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capchgblm

Introduced by:

LARRY PHILLIPS  
CYNTHIA SULLIVAN

Proposed No.:

95 - 070

ORDINANCE NO. **11780**

AN ORDINANCE relating to water pollution abatement rules and regulations for the Metropolitan Sewerage System and amending Ordinance No. 11034, Section 5 and K.C.C. 28.84.050.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Ordinance 11034, Section 5 and K.C.C. 28.84.050 are hereby amended to read as follows:

Water Pollution Abatement - Sewage Disposal Rules and Regulations.

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

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

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

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

1. A request by a local public agency, person, state or federal agency for an extension to an existing department interceptor or trunk shall not be considered by the department for funding of planning, design or construction, and agreements therefor shall not be considered for approval by the council unless the director has received written certification from the

1 legislative bodies of all cities and counties which have zoning  
2 jurisdiction over: a. any portion of the area proposed by the  
3 requesting party to be served, or determined by the director as  
4 being capable of being served by such extension; and b. any  
5 other area in or through which the facility is proposed to be  
6 constructed; which certification shall state that such service  
7 and construction are consistent with the adopted land use plans  
8 and policies of such local governments. If a city or county  
9 cannot so certify, it shall issue a written statement to the  
10 director that the service or construction is not consistent  
11 with said adopted plans and policies, or that action on the  
12 application for certification must be deferred pending receipt  
13 by the city or county of such additional, specified information  
14 and data as may be reasonably required for the consideration of  
15 said application.

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

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

33 a. If the director has not received a certification  
34 or other statement from a city or county as described herein  
35 within ninety (90) days of receipt by a city or county of a

1 written application for certification, said city or county  
2 shall be deemed, for purposes of this section only, to have  
3 certified the proposal as consistent with adopted land use  
4 plans and policies; provided, that if such certification has  
5 not been received by the director within sixty (60) days of  
6 receipt by a city or county of a written application for  
7 certification, the director shall notify the chief executive  
8 and chair of the legislative body of said city or county of the  
9 certification deadline.

10           b. The director is authorized to develop such  
11 additional rules, procedures and forms as may be required to  
12 implement this section, to notify local public agencies,  
13 cities, counties and interested persons of the certification  
14 process, and to assist such local public agencies, cities,  
15 counties and persons in compliance with this section.

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

23           4. The certification provisions of this section shall  
24 not apply where an extension of or connection to a interceptor  
25 or trunk is required by formal order or directive of a state or  
26 federal agency with regulatory powers over said extension,  
27 connection or the metropolitan sewer system, or to the  
28 following Interceptor extensions: a. That portion of the Phase  
29 1 May Creek Interceptor System, as defined in the Environmental  
30 Protection Agency Project No. C-530749 Negative Declaration  
31 dated November 29, 1977, which includes the Honeydew  
32 Interceptor and a section of the May Creek Interceptor between  
33 existing Metro Manhole B and the confluence of May and Honey  
34 Creeks; b. SLW 14 in the Comprehensive Plan, also known as the  
35 Madsen Creek Trunk; and c. GR 25 and GR 26 of the Comprehensive

1 Plan, extending from 11th Avenue in Algona to Main Street in  
2 the City of Auburn. Copies of any formal orders or directives  
3 as referred to herein shall be immediately forwarded to every  
4 city, county, and other local public agencies within the  
5 county.

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

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

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

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

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

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

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

7           E. The following provisions shall govern local system  
8 plans:

9           1. Local public agencies connected to the metropolitan  
10 sewer system or who have signed contracts for connection to  
11 such system shall prepare, at their own expense, a map plan of  
12 existing and proposed local public sewers as provided herein.  
13 Plans of proposed sewerage facilities shall be called  
14 "Preliminary System Plans." Plans of existing and newly  
15 constructed sewerage facilities shall be called "Completed  
16 System Plans." Preliminary system plans and completed system  
17 plans shall contain the detailed information set forth in this  
18 section. The preliminary system plan shall be prepared under  
19 the supervision of a professional engineer registered in the  
20 state of Washington.

21           2. Submittal.

