

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

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

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

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

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

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

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

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

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

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

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

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

33 SECTION 3. Definitions.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 wastes from any nondomestic source regulated under Section  
2 307(b), (c), or (d) of the Act into a public sewer, private  
3 sewer or side sewer tributary to the metropolitan sewerage  
4 system.

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4           53. "New Source" shall apply to facilities subject to  
5 Categorical Pretreatment Standards and shall be as defined in  
6 40 CFR 403.3(k) or amended.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 collected to verify compliance with applicable pretreatment  
2 standards.

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

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

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

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

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

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

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

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

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

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

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

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

33 g. Failure to accurately report noncompliance; and

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

1           97. "Water Pollution Abatement Advisory Committee"  
2 shall mean the Water Pollution Abatement Advisory Committee of  
3 the department as now or hereafter constituted pursuant to RCW  
4 35.58.210.

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

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

17           SECTION 4. Citizens Water Quality Advisory Committee.

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

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

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

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

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

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

- 15 1. To achieve direct involvement of citizens in the  
16 facilities and budget planning processes;
- 17 2. To develop within the community greater visibility  
18 and responsibility for water quality programs;
- 19 3. To provide an independent forum to which the  
20 citizens can bring their suggestions, desires and complaints  
21 regarding water quality problems;
- 22 4. To provide a citizen advisory body to aid in the  
23 decision-making process;
- 24 5. To assure that at each critical point in the  
25 planning process there are a maximum number of options  
26 considered;
- 27 6. To advise on extended citizen participation; and  
28 7. To insure that water quality planning and  
29 implementation are consistent with and complementary to region-  
30 wide planning.

31 SECTION 5. Water Pollution Abatement - Sewage Disposal  
32 Rules and Regulations.

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

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

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

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

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

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

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

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

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

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

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

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

10 4. The certification provisions of this section shall  
11 not apply where an extension of or connection to a interceptor  
12 or trunk is required by formal order or directive of a state or  
13 federal agency with regulatory powers over said extension,  
14 connection or the metropolitan sewer system, or to the  
15 following Interceptor extensions: a. That portion of the Phase  
16 1 May Creek Interceptor System, as defined in the Environmental  
17 Protection Agency Project No. C-530749 Negative Declaration  
18 dated November 29, 1977, which includes the Honeydew  
19 Interceptor and a section of the May Creek Interceptor between  
20 existing Metro Manhole B and the confluence of May and Honey  
21 Creeks; b. SLW 14 in the Comprehensive Plan, also known as the  
22 Madsen Creek Trunk; and c. GR 25 and GR 26 of the Comprehensive  
23 Plan, extending from 11th Avenue in Algona to Main Street in  
24 the City of Auburn. Copies of any formal orders or directives  
25 as referred to herein shall be immediately forwarded to every  
26 city, county, and other local public agencies within the  
27 county.

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

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

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

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

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

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

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

29           E. The following provisions shall govern local system  
30 plans:

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