

September 17, 1993
WTRSUB2.ORD (MW:clt)

Introduced by: Audrey Gruger

Proposed No.: 93 - 617

ORDINANCE NO. **11034**

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

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

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

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

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

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

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.

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

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

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

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

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

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

8 2. Submittal.

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

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

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

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

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

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

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

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

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

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

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

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

7 G. The following provisions shall govern sewerage
8 standards:

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

13 2. The design of sewers by local agencies and persons
14 and the method of construction and materials used and the
15 operation and maintenance of sewers and side sewers owned by
16 local public agencies and persons shall be such that flow other
17 than sewage and industrial waste (wastewater) will not exceed
18 3.06 cubic feet per acre in any thirty minute period. Flow
19 volumes of other than wastewater for any thirty minute period
20 which exceeds this amount will be called excess flow.

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

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

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

1 name of the individual the director should contact during
2 construction.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

7 cubic feet per month divided by
8 [30 days x 24 hrs. x 2] = additional dry weather
9 flow

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

7 5. The annual fee for a permit to discharge materials
8 from cesspools, septic tanks, chemical toilets, and privies
9 into the metropolitan sewerage system, unless exempted in this
10 section, is hereby fixed and determined to be the sum of
11 \$200.00 for each vehicle employed or used by the permit holder
12 for the hauling and discharge of such materials. At the time
13 of issuance of each discharge permit, there will also be issued
14 an entrance control identification card for each truck under
15 permit. No person may discharge into the metropolitan sewer
16 system any materials collected from cesspools, septic tanks,
17 chemical toilets, and privies without first paying such permit
18 fee, and registering with the proper entrance control
19 identification card at the point of discharge into the
20 metropolitan sewer system for each load dumped.

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

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

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

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

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

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

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

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

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

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

1 injury limits of liability of \$500,000.00 for each person and
2 \$1,000,000.00 for each occurrence. Evidence of such insurance
3 coverage shall be provided to the director. Nothing herein
4 shall in any manner preclude any applicant from obtaining such
5 additional insurance coverage as the applicant may deem
6 necessary for his or her own protection.

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

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

16 M. The following practices shall be prohibited:

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

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

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

31 N. The following provisions shall apply to user charges:

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

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

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

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

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

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

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

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

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

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

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

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

28 o. The following provisions shall apply regarding
29 capacity charges:

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

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

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

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

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

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

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

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

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

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

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

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

27 4. The following shall apply to capacity charge
28 billing:

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

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

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

3 5. Delinquent Capacity Charge Accounts

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

10 b. Whenever the capacity charge for an account plus
11 interest charges are delinquent for more than 30 days, the
12 department shall send a Notice of Intention to File Lien to the
13 property owner, or representative, and the mortgagee, directing
14 the property owner or representative to pay the total amount
15 due, as described in this section, no later than 15 days from
16 the date of said letter or to make suitable arrangements to
17 bring the account current. If such payment is not made within
18 15 days or suitable arrangements have not been made, the total
19 amount due will be certified as delinquent and a lien will be
20 filed against the property with the treasurer of the county. A
21 lien charge to cover the cost of preparing and filing the lien
22 in the amount of \$150.00 will be added to the delinquent amount
23 on the date of certification of the lien to the treasurer of
24 the county. Action may be taken by the department to enforce
25 collection of the delinquent amount at any time after said
26 charges have been delinquent for a period of 60 days.

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

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

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

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

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

24 2. Other Penalties.

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

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

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

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

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

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

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

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

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

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

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

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

15 5. Industrial waste shall be accepted into the
16 metropolitan sewerage system subject to regulations and
17 requirements as may be promulgated by state and federal
18 regulatory agencies or the county for the protection of
19 sewerage facilities and treatment processes, public health and
20 safety, receiving water quality and avoidance of nuisance. As
21 a minimum, all industrial users of metropolitan sewerage system
22 facilities shall comply with the applicable pretreatment
23 standards and requirements developed pursuant to Sections
24 307(b) and 307(c) of the Act. This includes the pretreatment
25 standards for existing and new discharges, which are defined in
26 regulations promulgated pursuant to such Sections of the Act.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 secure written discharge authorization, which may include, but
2 shall not be limited to, a waste discharge permit, minor
3 discharge authorization, or general permit from the department
4 unless otherwise provided in this section. The conditions and
5 discharge standards in all written discharge authorizations
6 shall be predicated on federal, state, county, and other
7 applicable local regulations and requirements and on the
8 results of analysis of the type, concentration, quantity and
9 frequency of discharge including the geographical relationship
10 of the point of discharge to sewerage and treatment facilities.
11 These conditions and discharge standards shall be re-evaluated
12 upon expiration of the written discharge authorization and may
13 be revised from time to time as required by county, state or
14 federal regulations and requirements or to meet any emergency.
15 Obtaining a written discharge authorization, however, shall not
16 relieve a user of its obligation to comply with all federal and
17 state pretreatment standards or requirements, or with any other
18 requirements of federal, state and local law.

19 a. Any person proposing to discharge industrial
20 waste, but not holding a valid waste discharge permit or other
21 written discharge authorization, shall apply to secure a waste
22 discharge permit or discharge authorization unless the director
23 has determined that written authorization is not required.
24 Application to the department shall be made for permits at
25 least sixty (60) days prior to beginning discharge unless the
26 industrial user is subject to categorical pretreatment
27 standards under 40 CFR 403.6 and 40 CFR Chapter I, Subchapter
28 N, in which case application to the department shall be made
29 for such permit ninety (90) days prior to beginning of
30 discharge. Application to the department shall be made for all
31 other written discharge authorizations thirty (30) days prior
32 to beginning of discharge. Any new source or new user meeting
33 the definition of significant industrial user shall not
34 discharge without a waste discharge permit.

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

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

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

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

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

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

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

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

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

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

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

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

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 0. 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