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

30           b. Local public agencies owning or operating local  
31 sewers at the time of the adoption of this section shall submit  
32 to the director within six (6) months after the adoption of  
33 this section two (2) sets of a plan or plans of the existing  
34 local system unless such plan or plans are already on file with  
35 the department. Local public agencies who shall construct or

1 acquire local public sewers after the adoption of this section  
2 shall submit to the director two (2) sets of the plan of such  
3 new facilities within six (6) months after their completion or  
4 at the end of each calendar year at the option of the local  
5 public agency.

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

9 a. Both preliminary and completed system plans shall  
10 include a title, including the name of the local public agency,  
11 an identifying map number or numbers, the scale to which the  
12 map is drawn, the direction of due north, the local public  
13 agency's boundary, and the datum plane of any elevations  
14 indicated on the plan. If the datum plane differs from the  
15 Metro datum plane, the equation to the Metro datum plane shall  
16 be shown.

17 b. Preliminary system plans shall also include the  
18 boundary of the land to be served by the proposed sewerage  
19 facilities and the area, in acres, within this boundary; the  
20 boundary of any additional land which is not served by, but is  
21 tributary to the facilities indicated on the plan and the area,  
22 in acres, within this boundary; areas which are proposed to be  
23 annexed that are tributary to the proposed sewerage facilities;  
24 the general location, approximate size and direction of flow of  
25 each trunk and interceptor; the point of connection of any  
26 local public sewer to the metropolitan sewerage system and the  
27 boundaries, area, in acres, and estimated future population of  
28 the land to be served by each such connection; the boundaries  
29 and area, in acres, of land which is zoned for industry at the  
30 time of submittal of the preliminary system plan; the  
31 engineering design criteria used in preparation of the  
32 preliminary system plan including flow allowances; a  
33 description of known unusual conditions such as unstable  
34 foundations, wet ground conditions or unusual installations  
35 which might affect the design or construction of the local

1 public sewers as relating to quality and quantity of flow; the  
2 estimated dates of commencement and completion of construction;  
3 and the estimated number of residential customers and  
4 residential customer equivalents, as defined in the Sewage  
5 Disposal Agreements, to be built or served by the proposed  
6 facilities within one year after completion of construction.

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

10 d. Whenever required by federal grant agreement for  
11 the construction of a department facility, a local public  
12 agency or private party applying for preliminary system plan  
13 approval or a local public sewer or private sewer proposed to  
14 discharge into said facility shall certify that the local  
15 public sewer or private sewer will be constructed and developed  
16 in accordance with applicable laws, regulations and plans and  
17 shall provide such assurances as the director may require that  
18 said local public sewer or private sewer will be developed in  
19 accordance with approved service area boundaries and applicable  
20 statutory or regulatory environmental and zoning requirements.  
21 The form of the certification shall be as provided by the  
22 director.

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

30 f. Detailed construction plans and specifications for  
31 proposed local public sewers shall be subject to review and  
32 approval by the director only when the director deems such  
33 review to be necessary. Each local public agency shall notify  
34 the director in writing of its intention to prepare such  
35 construction plans and specifications delineating the

1 boundaries of the areas to be sewered by map or sketch, and the  
2 estimated date for bid advertisement. Within ten (10) days  
3 following receipt of such notice, if determined necessary, the  
4 director shall make written request for the submission of  
5 construction plans and specifications. If required to do so,  
6 the local public agency shall submit two sets of plans and  
7 specifications and shall obtain approval thereof prior to  
8 advertising for bids. Within fifteen (15) days following  
9 receipt of such plans and specifications, the director shall  
10 review same and return one set thereof to the local public  
11 agency with approval, or required changes indicated. If said  
12 plans and specifications are disapproved, the required changes  
13 shall be made by the local public agency, and all required  
14 revisions of plans and specifications resubmitted in the same  
15 manner as provided for the initial submittal. In the event no  
16 communication is received from the director by the local public  
17 agency within fifteen (15) days of the date of receipt by the  
18 director of such plans and specifications, it shall be deemed  
19 that the director has approved such plans and specifications.

