32 (2) Description of stored chemicals;
33 (3) Procedures for immediately notifying the POTW
34 of any accidental or slug discharge; and

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

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

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

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

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

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

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

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

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

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

16 Heavy metals monthly charge -
$$\frac{Q_t - Q_s}{12} \times \text{Cost}_{HM}$$

21 Oil & Grease monthly charge -
$$\frac{Q_t - Q_s}{12} \times \text{Cost}_{OG}$$

26 Where:

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

33 Further:

34 $Q_t - Q_s$ = industrial wastewater discharged; 100 cubic
 35 feet/yr

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

- 39 Q_{ve} = sanitary volume exclusion per employee per day;
 40 gallons/day;
- 41 E = average daily number of employees;
- 42 O = average number of annual operating days;
- 43 748 = factor for converting gallons to 100 cubic feet;

44 Further:

45
$$\text{Cost}_x = \frac{AM_x}{IF_x}$$

48 Where:

1 Cost_x = unit cost for administering and monitoring heavy
2 metals or oil and grease program;
3 AM_x = budget allocated to administering heavy metals or
4 oil and grease program;
5 IF_x = total industrial flow discharged by heavy metal
6 permittees or oil and grease permittees; 100
7 cubic feet/year.

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

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

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

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

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

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

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

21 a. The surcharge shall be the unit cost of treating
22 BOD₅ or suspended solids times the strength in excess of
23 domestic strength. The unit costs for BOD₅ and suspended
24 solids are computed from the actual costs of operating and
25 maintaining the metropolitan sewerage system by allocating
26 costs to flow, BOD₅ and suspended solids and dividing the
27 allocated costs by the total amounts of flow, BOD₅ and
28 suspended solids treated in the metropolitan sewerage system.

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

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

$$33 \text{ Surcharge} = Q_t [(BOD_M - BOD_d)UC_{BOD} + (SS_M - SS_d)UC_{SS}]$$

34 Where:

- 1 Surcharge = Monthly surcharge payment; \$/month
- 2 Q_t = Average month sewage flow;
- 3 100 cubic feet/month
- 4 BOD_M = Measured BOD waste strength for industry;
- 5 mg/l
- 6 BOD_d = Defined BOD strength for domestic waste; mg/l
- 7 SS_M = Measured SS waste strength for industry; mg/l
- 8 SS_d = Defined SS strength for domestic waste; mg/l
- 9 UC_{BOD} = Unit cost of treating BOD; \$/mg/l/100 cubic
- 10 feet
- 11 UC_{SS} = Unit cost of treating SS; \$/mg/l/100 cubic
- 12 feet

13 And;

14

15 $UC_x = \frac{OM_x}{TW_x} + \frac{PC}{SW_x} (8.34 \text{ lb/gal}) (7.48/\text{ft}^3) (100\text{ft}^3) (10^{-6})$

16

17

18

- 19 UC_x = Unit cost for BOD or suspended solids
- 20 OM_x = Allocated operation and maintenance costs to
- 21 BOD or suspended solids;
- 22 PC = Costs of administering and sampling for the
- 23 surcharge program;
- 24 TW_x = Total BOD or suspended solids handled by the
- 25 county sewerage system; lb/year
- 26 SW_x = Surchargeable BOD or suspended solids handled
- 27 by the county sewerage system; lb/year

28 Surchargeable BOD and suspended solids is the amount that

29 exceeds the established domestic waste strength.

30 c. The concentration of domestic wastes shall be

31 defined as 300 milligrams per liter of BOD and 400 milligrams

32 per liter of suspended solids.

33 d. Treatment costs will be based on system-wide

34 maintenance and operation costs allocated to the appropriate

35 waste parameters. The director shall conduct an annual review

36 of treatment costs and adjust charges to reflect actual

37 operation and maintenance costs.

38 e. The surcharge shall be based upon the average

39 annual strength and volume of discharge by the industrial user.

40 Industrial users shall have the right to challenge the values

41 the director develops by submitting a series of analyses from a

42 state certified laboratory documenting the substitute values

43 proposed by the industrial user. Satisfactory sampling

44 techniques in such instances shall be subject to approval by

45 the director.

46 f. The director shall establish the average annual

47 waste strength for each industrial user either by direct

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

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

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

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

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

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

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

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

21 1. The criteria constituting violations shall be as
22 follows:

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

29 b. A mass violation will be considered to have
30 occurred if mass related limitations for specific pollutants
31 have been exceeded. Mass related limitations will be based on
32 daily average limits. A violation will be determined utilizing
33 the formula: $(8.34) \times (\text{millions of gallons discharged per day})$
34 $\times (\text{concentration of pollutant in mg/L})$. The concentration used
35 for the pollutant will be the arithmetic mean of those

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

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

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

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

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

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

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

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

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

16 c. The arithmetic mean of the antilog of the negative
17 pH values of at least eight consecutive samples taken at
18 intervals of 15 minutes or greater is less than an equivalent
19 Ph value of 5.5, or the Ph of any single sample is less than
20 5.0.

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

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

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

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

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

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

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

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

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

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

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

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

14 (1) immediately comply with all requirements; and
15 (2) take such appropriate remedial or preventive
16 action as may be needed to properly address a continuing or
17 threatened violation, including halting operations and/or
18 terminating the discharge. Issuance of a cease discharge
19 notice shall not be a prerequisite for taking any other action
20 against the user.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 Q. The director is authorized and directed to promulgate
2 such rules, regulations and guidelines as the director deems
3 necessary to carry out the purposes or provisions of this
4 section, to ensure the department's compliance with the
5 requirements of any federal or state law or administrative
6 regulation relating to water pollution and any changes or
7 amendments thereto, and to ensure the department performs the
8 metropolitan water pollution abatement function under Chapter
9 35.58 RCW. Nothing herein shall prevent the director from
10 seeking judicial or governmental agency assistance to implement
11 the policies and requirements of this section. The rule-making
12 process followed by the director shall provide for public
13 participation. Prior to the adoption of any rule, the director
14 shall notify users and the general public of the proposed rule.
15 Notification will include but need not be limited to: news
16 letters; public hearings; or legal notices published in area
17 newspapers.

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

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

25 The county's guideline for determining the financial
26 feasibility of extensions to the metropolitan system shall be
27 revised to increase the allowable capital expenditure per new
28 residential customer or new residential customer equivalent to
29 \$450.

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

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

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

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

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

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

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

23 C. The examiner shall hear such appeal, determine whether
24 the decision of the director was consistent with the provisions
25 of Section 4 or Section 5, as applicable, of this ordinance and
26 rules and regulations promulgated by the director, and promptly
27 issue a final decision under the provisions of K.C.C.
28 20.24.080.

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

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

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

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

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

8 PASSED this 20th day of September, 1993

9 KING COUNTY COUNCIL
10 KING COUNTY, WASHINGTON

11 *Cynthia Sullivan*
12 VICE Chair

13 ATTEST:

14 *Janet Mason*
15 ~~Deputy~~ Clerk of the Council

16 APPROVED this 22nd day of September, 1993.

17 *Jim Hill*
18 King County Executive