20 G. The following provisions shall govern sewerage  
21 standards:

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

26 2. The design of sewers by local agencies and persons  
27 and the method of construction and materials used and the  
28 operation and maintenance of sewers and side sewers owned by  
29 local public agencies and persons shall be such that flow other  
30 than sewage and industrial waste (wastewater) will not exceed  
31 3.06 cubic feet per acre in any thirty minute period. Flow  
32 volumes of other than wastewater for any thirty minute period  
33 which exceeds this amount will be called excess flow.

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

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

12           a. Such letter shall include the name of the  
13 organization responsible for contract administration and the  
14 name of the individual the director should contact during  
15 construction.

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

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

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

30           a. Allowable exfiltration leakage shall be no greater  
31 than five-tenths gallon per hour per inch of diameter per 100  
32 feet of sewer pipe with a minimum test pressure of six feet of  
33 water column above the crown at the upper end of the pipe. For  
34 each increase in pressure of two feet above a basic six feet of  
35 water column measured above the crown at the lower end of the

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

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

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

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

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

1 test section, the allowable leakage shall be increased 10%.

2 Allowable infiltration leakage shall be no greater than four-  
3 tenths gallon per hour per inch of diameter per 100 feet of  
4 sewer pipe, with no allowance for external hydrostatic head.

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

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

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

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

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

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

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

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

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

11           1. The department shall not directly accept wastewater  
12 from the facilities of any person which are located within the  
13 boundaries of, or discharge wastewater into the local sewerage  
14 facilities of, any local public agency without the prior  
15 written consent of such local public agency.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

19 cubic feet per month divided by  
20  $[30 \text{ days} \times 24 \text{ hrs.} \times 2] = \text{additional dry weather}$   
21 flow

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

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

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

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

32 c. Since excess flow is based upon a thirty minute  
33 period of time, the volume so measured will be small. In order  
34 that the surcharge for excess flow will more nearly approach  
35 the cost of providing additional capacity in the metropolitan

1 sewerage system, excess flow will be adjusted as though it were  
2 occurring for a 24 hour period. Such flow will be called  
3 adjusted excess flow. Adjusted excess flow = Excess flow x 24  
4 x 2.

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

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

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

22 g. Such surcharges for excess flows shall be paid to  
23 the department by local public agencies in the same manner and  
24 at the same times as regular sewer service charges; provided  
25 that a local public agency may offset against such surcharges  
26 amounts actually expended on local sewerage facility  
27 improvements or modifications which have been constructed by  
28 the local public agency for the purpose of reducing said excess  
29 flows and the plans for which shall have been approved by the  
30 director. In the event the local public agency elects to  
31 construct such improvements, it shall so signify in writing to  
32 the director within thirty (30) days of receipt of the  
33 department's first billing of each specific excess flow  
34 surcharge. Upon receipt of such notice, the department will  
35 allow the local public agency one (1) year to prepare approved

1 plans and specifications and let a contract for the corrective  
2 work. Failure to meet the one-year deadline shall result in  
3 the original surcharge, as well as any intervening surcharges,  
4 becoming immediately due and payable.

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

9 i. In the event of excessive infiltration/inflow  
10 under applicable regulations of the Environmental Protection  
11 Agency, such that the department will be denied federal grants  
12 in the absence of correction, the director may elect to do the  
13 corrective work utilizing therefor solely surcharges collected  
14 from the local public agency.

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

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

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

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

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

28 3. No person engaged in the collection and disposal of  
29 materials from cesspools, septic tanks, chemical toilets,  
30 portable toilets and privies, as a business or commercial  
31 enterprise, may discharge into the metropolitan sewer system  
32 any of the materials so collected without having first obtained  
33 from the director a written permit to do so. This permit shall  
34 be in addition to all other permits and/or licenses required by  
35 law, and shall be issued only to the holder of a proper

1 registration and inspection certificate issued by the Seattle-  
2 King County health department to carry on or engage in the  
3 business of cleaning septic tanks and cesspools.

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

7 a. A separate permit shall be obtained for each  
8 vehicle so used, which permit shall thereafter be carried in  
9 the vehicle at all times. No permit may be transferred from  
10 one vehicle to another except in the event of loss, destruction  
11 or replacement of the original vehicle, and then only with the  
12 approval of the director.

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

17 5. The annual fee for a permit to discharge materials  
18 from cesspools, septic tanks, chemical toilets, and privies  
19 into the metropolitan sewerage system, unless exempted in this  
20 section, is hereby fixed and determined to be the sum of  
21 \$200.00 for each vehicle employed or used by the permit holder  
22 for the hauling and discharge of such materials. At the time  
23 of issuance of each discharge permit, there will also be issued  
24 an entrance control identification card for each truck under  
25 permit. No person may discharge into the metropolitan sewer  
26 system any materials collected from cesspools, septic tanks,  
27 chemical toilets, and privies without first paying such permit  
28 fee, and registering with the proper entrance control  
29 identification card at the point of discharge into the  
30 metropolitan sewer system for each load dumped.

31 Annual fees shall be payable in advance and permit  
32 holders shall renew their permits on or before the annual  
33 expiration date thereof. Fees for permits issued for less than  
34 a full year shall be prorated to the nearest full month. No

1 refund of any permit fee shall be granted for cessation of  
2 operations prior to the expiration of the permit.

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

8 a. The director may waive the gallonage fee to permit  
9 holders dumping septic tank sludge from residences and  
10 businesses paying the department sewerage charges to local  
11 agencies. Claims for exemption of gallonage fees shall be made  
12 on forms provided by the department and shall be accomplished  
13 in the manner described thereon. The department shall bill  
14 each permit holder for the accumulated gallonage fee monthly.  
15 This billing shall provide for the subtraction of all volumes  
16 declared on valid gallonage fee exemption claims. Payment of  
17 gallonage fees shall be made within 30 days from the date of  
18 invoice by the department.

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

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

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

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

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

9           11. Each permittee shall be required to obtain  
10 liability insurance in such amount and in such form as shall be  
11 determined by the director. Such insurance shall afford bodily  
12 injury limits of liability of \$500,000.00 for each person and  
13 \$1,000,000.00 for each occurrence. Evidence of such insurance  
14 coverage shall be provided to the director. Nothing herein  
15 shall in any manner preclude any applicant from obtaining such  
16 additional insurance coverage as the applicant may deem  
17 necessary for his or her own protection.

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

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

27           M. The following practices shall be prohibited:

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

32           2. No unauthorized person shall enter any department  
33 sewer, manhole, pumping station, treatment plant, or  
34 appurtenant facility. No person shall maliciously, willfully  
35 or negligently break, damage, destroy, deface, or tamper with

1 any structure, appurtenance, or equipment which is part of the  
2 metropolitan sewerage system.

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

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

8 1. As required by federal regulations, each local  
9 public agency shall adopt and maintain a system of user charges  
10 to assure that each recipient of waste treatment services  
11 within the department's service area will pay its proportionate  
12 share of the costs of operation and maintenance, including  
13 replacement, of all waste treatment provided by the department.

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

29 2. Each local public agency shall charge each recipient  
30 of waste treatment services within its jurisdiction, in  
31 addition to any surcharge to be assessed by the local public  
32 agency against an industrial user in an amount to be determined  
33 by the director to be necessary under federal regulations (and  
34 separate from and in addition to any sums paid by industry

1 pursuant to this section), a sum to be paid to the department  
2 for its waste treatment services to be determined as follows:

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

11 (1) Where actual sewage flow from an individual  
12 customer is metered, metered sewage flows shall be reported in  
13 lieu of adjusted water consumption. Total quarterly water  
14 consumption in cubic feet shall be divided by 2,250 to  
15 determine the number of residential customer equivalents for  
16 which each non-residential customer shall be billed.

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

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

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

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

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

7 o. The following provisions shall apply regarding  
8 capacity charges:

9 1. All customers of a public or private sewage facility  
10 who connect, reconnect or establish a new service which uses  
11 metropolitan sewage facilities after February 1, 1990 shall pay  
12 a capacity charge in an amount established annually by the  
13 council in accordance with state law. Users of metropolitan  
14 sewage facilities shall be subject to the capacity charge upon  
15 connection or reconnection to public or private sewage  
16 facilities and/or establishment of a new sewer service.

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

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

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

30	2 - 4 units	0.8 RCEs per unit
31	5 or more units	0.64 RCEs per unit
32	Senior citizen, <u>low income</u>	
33	<u>and special purpose housing</u>	0.32 RCEs per unit
34	Mobile home space	1.0 RCE per space

1 a. Senior citizen housing shall be multi-family  
 2 structures of two or more dwelling units within which each  
 3 dwelling unit shall consist of a room or a suite of two or more  
 4 rooms, of which not more than one is a bedroom, for which  
 5 occupancy has been limited to two persons, at least one of whom  
 6 is age (~~sixty-two~~) fifty-five or older.

7 b. Low income housing shall be multi-family  
 8 structures of two or more dwelling units within which each  
 9 dwelling unit shall consist of one room and a bathroom,  
 10 totaling not more than 360 square feet, for which occupancy has  
 11 been restricted, in at least 51% of the units, to persons with  
 12 incomes not more than 80% of the median income of the county  
 13 within which said housing is constructed, and for which rent is  
 14 restricted.

15 c. Special purpose housing shall consist of dwelling  
 16 units, that may be part of a larger care facility, consisting  
 17 of a room or a suite of rooms, of which not more than one is a  
 18 bedroom for which occupancy is limited to one person who is  
 19 physically or mentally disabled.

20 (1) In the case of privately owned senior citizen, low  
 21 income or special purpose multi-family housing, said  
 22 requirements shall be contained in a permit, agreement,  
 23 covenant or deed restriction in which the county, (~~or~~) a  
 24 local government, an agency of state government or the United  
 25 States government is granted enforcement authority.

26 (2)(~~1~~) In the case of such senior citizen, low  
 27 income and special purpose housing owned by a government or  
 28 non-profit corporation, said requirements shall be integral to  
 29 the establishment of the corporation as a legal entity or a  
 30 legally enforceable condition of construction and operation of  
 31 the housing.

32 (3)(~~2~~) If use of a multi-family structure that  
 33 initially qualifies as senior citizen, low income or special  
 34 purpose housing changes so that it no longer meets the above  
 35 criteria, residential customer equivalents shall then be

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

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

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

33           6. Local public agencies shall, at the director's  
34 request, provide such information regarding new residential  
35 customers and residential customer equivalents as may be

1 calculated in the same manner as multi-family customers and the  
2 department will collect the incremental difference then due.

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

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

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

23       4. The following shall apply to capacity charge  
24 billing:

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

30       b. Late notice to the department of commencement of  
31 sewer service to a customer or failure of a customer to receive  
32 a capacity charge bill does not relieve a property owner of the  
33 responsibility for payment of charges and interest.

34       5. Delinquent Capacity Charge Accounts

1 reasonable and appropriate for purposes of implementing the  
2 capacity charge.

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

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

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

21 2. Other Penalties.

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

28 b. The director may order the owner of any property  
29 from which prohibited discharges are entering any sewer to  
30 correct such condition, provided that if the property of such  
31 owner lies within a local public agency, the director shall  
32 first give written notice of such prohibited discharge to the  
33 local public agency, and only if such local public agency fails  
34 to correct such condition within ninety (90) days after receipt

1 of such notice, may the director directly order such owner to  
2 correct such condition.

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

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

16 Section 2. The effective date of this ordinance shall be  
17 September 6, 1990.

18 INTRODUCED AND READ for the first time this 13<sup>th</sup> day  
19 of February, 1995.

20 PASSED by a vote of 11 to 0 this 8<sup>th</sup> day of May,  
21 1995.

22 KING COUNTY COUNCIL  
23 KING COUNTY, WASHINGTON

24 Kent Pullen  
25 Chair

26 ATTEST:

27 Janet Masou  
28 Deputy Clerk of the Council

29 APPROVED this 17<sup>th</sup> day of May, 1995

30 Ray Lohan  
31 King County Executive

32 Attachments: