



# KING COUNTY

1200 King County Courthouse  
516 Third Avenue  
Seattle, WA 98104

## Signature Report

### Ordinance 18915

**Proposed No.** 2019-0165.2

**Sponsors** Balducci

1 AN ORDINANCE relating to rates and charges for sewage  
2 treatment and disposal; amending Ordinance 12353,  
3 Section 2, as amended, and K.C.C. 4A.670.100, Ordinance  
4 18745, Section 2, Ordinance 11034, Section 5, as amended,  
5 and K.C.C. 28.84.050 and Ordinance 11398, Section 1, as  
6 amended, and K.C.C. 28.84.055.

7 PREAMBLE:

8 King County imposes a wastewater connection charge, known as the  
9 capacity charge, on users of the county's wastewater facilities when the  
10 user connects, reconnects, or establishes a new service to sewer facilities  
11 of a city or special purpose district that discharges into the county's  
12 wastewater facilities.

13 Under RCW 35.58.570 the capacity charge is a monthly charge reviewed  
14 and approved annually by the council and it shall be based upon the cost  
15 of the wastewater facilities' excess capacity that is necessary to provide  
16 wastewater treatment for new users to the system, such that the new users  
17 bear their equitable share of the cost of the system.

18 RCW 36.94.140 requires that the capacity charge rate be uniform within  
19 the same classification of customers and authorizes the county to create

20 separate customer classifications that take into account the nonprofit  
21 public benefit status of the land user and provide assistance for low-  
22 income persons.

23 The county has established separate classifications, including a reduced  
24 capacity charge rate, for certain senior resident housing, low-income  
25 housing and special purpose housing.

26 On November 2, 2015, the King County executive issued a Local  
27 Proclamation of Emergency declaring an emergency due to homelessness  
28 affecting King County.

29 The 2015 Proclamation pledges King County's commitment to take  
30 actions that support and are within the framework of the All Home  
31 Strategic Plan and its goals of making homelessness a rare occurrence,  
32 reducing racial disparities and engaging the full community in ending  
33 homelessness.

34 Innovative approaches to housing are necessary to respond to the crisis  
35 and the county wants to encourage the construction and creation of  
36 additional dwelling units that will serve low-income persons.

37 Research shows that deferrals of capacity charge payments for low-  
38 income seniors and persons with disabilities will allow more of these  
39 residents to remain in their homes.

40 The current customer classification for low-income housing is limited to  
41 units in multifamily structures of not more than four-hundred square feet.

42 Expansion of this customer classification will increase the number of

43 dwelling units which would qualify for the reduced low-income housing  
44 capacity charge rate. Such an expansion furthers long-term affordability  
45 of those dwelling units as the developer or owner of the units must meet  
46 specified requirements, including a long-term covenant to keep the units  
47 affordable.

48 The provision of income-restricted housing with long-term affordability  
49 covenants and shelter housing is largely fulfilled by nonprofit  
50 organizations or governmental organizations for the benefit of the public.

51 Low-income housing projects are subject to income and rent restrictions  
52 enforced through recorded covenants, ensuring affordability but also  
53 limiting funds available for utility costs.

54 Shelters providing emergency housing for people experiencing  
55 homelessness receive no rent from residents, ensuring access but also  
56 limiting funds available for utility costs.

57 Owners and operators of low-income housing with rent restrictions and  
58 shelter housing typically construct and operate their buildings to maintain  
59 high levels of water efficiency as they have a financial incentive to contain  
60 operating costs, thereby placing less of a burden on the capacity of the  
61 wastewater system.

62 All affordable housing projects receiving capital funds from the state  
63 Housing Trust Fund are required to meet water conservation standards  
64 included in the Evergreen Development Standards.

65 A reduction in the capacity charge rate will enable low-income housing

66 and emergency shelter projects to become economically viable and  
67 produce more low-income housing units.

68 Accessory dwelling units also increase available housing options.

69 Accessory dwelling units provide a living unit for one or more persons,  
70 are typically located in dense urban areas as part of infill development,  
71 and are usually smaller than the principal single detached dwelling unit  
72 based on parcel size and required setbacks.

73 An accessory dwelling unit can be either an attached or detached  
74 residential dwelling unit located on the same parcel as a single detached  
75 dwelling unit.

76 Under current King County Code, an attached accessory dwelling unit is  
77 considered one multifamily unit that along with a single detached dwelling  
78 unit on the same parcel constitutes a duplex for purposes of calculating the  
79 applicable capacity charge because there is a shared wall between the two  
80 dwelling units.

81 Under current King County Code, a detached accessory dwelling unit is  
82 considered a separate living unit and, therefore, constitutes the same as a  
83 single detached dwelling unit for purposes of calculating the capacity  
84 charge.

85 As attached accessory dwelling units and detached accessory dwelling  
86 units are increasing in number, data suggests both type of structures share  
87 similar characteristics and thus place a similar burden on the capacity of  
88 the wastewater system.

89 Based on the similarities between attached and detached accessory  
90 dwelling units, an interim classification is warranted for these units  
91 pending completion of a comprehensive evaluation and recommended  
92 changes to the overall capacity charge rate structure for different building  
93 types.

94 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

95 SECTION 1. Ordinance 12353, Section 2, as amended, and K.C.C. 4A.670.100  
96 are each hereby amended to read as follows:

97 A. Having determined the monetary requirements for the disposal of sewage, the  
98 council hereby adopts a ((2019)) 2020 sewer rate of forty-five dollars and thirty-three cents  
99 per residential customer equivalent per month. Once a sewer rate ordinance becomes  
100 effective, the clerk of the council is directed to deliver a copy of that ordinance to each  
101 agency having an agreement for sewage disposal with King County.

102 B. The King County council approves the application of Statement No. 62 of the  
103 Governmental Accounting Standards Board (GASB-62) as it pertains to regulatory assets  
104 and liabilities to treat pollution remediation obligations and RainWise Program  
105 expenditures and strategic planning costs as regulatory assets, recovered ratably over the  
106 life of the underlying financing, and establish a rate stabilization reserve for the purpose  
107 of leveling rates between years.

108 C. As required for GASB-62 application, amounts are to be placed in the rate  
109 stabilization reserve from operating revenues and removed from the calculation of debt  
110 service coverage. The reserve balance shall be an amount at least sufficient to maintain a  
111 level sewer rate between 2019 and 2020, and shall be used solely for the purposes of:

112 maintaining the level sewer rate in ~~((2019))~~ 2020; and if additional reserve balance is  
113 available, moderating future rate increases beyond ~~((2019))~~ 2020. The estimated amount  
114 of the reserve, as shown in the financial forecast, Attachment A to ~~((Ordinance 18745))~~  
115 this ordinance, shall be revised in accordance with the 2019-2020 Biennial Budget  
116 Ordinance and financial plan. If the reserve needs to be reduced to meet debt service  
117 coverage requirements for ~~((2018))~~ 2019, the county executive shall notify the council of  
118 the change by providing an updated financial forecast.

119 SECTION 2. Ordinance 18745, Section 2, is hereby amended to read as follows:

120 Monetary requirements for the disposal of sewage as defined by contract with the  
121 component sewer agencies for the fiscal year beginning January 1, 2020, and ending  
122 December 31, 2020. The council hereby determines the monetary requirements for the  
123 disposal of sewage as follows:

124 Administration, operating, maintenance repair and replacement (net of other  
125 income): ~~((\$69,915,598.)~~) \$59,013,738.

126 Establishment and maintenance of necessary working capital reserves:  
127 ~~((\$48,242,930.)~~) \$53,990,152.

128 Requirements of revenue bond resolutions (not included in above items and net of  
129 interest income): ~~((\$295,000,850.)~~) \$300,041,257.

130 TOTAL: ~~((\$413,159,378.)~~) \$413,045,147.

131 SECTION 3. Ordinance 11034, Section 5, as amended, and K.C.C. 28.84.050 is  
132 hereby amended as follows:

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

135 and regulations in this section shall be applicable to water pollution abatement activities,  
136 including the disposal of sewage into the metropolitan sewer system, whether delivered  
137 from within or from without the county.

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

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

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

158 and data as may be reasonably required for the consideration of the application;

159           2. Requests by a local public agency, person or state or federal agency for  
160 approval of a local public sewer facility connection to an existing interceptor or trunk  
161 shall be considered by the department only if the director has received a written  
162 certification as described in this section, but a connection involving service by a local  
163 public sewer facility that is located wholly within the boundaries of a city and has a  
164 potential service area contained wholly within those boundaries shall require only the  
165 written certification of that city;

166           3. The certification may be made by either the legislative body of the city or  
167 county or by such department or division thereof as the legislative body may designate.  
168 The issuance of the certification may be preceded by a reasonable analysis and  
169 consideration, by a city or county having zoning authority, of alternatives to the proposed  
170 connection or extension.

171           a. If the director has not received a certification or other statement from a city  
172 or county as described herein within ninety days of receipt by a city or county of a  
173 written application for certification, the city or county shall be deemed, for purposes of  
174 this section only, to have certified the proposal as consistent with adopted land use plans  
175 and policies. If the certification has not been received by the director within sixty days of  
176 receipt by a city or county of a written application for certification, the director shall  
177 notify the chief executive and chair of the legislative body of the city or county of the  
178 certification deadline.

179           b. The director is authorized to develop such additional rules, procedures and  
180 forms as may be required to implement this section, to notify local public agencies, cities,



181 counties and interested persons of the certification process and to assist the local public  
182 agencies, cities, counties and persons in compliance with this section.

183 c. Any questions concerning the applicability or scope of certification  
184 requirements shall be referred to the director for final resolution. Nothing contained in  
185 K.C.C. 28.84.050.C. precludes the department from providing staff assistance to a local  
186 public agency, city, county or state or federal agency concerning waterborne pollutant  
187 removal, water quality improvements or sewage disposal alternatives; and

188 4. The certification provisions of this section shall not apply where an extension  
189 of or connection to an interceptor or trunk is required by formal order or directive of a  
190 state or federal agency with regulatory powers over the extension, connection or the  
191 metropolitan sewer system, or to the following interceptor extensions: that portion of the  
192 Phase 1 May Creek Interceptor System, as defined in the Environmental Protection  
193 Agency Project No. C-530749 Negative Declaration dated November 29, 1977, which  
194 includes the Honeydew Interceptor and a section of the May Creek Interceptor between  
195 existing Metro Maintenance Hole B and the confluence of May and Honey creeks; SLW  
196 14 in the Comprehensive Plan, also known as the Madsen Creek Trunk; and GR 25 and  
197 GR 26 of the Comprehensive Plan, extending from 11th Avenue in Algona to Main Street  
198 in the city of Auburn. Copies of any formal orders or directives as referred to in this  
199 subsection C.4. shall be immediately forwarded to every city, county and other local  
200 public agencies within the county.

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

202 1. Local public agency design and construction standards and standard  
203 specifications and local public agency ordinances and resolutions directly relating to the

204 planning or construction of local public sewers or regulating the use of local public  
205 sewers or side sewers shall be consistent with this section;

206           2. Two copies of any such documents that are in effect on the date of adoption  
207 of this section and that have not previously been submitted to the department shall be  
208 submitted to the director within six months following such date. Two copies of any of  
209 such documents adopted or placed in use after the date of this section, including any  
210 changes in or amendments of documents previously in effect, shall be submitted to the  
211 director within sixty days of their adoption; and

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

214           a. The director shall review design and construction standards and standard  
215 specifications submitted by a local public agency and, within thirty days following  
216 receipt thereof, shall either approve them in writing or return one set of each disapproved  
217 document with written reasons for disapproval;

218           b. The director shall review ordinances and resolutions submitted by a local  
219 public agency and, within thirty days following receipt thereof, shall notify the local  
220 public agency in writing of any inconsistencies with the department's rules and  
221 regulations; and

222           c. Within sixty days following receipt from the director of a disapproval or a  
223 statement of inconsistencies with the department's rules and regulations, the local public  
224 agency shall take the action as may be necessary to correct such inconsistencies and shall  
225 resubmit the corrected or amended documents as provided for their original submittal.

226           E. Local system plans shall be prepared and approved subject to the requirements

227 defined in K.C.C. chapter 13.24 and the departmental policies and procedures that  
228 implement the code.

229 F. Detailed construction plans and specifications for proposed local public sewers  
230 shall be subject to review and approval by the director only when the director deems such  
231 review to be necessary. Each local public agency shall notify the director in writing of its  
232 intention to prepare the construction plans and specifications delineating the boundaries  
233 of the areas to be sewered by map or sketch, and the estimated date for bid advertisement.  
234 Within ten days following receipt of the notice, if determined necessary, the director shall  
235 make written request for the submission of construction plans and specifications. If  
236 required to do so, the local public agency shall submit two sets of plans and specifications  
237 and shall obtain approval of the plans and specifications before advertising for bids.  
238 Within fifteen days following receipt of such plans and specifications, the director shall  
239 review the plans and specifications and return one set thereof to the local public agency  
240 with approval, or with required changes indicated. If the plans and specifications are  
241 disapproved, the required changes shall be made by the local public agency, and all  
242 required revisions of plans and specifications resubmitted in the same manner as provided  
243 for the initial submittal. If no communication is received from the director by the local  
244 public agency within fifteen days of the date of receipt by the director of the plans and  
245 specifications, it shall be deemed that the director has approved the plans and  
246 specifications.

247 G. The following provisions shall govern sewerage standards:

248 1. New local public sewers or private sewers and extensions of existing sewers  
249 shall be designed as separate sewers and storm drains, except where the local public

250 agency can demonstrate the necessity for a combined sewer extension; and

251           2. The design of sewers by local agencies and persons and the method of  
252 construction and materials used and the operation and maintenance of sewers and side  
253 sewers owned by local public agencies and persons shall be such that flow other than  
254 sewage and industrial waste (wastewater) will not exceed three and six one-hundredths  
255 cubic feet per acre in any thirty-minute period. Flow volumes of other than wastewater  
256 for any thirty minute period that exceeds this amount will be called excess flow.

257           H. The following provisions shall apply regarding inspection of new  
258 construction:

259           1. Local public agencies shall be responsible for inspection of construction of  
260 local public sewers as required to insure compliance with this section and with local  
261 standards. The director, however, shall have the right to spot inspect local public sewer  
262 and side sewer construction and to notify the local public agencies when, in the opinion  
263 of the director, the construction work does not comply with this section. Each local  
264 public agency shall notify the director by letter or send a copy of the "Contractor's Notice  
265 to Proceed" letter to the director in advance of the start of any public sewer construction.

266           a. The letter shall include the name of the organization responsible for contract  
267 administration and the name of the individual the director should contact during  
268 construction.

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

273 c. The construction of private sewers shall be subject to inspection by the  
274 director;

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

280 a. Allowable exfiltration leakage shall be no greater than five-tenths gallon per  
281 hour per inch of diameter per one hundred feet of sewer pipe with a minimum test  
282 pressure of six feet of water column above the crown at the upper end of the pipe. For  
283 each increase in pressure of two feet above a basic six feet of water column measured  
284 above the crown at the lower end of the test section, the allowable leakage shall be  
285 increased ten percent. Allowable infiltration leakage shall be no greater than four-tenths  
286 gallon per hour per inch of diameter per one hundred feet of sewer pipe, with no  
287 allowance for external hydrostatic head.

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

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

294 d. Side sewers shall also be tested for their entire length from the public sewer  
295 in the street to the connection with the building plumbing. The method of testing side

296 sewers shall be determined by the local public agency, but in no case shall it be less  
297 thorough than filling the pipe with water before backfill and visually inspecting the  
298 exterior for leakage; and

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

302           I. The following provisions shall govern connections to the metropolitan sewer  
303 system:

304           1. No connection shall be made to the metropolitan sewer system without the  
305 prior approval of the director;

306           2. Local public sewers shall be planned so as to require the minimum practical  
307 number of points of connection to the metropolitan sewerage system. At each point of  
308 connection to the metropolitan sewerage system, the department shall timely construct, at  
309 its expense, such special maintenance holes or chambers as are required, including the  
310 intervening connection from the maintenance hole or chamber to the department trunk.

311           With the written approval of the director, the special maintenance hole or  
312 chamber and intervening connection from the maintenance hole or chamber to the  
313 department trunk may be designed and constructed by the local public agency at the  
314 expense of the department but subject to inspection and approval by the director. It shall  
315 be the responsibility of the local public agency to connect local public sewers to the  
316 maintenance hole or chamber at its expense and in a manner approved by the director;

317           3. Each local public sewer connection to a department special maintenance hole  
318 or chamber shall be hydraulically designed so as not to interfere with the measuring and

319 sampling of flow;

320           Upon its completion, each such a structure and connection shall be owned,  
321 operated and maintained by the department, except that the local public agency may use  
322 the chamber for measuring and sampling flows at reasonable times with the concurrence  
323 of the director; and

324           4. The director may require a metering maintenance hole or chamber on  
325 extensions constructed after January 1, 1961, to local public sewers in existence on that  
326 date. The maintenance hole or chamber shall be located on the extension near its  
327 connection with the local public sewer. The department shall construct and pay for any  
328 maintenance hole or chamber required for extensions constructed prior to April 17, 1969.  
329 The local public agency shall construct any required maintenance hole or chamber for  
330 any local public sewer extension constructed after the adoption of this section. The  
331 construction shall be performed in accordance with plans and specifications prepared or  
332 approved by the director and the department shall pay the additional cost of the  
333 maintenance hole or chamber as follows:

334           a. For pipe sizes eight inches in diameter through twenty-one inches in  
335 diameter, and with the measuring device placed in a department standard, four-foot  
336 diameter, maintenance hole, the department shall pay one hundred fifty dollars per each  
337 such measuring maintenance hole.

338           b. For special chambers and pipe sizes larger than twenty-one inches in  
339 diameter, the department shall pay as per agreement for each specific case. Upon its  
340 completion, each such maintenance hole or chamber shall be owned, operated and  
341 maintained by the local public agency, except that the department may use the chamber

342 for measuring and sampling flows at reasonable times with the concurrence of the local  
343 public agency.

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

345 1. The department shall not directly accept wastewater from the facilities of any  
346 person that are located within the boundaries of, or discharge wastewater into the local  
347 sewerage facilities of, any local public agency without the prior written consent of the  
348 local public agency;

349 2. Connection of private sewers may be made at the discretion of the director,  
350 either by the director or by others subject to inspection and approval by the director.

351 Whenever a local public sewer becomes available, the private sewer shall be  
352 disconnected from the metropolitan sewerage system under the inspection of and in a  
353 manner approved by the director, and shall be connected to the available local public  
354 sewer in accordance with the requirements of the local public agency. All work of  
355 making connections, disconnections and reconnections of private sewers to the  
356 metropolitan sewerage system shall be at the expense of the owner or developer of the  
357 private sewers;

358 3. Two sets of plans and specifications for proposed private sewers shall be  
359 submitted to the department for review and approval. Written approval must be obtained  
360 prior to advertising for bids or proceeding with the work if bids are not called; and

361 4. The provisions of this section applying to local public sewers of local public  
362 agencies shall also apply to private sewers and to owners of private sewers.

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

364 1. The discharge into any sewer by direct or indirect means of any of the



365 following is hereby prohibited: subsoil foundation, footing, window-well, yard or  
366 unroofed basement floor drains; overflows from clean water storage facilities; clear water  
367 from refrigeration, reverse-cycle heat pumps and cooling or air-conditioning equipment  
368 installed hereafter, except for the periodic draining and cleaning of the systems; roof  
369 drains or downspouts from areas exposed to rainfall or other precipitation; and surface or  
370 underground waters from any source;

371           2. Where maintenance holes in sewers have open, perforated or grating covers  
372 resulting in surface waters entering the maintenance hole, the director may require the  
373 local public agency to adjust or modify the maintenance holes, at the expense of the local  
374 public agency so that the entry of surface water is reduced to a minimum. Openings in  
375 maintenance holes for new construction shall be limited to not more than three one-inch  
376 diameter holes; and

377           3. An additional charge will be made for quantities of water other than sewage  
378 and industrial waste hereafter entering those sewers constructed after January 1, 1961, in  
379 excess of the volume established for design purposes in this section. Any charge made in  
380 addition to the regular charge shall be based on metered records of flow taken and  
381 compiled by the department. If the director, elects to meter and record flow from such  
382 sewers, the local public agency will be given at least five days' notice in advance of such  
383 metering. Metering periods shall continue until excessive flow conditions are corrected.

384           a. The allowable volume of flow for any thirty-minute period shall be  
385 determined by taking the sum of the following items, subsection K.3.a. (1) to (3) of this  
386 section, inclusive:

387           (1) maximum dry-weather wastewater flow as measured in the preceding

388 August-September period. The flow shall be determined as follows:

389 (a) meter and record all flow for the period;

390 (b) discard all flow records for each day containing measurable rainfall and  
391 discard the flow records of the succeeding days;

392 (c) determine the maximum flow volume occurring in a thirty minute period  
393 for each day's metering; and

394 (d) average all of the maximum flow volumes to arrive at a maximum dry-  
395 weather wastewater flow;

396 (2) additional dry-weather flow resulting from new customers or equivalents  
397 added after the measured August-September period. The flow shall be determined as  
398 follows:

399 (a) determine the number of added residential customers and equivalents;

400 (b) multiply each such customer and equivalent by the departmental  
401 allowance of seven hundred fifty cubic feet per month; and

402 (c) reduce (b) from a monthly to a thirty-minute allowance by the formula:  
403 cubic feet per month divided by [30 days x 24 hrs. x 2] = additional dry  
404 weather flow; and

405 (3) flow allowance for ground water infiltration and storm water inflow on  
406 which the metropolitan sewerage system was designed. The flow shall be determined as  
407 follows:

408 (a) determine the sewered area being metered in acres; and

409 (b) flow allowance = 3.06 cubic feet per acre x sewered area in acres.

410 b. Flow volumes for any thirty-minute period that exceed the allowable

411 volume of flow, as determined in subsection K.3.a of this section, will be considered to  
412 be excess flow.

413 c. Because excess flow is based upon a thirty-minute period, the volume so  
414 measured will be small. In order that the surcharge for excess flow will more nearly  
415 approach the cost of providing additional capacity in the metropolitan sewerage system,  
416 excess flow will be adjusted as though it were occurring for a twenty-four hour period.  
417 The flow will be called adjusted excess flow. Adjusted excess flow = Excess flow x 24 x  
418 2.

419 d. Daily surcharges for adjusted excess flow will be the department current rate  
420 for each seven hundred fifty cubic feet of the adjusted excess flow. The daily surcharges  
421 shall remain in effect for ten days. If excess flow occurs again during the ten day period,  
422 and the new excess flow exceeds the former, the more recent excess flow will be used in  
423 lieu of the former and continue for ten days from date of its measurement.

424 e. If the new excess flow does not exceed the former excess flow, the former  
425 will be used for ten days from time of its measurement, at which time the new excess  
426 flow will be used for as many days as will complete ten days from the time of  
427 measurement of the new excess flow.

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

432 g. The surcharges for excess flows shall be paid to the department by local  
433 public agencies in the same manner and at the same times as regular sewer service

434 charges; provided that a local public agency may offset against the surcharges amounts  
435 actually expended on local sewerage facility improvements or modifications that have  
436 been constructed by the local public agency for the purpose of reducing the excess flows  
437 and the plans for which shall have been approved by the director. If the local public  
438 agency elects to construct the improvements, it shall so signify in writing to the director  
439 within thirty days of receipt of the department's first billing of each specific excess flow  
440 surcharge. Upon receipt of the notice, the department will allow the local public agency  
441 one year to prepare approved plans and specifications and let a contract for the corrective  
442 work. Failure to meet the one-year deadline shall result in the original surcharge, as well  
443 as any intervening surcharges, becoming immediately due and payable.

444           h. Metering and metered records may be checked at reasonable time intervals  
445 by local public agency personnel accompanied by department personnel upon at least one  
446 day's notice to the department.

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

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

453           1. The discharge of materials from cesspools, septic tanks and privies into local  
454 sewer systems is prohibited;

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

457           a. The means of disposal shall be approved by the director, the local public  
458 agency and the Seattle-King County health department.

459           b. If the conditions in subsection L.2.a. of this section cannot be met, chemical  
460 toilet wastes may be discharged directly into the metropolitan sewer system in  
461 accordance with the provisions of this section;

462           3. No person engaged in the collection and disposal of materials from cesspools,  
463 septic tanks, chemical toilets, portable toilets and privies, as a business or commercial  
464 enterprise, may discharge into the metropolitan sewer system any of the materials so  
465 collected without having first obtained from the director a written permit to do so. This  
466 permit shall be in addition to all other permits and licenses required by law and shall be  
467 issued only to the holder of a proper registration and inspection certificate issued by the  
468 Seattle-King County health department to carry on or engage in the business of cleaning  
469 septic tanks and cesspools;

470           4. Any person required to obtain such a permit shall submit to the director an  
471 application for the permit on forms approved by the director.

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

476           b. The name of the person and the permit number shall be prominently  
477 displayed in numbers and letters at least three inches high, in contrasting color on both  
478 sides of the vehicle;

479           5. The annual fee for a permit to discharge materials from cesspools, septic

480 tanks, chemical toilets and privies into the metropolitan sewerage system, unless  
481 exempted in this section, is hereby fixed and determined to be the sum of two hundred  
482 dollars for each vehicle employed or used by the permit holder for the hauling and  
483 discharge of such materials. At the time of issuance of each discharge permit, there will  
484 also be issued an entrance control identification card for each truck under permit. No  
485 person may discharge into the metropolitan sewer system any materials collected from  
486 cesspools, septic tanks, chemical toilets and privies without first paying the permit fee,  
487 and registering with the proper entrance control identification card at the point of  
488 discharge into the metropolitan sewer system for each load dumped.

489 Annual fees shall be payable in advance and permit holders shall renew their  
490 permits on or before the annual expiration date of the permits. Fees for permits issued for  
491 less than a full year shall be prorated to the nearest full month. No refund of any permit  
492 fee shall be granted for cessation of operations prior to the expiration of the permit;

493 6. In addition to the permit fee, each permit holder shall pay to the department a  
494 gallonage fee. The gallonage fee shall be determined by the director and shall be  
495 adjusted at such times as the director may deem to be in the best interest of the  
496 department.

497 a. The director may waive the gallonage fee to permit holders dumping septic  
498 tank sludge from residences and businesses paying the department sewerage charges to  
499 local agencies. Claims for exemption of gallonage fees shall be made on forms provided  
500 by the department and shall be accomplished in the manner described thereon. The  
501 department shall bill each permit holder for the accumulated gallonage fee monthly. This  
502 billing shall provide for the subtraction of all volumes declared on valid gallonage fee

503 exemption claims. Payment of gallonage fees shall be made within thirty days from the  
504 date of invoice by the department.

505           b. A late charge of twelve percent per year shall be assessed upon and added to  
506 any charge or portion thereof that remains unpaid after thirty days from the date of  
507 invoice. Failure to pay all charges due within sixty days from the date of invoice shall be  
508 considered a breach of the terms of the permit and shall result in revocation of the permit;

509           7. Wastes discharged into the metropolitan sewer system in accordance with this  
510 section shall be discharged only at such points as are designated by the director and in a  
511 clean, inoffensive manner satisfactory to the director. Equipment and methods used by  
512 the permittee to discharge shall be subject to inspection by and approval of the director as  
513 a condition of granting the permit;

514           8. The discharge of industrial waste, or any waste other than domestic septage  
515 and chemical toilet waste, into a designated septage disposal site is prohibited unless  
516 specifically approved by the director;

517           9. A permittee hereunder shall be liable for the costs of any damages to property  
518 or personal injury caused by reason of the permittee's operations. In addition, failure to  
519 pay the costs upon demand shall be cause for revocation of the permit;

520           10. A permit may be revoked or suspended by the department for failure to  
521 discharge at designated points, for any discharge that is in violation of the provisions of  
522 this section, or for the reasons set forth in this section;

523           11. Each permittee shall be required to obtain liability insurance in such amount  
524 and in such form as shall be determined by the director. The insurance shall afford  
525 bodily injury limits of liability of five hundred thousand dollars for each person and one

526 million dollars for each occurrence. Evidence of the insurance coverage shall be  
527 provided to the director. Nothing in this subsection L.11. shall in any manner preclude  
528 any applicant from obtaining such additional insurance coverage as the applicant may  
529 deem necessary for the applicant's own protection; and

530           12. The director is hereby authorized to designate the points of disposal of  
531 materials collected by the permittees, the places where permits may be obtained and the  
532 persons authorized to sign the permits on behalf of the department.

533           The director is further authorized to revoke or suspend permits for failure to  
534 comply with the provisions of this chapter, subject to the right of persons affected to  
535 appeal from the revocation or suspension as provided in this chapter.

536           M. The following practices shall be prohibited:

537           1. No person shall discharge, directly or indirectly, into a sewer any material or  
538 substance that is prohibited by any county ordinance, rule established by the director,  
539 local agency rule or regulation or other applicable requirement.

540           2. No unauthorized person shall enter any department sewer, maintenance hole,  
541 pumping station, treatment plant or appurtenant facility. No person shall maliciously,  
542 willfully or negligently break, damage, destroy, deface or tamper with any structure,  
543 appurtenance or equipment that is part of the metropolitan sewerage system.

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

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

548           1. As required by federal regulations, each local public agency shall adopt and



549 maintain a system of user charges to assure that each recipient of waste treatment services  
550 within the department's service area will pay its proportionate share of the costs of  
551 operation and maintenance, including replacement, of all waste treatment provided by the  
552 department.

553         Notwithstanding the obligation of the local public agency to collect the charges,  
554 the director shall have authority directly to assess, when in the opinion of the director it is  
555 necessary in order to comply with federal regulations, a user surcharge directly against  
556 industrial users within a local public agency in an amount determined by the director to  
557 be necessary to assure that the industrial users pay their proportionate share of the costs  
558 of operation and maintenance, including replacement, of waste treatment provided by the  
559 department. Any such surcharge is distinct from and in addition to sums to be paid by  
560 industries as industrial cost recovery, pursuant to provisions contained in this section or  
561 under such provisions as may be adopted by the council, regarding the control and  
562 disposal of industrial waste into the metropolitan sewage system;

563         2. Each local public agency shall charge each recipient of waste treatment  
564 services within its jurisdiction, in addition to any surcharge to be assessed by the local  
565 public agency against an industrial user in an amount to be determined by the director to  
566 be necessary under federal regulations and separate from and in addition to any sums paid  
567 by industry pursuant to this section, a sum to be paid to the department for its waste  
568 treatment services to be determined as follows:

569         a. The local public agency shall determine, on a quarterly basis: the number of  
570 residential customers billed by the local public agency for local sewage charges; the total  
571 number of all customers so billed; and the total water consumption billed other than

572 residential customers. The quarterly water consumption report shall be taken from water  
573 meter records and may be adjusted to exclude water not entering the sanitary facilities of  
574 a customer.

575 (1) Where actual sewage flow from an individual customer is metered,  
576 metered sewage flows shall be reported in lieu of adjusted water consumption. Total  
577 quarterly water consumption in cubic feet shall be divided by two thousand two hundred  
578 fifty to determine the number of residential customer equivalents for which each  
579 nonresidential customer shall be billed.

580 (2) The director shall develop such additional instructions and rules for  
581 preparation of the quarterly water consumption report as may be necessary to implement  
582 the requirements of this section; and

583 b. The director will establish a monthly user charge for each component  
584 agency based upon a rate for each residential customer or residential customer equivalent  
585 that the local public agency shall collect from its residential customers and equivalents;

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

592 Each local public agency shall provide the director each quarter with a listing of  
593 the water consumption of each surcharged industry; and

594 4. Each local public agency shall maintain such records as are necessary to

595 document compliance with the user charge system established under this subsection N.

596 O. The following provisions shall apply regarding capacity charges:

597 1. All customers of a public or private sewage facility who connect, reconnect  
598 or establish a new service that uses metropolitan sewage facilities after February 1, 1990  
599 shall pay a capacity charge in an amount established annually by the council in  
600 accordance with state law. Users of metropolitan sewage facilities shall be subject to the  
601 capacity charge upon connection or reconnection to public or private sewage facilities  
602 and/or establishment of a new sewer service.

603 a. "Accessory dwelling unit," for the purposes of this subsection, shall mean  
604 one or more rooms designed for occupancy for a person or persons as an independent  
605 dwelling unit for living or sleeping purposes on a parcel with a single detached dwelling  
606 unit.

607 b. "Attached accessory dwelling unit," for the purposes of this subsection, shall  
608 mean an accessory dwelling unit that is within or attached to a single detached dwelling  
609 unit.

610 c. "Capacity charge," for purposes of this subsection, shall mean a charge  
611 levied on a property to recover capital costs needed to serve new customers.

612 d. "Connection," for purposes of this subsection, shall mean physical  
613 connection, including easements, of the side sewer serving either any structure, or an  
614 addition to a structure, to a sanitary sewer.

615 ~~((b. "Capacity charge, for purposes of this subsection, shall mean a charge~~  
616 ~~levied on a property to recover capital costs needed to serve new customers.~~

617 e.)) e. "Detached accessory dwelling unit," for the purposes of this subsection,

618 shall mean an accessory dwelling unit located in a separate structure on the same parcel  
619 as a single detached dwelling unit.

620 f. "Discharge event," for purposes of this subsection, shall mean discharge of  
621 sewage from a zero discharge structure's system that flows into the metropolitan  
622 sewerage facilities.

623 g. "Dwelling unit." for the purposes of this subsection, shall mean one or more  
624 rooms designed for occupancy by a person or persons for living or sleeping purposes."

625 h. "Establishment of a new service," for purposes of this subsection, shall  
626 mean:

627 (1) change of structure use from ~~((single family residential))~~ a single detached  
628 dwelling unit to other than single ~~((family residential))~~ detached dwelling unit;

629 (2) change of structure use following connection or reconnection to a sanitary  
630 sewer;

631 (3) addition of a new structure to an existing sewer connection;

632 (4) reuse of an existing sewer connection by a new structure following  
633 demolition of an existing structure or abandonment of sewer service; or

634 (5) expanded or increased industrial or commercial use of a sanitary sewer  
635 connection~~((; or))~~.

636 i. "Low-income senior resident" and "low-income disabled person" for the  
637 purposes of this subsection, shall mean a person determined by the assessor for the  
638 county in which the structure is located to be qualified for a senior resident and disabled  
639 person exemption from real property taxes under RCW 84.36.381.

640 j. "Principal residence" for the purposes of this subsection, shall mean a single

641 detached dwelling unit or other dwelling unit that is the place of residence at which at  
642 least one person predominantly resides for more than one hundred and eighty-three days  
643 of each year, starting January 1 and running through December 31, and for which there is  
644 no sublease or rent allowed, either temporary or permanent. Determination of principal  
645 residence may include, but shall not be limited to, the household's declared address or  
646 other verifiable resources for electoral, utility, taxation, government assistance programs  
647 or any other form of evidence deemed acceptable to the director.

648 k. "Shelter housing" for the purposes of this subsection, shall mean a structure  
649 that is owned by a government or a nonprofit corporation and operated as a shelter for  
650 residents receiving support services from a county-recognized government assistance  
651 program for homelessness.

652 l. "Single detached dwelling unit" for the purposes of this subsection, shall  
653 mean a detached structure containing one dwelling unit.

654 m. "Zero discharge structure" for the purposes of this subsection, shall mean a  
655 non-residential structure or building designed not to discharge to, and functions  
656 independently of, the metropolitan sewage system((-);

657 2. The capacity charge shall be a fixed rate per residential customer or  
658 residential customer equivalent determined annually by the council. For customers who  
659 connect, reconnect or establish new service on or after the effective date of this  
660 ordinance, ((F))the number of residential customer equivalents (RCEs) for  
661 ((multifamily)) residential structures shall be determined using the following scale:

662 Single detached dwelling units 1.0 RCEs  
663 Multifamily structures with ((F))two to four dwelling units per structure 0.8 RCEs

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664 per unit

665 Multifamily structures with ((F))five or more dwelling units per structure 0.64

666 RCEs per unit

667 Senior ((~~citizen~~)) resident, low income and special purpose housing 0.32 RCEs

668 per qualifying dwelling unit

669 a. Senior ((~~citizen~~)) resident housing shall be multifamily structures of two or  
670 more dwelling units within which each dwelling unit shall consist of a room or a suite of  
671 two or more rooms, of which not more than one is a bedroom, for which occupancy has  
672 been limited to two persons, at least one of whom is age fifty-five or older.

673 b. Low-income housing ((~~shall~~)) can be multifamily structures ((~~of two or~~  
674 ~~more dwelling units, each totaling not more than four hundred square feet, for which~~  
675 ~~occupancy has been restricted~~)), single detached dwelling units or owner-occupied  
676 residential dwelling units.

677 (1) For a multifamily structure to qualify as low income housing, the  
678 occupancy of the structure must be restricted, in at least fifty-one percent of the units, to  
679 persons with incomes of not more than eighty percent of the median income of the county  
680 within which the housing is ((~~constructed~~)) located, and for which rent is restricted. The  
681 low-income housing rate shall apply only to those units in the structure which meet these  
682 restrictions; all other units in the structure will pay the rate otherwise applicable to the  
683 multifamily structure.

684 (2) For single detached dwelling units to qualify as low-income housing,  
685 occupancy of the structure must be restricted to a household with incomes of not more  
686 than eighty percent of the median income of the county within which the housing is

687 located, and for which rent is restricted.

688           (3) For an owner-occupied residential dwelling unit to qualify as low-income  
689 housing, the dwelling unit must be owned and occupied by a household, who at the time  
690 of initial ownership and occupancy, has a gross annual household income at or below  
691 eighty percent of the median income of the county within which the dwelling unit is  
692 located. In addition, to qualify as low-income housing, the unit must meet the definition  
693 of principal residence as defined in subsection O.1.j. of this section and the owner of the  
694 unit must agree that any transfer of ownership of the unit be restricted to: persons with a  
695 gross annual household income at or below eighty percent of the median income of the  
696 county within which the dwelling unit is located; meet the definition of principal  
697 residence; and be transferred at an affordable price as described in this subsection  
698 O.2.b.(3). Any sale of the unit shall be made at an affordable price, thus ensuring the unit  
699 remains affordable to households with incomes at or below eighty percent of the median  
700 income of the county within which the unit is constructed. The affordable price shall not  
701 exceed thirty-five percent of the gross monthly income for the household purchasing the  
702 unit, taking into account the cost for mortgage principal, interest, taxes and insurance.

703           c. Special purpose housing shall consist of dwelling units, that may be part of a  
704 larger care facility, consisting of a room or a suite of rooms, ~~((of which not more than one~~  
705 ~~is a bedroom for))~~ in which occupancy is ~~((limited to two persons,))~~ for at least one ~~((of~~  
706 ~~whom))~~ person who is physically or mentally disabled or consists of shelter housing that  
707 is receiving support services from a county-recognized government assistance program  
708 for homelessness.

709           d. In the case of privately owned senior ~~((citizen))~~ resident, low income or

710 special purpose ((~~multifamily~~)) housing, the requirements of subsection O.2.a., b. and c.  
711 of this section shall be contained in a ((~~permit, agreement,~~)) covenant or deed restriction  
712 in a form approved by the director with a duration of at least forty years in which the  
713 county, a local government, an agency of state government or the United States  
714 government is granted enforcement authority.

715 e. In the case of senior ((~~citizen~~)) resident, low income ((~~and~~)), special purpose  
716 housing owned by a government or nonprofit corporation and shelter housing owned by a  
717 government or nonprofit corporation, the requirements shall be integral to the  
718 establishment of the corporation as a legal entity or a legally enforceable condition of  
719 construction and operation of the housing.

720 f. If use of a ((~~multifamily~~)) structure that initially qualifies as senior ((~~citizen~~))  
721 resident, low income or special purpose housing changes so that it no longer meets the  
722 criteria in subsection O.2.a., b., c., d. and e. of this section or the use of shelter housing  
723 owned by a government or nonprofit corporation changes no longer meets the criteria in  
724 subsection O.2.a., b., c. and e. of this section, the residential customer equivalents shall  
725 then be recalculated in the same manner as ((~~multifamily~~)) all other structures and the  
726 department will collect the incremental difference due for all payments from the time of  
727 disqualification until paid off.

728 g. The number of residential customer equivalents for nonresidential structures  
729 and for certain alternative housing structures such as adult family homes, student  
730 dormitories, extended stay hotels and shelter housing shall be determined by the  
731 department based on values of plumbing fixtures ((~~and~~)) or estimates of wastewater flow  
732 from sources other than plumbing fixtures and acceptable to the department. An



733 appropriate schedule of hydraulic capacity or loading values equating to residential  
734 customers shall be determined by the director.

735 h. Residential customer equivalents for structures that are owned by  
736 government or nonprofit corporations and operated as shelter housing for residents  
737 receiving support services from a county-recognized government assistance program for  
738 homelessness shall be reduced by fifty percent from the schedule developed under O.2.g.  
739 of this section.

740 i. For attached accessory dwelling units and detached accessory dwelling units,  
741 an interim capacity charge classification is established for such units. This interim  
742 classification requires that an accessory dwelling unit be assigned a value of 0.6 for  
743 purposes of calculating the number of residential customer equivalents and applying any  
744 credits in accordance with subsection O.2. and 5. of this section, respectively.

745 3. Nonresidential structures with fixtures that are designed to have zero  
746 discharge to the metropolitan sewage facilities may be eligible to have a reduced capacity  
747 charge provided that the zero discharge structure's systems or fixtures do not present a  
748 human or environmental health risk. The following shall guide evaluation and award of a  
749 modified capacity charge for zero discharge structures:

750 a. For zero discharge structures, the number of residential customer  
751 equivalents shall be projected in accordance with subsection O.2.~~((g:))~~ of this section;  
752 however, fixtures and sources that are engineered to function without discharging into to  
753 the metropolitan sewage facilities shall be given the value of zero for purposes of  
754 calculating the residential customer equivalents. These calculations will be determined  
755 by review of applicant-submitted engineering plans and specifications, site inspections

756 and other materials deemed necessary by the department and such calculations shall be  
757 subject to approval by the department;

758           b. Zero discharge structures and systems may be required by the department to  
759 install monitor and alarm systems to confirm that the structure does not discharge to the  
760 metropolitan sewage facilities. Reporting requirements shall be specified by the  
761 department; and

762           c. If a zero discharge structure's system discharges to the metropolitan sewage  
763 facilities, this shall be considered a discharge event and the structure shall be subject to a  
764 capacity charge in an amount equal to a single invoice, for one quarter or three months,  
765 calculated using the monthly capacity charge for conventional systems in accordance  
766 with subsection O.2.g. of this section at the rate applicable in the year of discharge. Any  
767 discharge from a zero discharge structure or system lasting ninety calendar days or less  
768 shall be considered a single discharge event. If a zero discharge structure has three  
769 discharge events during any fifteen-year period, the structure shall then be immediately  
770 converted to a conventional capacity charge calculation calculated using subsection  
771 O.2.g. of this section. The zero discharge structure shall then be assessed the full fifteen-  
772 year capacity charge rate applicable during the year of the third discharge event into the  
773 metropolitan sewage system;

774           4. The capacity charge is the responsibility of the current owner. The  
775 department shall collect the capacity charge directly from the current legal property  
776 owner. The charge shall be a monthly charge for fifteen years.

777           Each customer subject to the charge shall be billed by the department semi-  
778 annually or at such frequency as may be determined by the director. The total amount of

779 the charge, hereinafter the "total amount due," may be paid at any time. The total amount  
780 due shall be the sum of all remaining payments discounted by an index reflecting fifteen-  
781 year mortgage and ten- and twenty-year investment rates that will be updated in  
782 December of each year;

783           5. When determining capacity charges applicable to a new connection, the  
784 charges may be reduced or eliminated to reflect a prior sewer connection and prior sewer  
785 service to the preexisting structure.

786           a. This credit against charges otherwise due shall be applied as residential  
787 customers or equivalents, which are also known as RCEs, under the following  
788 circumstances:

789           (1) the structure to be served by the new connection replaces a structure on  
790 the same lot that was either connected to sewers prior to February 1, 1990, and was  
791 paying full sewer charges, or, if not connected to sewers, was nevertheless paying such  
792 full sewer charges before February 1, 1990; and

793           (2) the preexisting structure was subsequently demolished and sewer service  
794 abandoned and the time between abandonment of service and connection of the new  
795 structure to sewers was less than five years.

796           b. In the event the new connection replaces a connection made after February  
797 1, 1990, the charges may be reduced to reflect past capacity charge payments. This credit  
798 against charges otherwise due shall be applied under the following circumstances:

799           (1) the preexisting structure that was connected to sewers after February 1,  
800 1990, and paying full sewer charges, was reported to King County by the local sewer  
801 agency; and

802           (2) capacity charges were paid to King County on the property with no break  
803 in payments of five years or more; and

804           (3) the preexisting structure was subsequently demolished and sewer service  
805 abandoned and the time between abandonment of service and connection of the property  
806 to sewers is less than five years.

807           c. Credits permitted in accordance with subsection O.5.b. (1), (2) and (3) of  
808 this section will be determined using the county's accounts receivable record of capacity  
809 charge invoices paid on the structure. Credit may be applied only from the demolished  
810 structure to the replacement structure. The amount of the credit will be expressed as  
811 whole or fractional residential customer equivalents and shall reflect the percentage of the  
812 total amount due actually paid;

813           6. Credits authorized under subsection O.5. of this section shall be applied only  
814 when appropriate documentation for the demolished structure is provided to the  
815 department. Appropriate documentation shall consist of one of the following:

816           a. a demolition permit for a preexisting structure at the same address as the  
817 new structure that contains a description of the structure demolished;

818           b. in the case of a subdivision of a lot or parcel, a demolition permit for a  
819 preexisting structure at the same lot as the new structures which contains a description of  
820 the structure demolished;

821           c. sewer service invoices for full sewer charges, for the level of service for  
822 which credit is sought, dated before demolition of the previously existing structure or  
823 structures that includes the service address and number of units if the structure was a  
824 multifamily structure; or

825           d. A dated permit issued by the local sewer agency confirming capping of the  
826 side sewer that includes the same address as the new structure and a description of the  
827 prior structure;

828           7. Credits permitted under subsection O.5. of this section shall be applied only  
829 from the demolished structures. The credits shall be applied in the following manner:

830           a. When a new single (~~(family home)~~) detached dwelling unit replaces a  
831 preexisting demolished single (~~(family home)~~) detached dwelling unit for which no  
832 capacity charge is owed, no capacity charge shall be collected;

833           b. When a preexisting structure is demolished and the lot or parcel is  
834 subdivided, the credit shall be applied in equal proportion to the new structure or  
835 structures within the new subdivided parcel.

836           c. When a preexisting structure or structures are demolished and the lot or  
837 parcel subdivided and new blocks are created, the credit from any qualifying preexisting  
838 structures within the footprint of the new block shall be applied in equal proportion to the  
839 new structure or structures within that block;

840           8. The following apply to capacity charge billing:

841           a. Capacity charge billing to a legal owner of a structure or the owner's  
842 representative shall commence as soon as possible and practical after the date of the  
843 sanitary sewer connection provided by a local public agency served by the department in  
844 accordance with the filing frequency determined by the director; and

845           b. Late notice to the department of commencement of sewer service to a  
846 property or failure of the property owner or the owner's representative to receive a  
847 capacity charge bill does not relieve a property owner of the responsibility for payment of

848 charges and interest;

849 9. The following apply to delinquent capacity charge accounts:

850 a. If a customer fails to make a payment when due, an interest charge shall be  
851 computed on the delinquent amount at an annual rate of not more than the prime lending  
852 rate of the county's bank plus four percentage points. This interest charge and a penalty  
853 of not more than ten percent of the past due amount shall be added to the account  
854 balance; and

855 b. When capacity charges plus interest charges and penalties are delinquent for  
856 more than thirty days, the department shall send a notice of intention to file lien to the  
857 property owner or owner's representative. The notice shall direct the property owner or  
858 representative to pay the total past due amount, plus interest and penalties, no later than  
859 fifteen days from the date of the letter or to make suitable arrangements to bring the  
860 account current. If the payment is not made within fifteen days, or suitable arrangements  
861 have not been made, the total amount past due plus penalties and interest will be certified  
862 as delinquent and a lien may be filed against the property with the recorder's office of the  
863 county. A lien charge to cover the cost of preparing and filing the lien will be added to  
864 the delinquent amount on the date of certification of the lien to the recorder's office of the  
865 county. Action may be taken by the department to enforce collection of the delinquent  
866 amount at any time after the charges have been delinquent for sixty days. The lien will be  
867 released when all past due capacity charges plus interest and late penalties have been  
868 paid.

869 The department is authorized to request the prosecuting attorney to bring suit for  
870 foreclosure civil action in the superior court of the county in which the real property is

871 located and to request payment of its costs and disbursements as provided by statute, as  
872 well as reasonable attorneys' fees. Each account that has been submitted to the  
873 prosecuting attorney for foreclosure shall be charged for legal fees incurred in connection  
874 with the foreclosure, even when court proceedings are unnecessary;

875 10.a. The wastewater treatment division is authorized to implement an  
876 assistance program for qualified low income senior residents and low income disabled  
877 persons.

878 b. To qualify for the assistance, the unit shall be owned by and be the personal  
879 residence of a person or persons determined by the assessor for the county in which the  
880 unit is located to be qualified for a senior residents and disabled persons exemption from  
881 real property taxes authorized under RCW 84.36.381.

882 c. For properties that qualify for assistance under subsection O.10. b. of this  
883 section, penalty fees under subsection O. 9. a. and b. of this section shall be waived, and  
884 interest charged under O. 9. a and O. 9. b. of this section shall be an annual rate of no  
885 more than five percent.

886 d. For properties which qualify for assistance under subsection O.10.b. of this  
887 section, when the capacity charge is delinquent for more than thirty days, the property  
888 owner may request that the department defer collection of the remaining fifteen-year  
889 amount of the capacity charge by placing a lien or other security interest document in a  
890 form acceptable to the director, for the entire amount due, against the property with the  
891 recorder's office of the county. A charge to cover the cost of preparing and filing the lien  
892 or other security interest document will be added to this amount on the date of  
893 certification of the lien or security amount to the recorder's office of the county. The lien

894 or security interest will be released when the full amount of the remaining fifteen-year  
895 charge plus the lien or security interest document fees and interest of five percent  
896 annually per invoice have been paid:

897           11. Local public agencies shall, at the director's request, provide such  
898 information regarding new residential customers and residential customer equivalents as  
899 may be reasonable and appropriate for purposes of implementing the capacity charge;

900           ~~((11.))~~ 12. The director is authorized to develop and implement such additional  
901 policies and requirements and to take such actions as may be necessary and appropriate  
902 for collection of the capacity charge and administration of the capacity charge program as  
903 described in this subsection O.; and

904           ~~((12.))~~ 13. As part of its rate-making authority, the council elects that capacity  
905 charges shall accrue as monthly fees recorded as operating revenues in accordance with  
906 Financial Accounting Standards Board Statement No. 71.

907           P. No person may connect a local public or private sewer to the metropolitan  
908 sewerage system unless the local public agency or person shall then be in compliance  
909 with this section.

910           1. If any local public agency or person shall construct a local public sewer,  
911 private sewer or side sewer in violation of this section, the department may issue an order  
912 to the local public agency or person to stop work in progress that is not then in  
913 compliance with this section or the department may issue an order to correct work that  
914 has been performed. The local public agency or person shall immediately take the action  
915 as may be necessary to comply with the order and with this section, all at the expense of  
916 the local public agency or person.



917           2.a. Any person failing to comply with or violating this section or rules and  
918 regulations developed by the director under this section shall, for each such a failure or  
919 violation, be subject to a fine in an amount not exceeding two thousand dollars for each  
920 separate failure or violation under this section.

921           b. The director may order the owner of any property from which prohibited  
922 discharges are entering any sewer to correct the condition, provided that if the property of  
923 the owner lies within a local public agency, the director shall first give written notice of  
924 the prohibited discharge to the local public agency, and only if the local public agency  
925 fails to correct the condition within ninety days after receipt of the notice, may the  
926 director directly order the owner to correct the condition.

927           If any owner shall not cause the condition to be corrected within thirty days  
928 following receipt of the department order, the department may proceed to enter upon the  
929 property and correct the condition, and the cost thereof together with a penalty of fifty  
930 dollars shall be a lien upon the property to be enforced in the manner provided by law for  
931 liens for local sewage charges.

932           c. Any person who shall damage, destroy or deface any structure,  
933 appurtenance, equipment or property of the metropolitan sewerage system shall be fined  
934 in an amount not exceeding three hundred dollars, and shall be liable for double the  
935 actual cost of restoration or repair or double the actual amount of any irreparable damage.

936           SECTION 4. Ordinance 11398, Section 1, as amended, and K.C.C. 28.84.055 are  
937 each hereby amended as follows:

938           A. The amount of the metropolitan sewage facility capacity charge adopted by  
939 K.C.C. 28.84.050.O. that is charged monthly for fifteen years per residential customer or

940 residential customer equivalent shall be:

941           1. Seven dollars for sewer connections occurring between and including January  
942 1, 1994, and December 31, 1997;

943           2. Ten dollars and fifty cents for sewer connections occurring between and  
944 including January 1, 1998, and December 31, 2001;

945           3. Seventeen dollars and twenty cents for sewer connections occurring between  
946 and including January 1, 2002, and December 31, 2002;

947           4. Seventeen dollars and sixty cents for sewer connections occurring between  
948 and including January 1, 2003, and December 31, 2003;

949           5. Eighteen dollars for sewer connections occurring between and including  
950 January 1, 2004, and December 31, 2004;

951           6. Thirty-four dollars and five cents for sewer connections occurring between  
952 and including January 1, 2005, and December 31, 2006;

953           7. Forty-two dollars for sewer connections occurring between and including  
954 January 1, 2007, and December 31, 2007;

955           8. Forty-six dollars and twenty-five cents for sewer connections occurring  
956 between and including January 1, 2008, and December 31, 2008;

957           9. Forty-seven dollars and sixty-four cents for sewer connections occurring  
958 between and including January 1, 2009, and December 31, 2009;

959           10. Forty-nine dollars and seven cents for sewer connections occurring between  
960 and including January 1, 2010, and December 31, 2010;

961           11. Fifty dollars and forty-five cents for sewer connections occurring between  
962 and including January 1, 2011, and December 31, 2011;

963 12. Fifty-one dollars and ninety-five cents for sewer connections occurring  
964 between and including January 1, 2012, and December 31, 2012;

965 13. Fifty-three dollars and fifty cents for sewer connections occurring between  
966 and including January 1, 2013, and December 31, 2013;

967 14. Fifty-five dollars and thirty-five cents for sewer connections occurring  
968 between and including January 1, 2014, and December 31, 2014;

969 15. Fifty-seven dollars for sewer connections occurring between and including  
970 January 1, 2015, and December 31, 2015;

971 16. Fifty-eight dollars and seventy cents for sewer connections occurring  
972 between and including January 1, 2016, and December 31, 2016;

973 17. Sixty dollars and eighty cents for sewer connections occurring between and  
974 including January 1, 2017, and December 31, 2017;

975 18. Sixty-two dollars and sixty cents for sewer connections occurring between  
976 and including January 1, 2018, and December 31, 2018; ~~((and))~~

977 19. Sixty-four dollars and fifty cents for sewer connections occurring between  
978 and including January 1, 2019, and December 31, 2019; and

979 20. Sixty-six dollars and thirty-five cents for sewer connections occurring  
980 between and including January 1, 2020, and December 31, 2020.

981 B.1. In accordance with adopted policy FP-15.3.d. in the Regional Wastewater  
982 Services Plan, K.C.C. 28.86.160.C., it is the council's intent to base the capacity charge  
983 upon the costs, customer growth and related financial assumptions used in the Regional  
984 Wastewater Services Plan.

985 2. In accordance with adopted policy FP- 6 in the Regional Wastewater Services

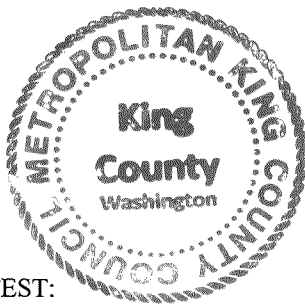
986 Plan, K.C.C. 28.86.160.C., the council hereby approves the cash balance and reserves as  
987 contained in the attached financial plan for ~~((2019))~~ 2020, which is Attachment A to this  
988 ~~((Ø))~~ ordinance ~~((18745))~~.

989           3. In accordance with adopted policy FP-15.3.c., King County shall pursue  
990 changes in state legislation to enable the county to require payment of the capacity charge

991 in a single payment, while preserving the option for new ratepayers to finance the  
992 capacity charge.  
993

Ordinance 18915 was introduced on 5/1/2019 and passed as amended by the Metropolitan King County Council on 6/12/2019, by the following vote:

Yes: 9 - Mr. von Reichbauer, Mr. Gossett, Ms. Lambert, Mr. Dunn, Mr. McDermott, Mr. Dembowski, Mr. Upthegrove, Ms. Kohl-Welles and Ms. Balducci



KING COUNTY COUNCIL  
KING COUNTY, WASHINGTON

Rod Dembowski, Chair

ATTEST:

Melani Pedroza, Clerk of the Council

APPROVED this 19<sup>th</sup> day of JUNE, 2019.

Dow Constantine, County Executive

RECEIVED  
2019 JUN 19 PM 4:46  
CLERK  
KING COUNTY COUNCIL

**Attachments:** A. Wastewater Treatment Division Financial Plan for the 2020 Proposed Sewer Rate

Attachment A: Wastewater Treatment Division Financial Plan for the 2020 Proposed Sewer Rate												
	2018	2019	2020	2021	2022	2023	2024	2025				
	Unaudited	Forecast	Forecast	Forecast	Forecast	Forecast	Forecast	Forecast				
CUSTOMER EQUIVALENTS (RCEs)	760.57	763.55	768.29	773.05	777.84	782.66	787.52	792.40				
MONTHLY RATE	\$44.22	\$45.33	\$45.33	\$ 47.37	\$ 47.37	\$ 49.50	\$ 49.50	\$ 51.90				
% Increase	0.00%	2.5%	0.0%	4.5%	0.0%	4.5%	0.0%	4.8%				
BEGINNING OPERATING FUND OPERATING REVENUE:	\$ 61,070	\$ 61,100	\$ 63,526	\$ 63,139	\$ 63,956	\$ 64,842	\$ 65,771	\$ 67,027				
Customer Charges	\$ 403,589	\$ 415,342	\$ 417,917	\$ 439,393	\$ 442,135	\$ 464,904	\$ 467,774	\$ 483,461				
Capacity Charge	86,851	88,549	92,302	95,800	99,086	102,113	106,158	111,264				
Other Income	19,219	17,158	17,570	17,795	18,233	15,484	15,949	16,427				
Investment Income	7,986	9,230	8,581	8,809	10,565	11,068	11,181	11,849				
Rate Stabilization	-	-	-	-	-	-	-	-				
TOTAL OPERATING REVENUES	\$ 517,645	\$ 530,279	\$ 536,370	\$ 561,797	\$ 570,019	\$ 593,570	\$ 601,061	\$ 633,001				
OPERATING EXPENSE	(148,497)	(172,758)	(168,886)	(177,064)	(185,917)	(195,213)	(207,773)	(218,864)				
DEBT SERVICE PARITY DEBT (including WIFA)	(163,967)	(171,584)	(165,777)	(168,503)	(182,268)	(194,661)	(204,143)	(213,984)				
DEBT SERVICE PARITY LIEN OBLIGATIONS	(49,121)	(42,672)	(50,238)	(52,408)	(52,343)	(50,017)	(49,942)	(49,930)				
SUBORDINATE DEBT SERVICE	(33,357)	(47,240)	(48,065)	(51,645)	(54,177)	(50,626)	(49,852)	(45,841)				
DEBT SERVICE COVERAGE PARITY DEBT	2.25	2.08	2.22	2.28	2.11	2.05	1.93	1.94				
DEBT SERVICE COVERAGE TOTAL PAYMENTS	1.50	1.37	1.39	1.41	1.33	1.35	1.29	1.34				
AMORTIZATION OF VARIABLE RATE DEBT	(1,685)	(1,779)	(1,875)	(1,973)	(1,178)	(12,295)	(12,961)	(13,659)				
LIQUIDITY RESERVE CONTRIBUTION	(30)	(2,426)	387	(818)	(885)	(930)	(1,256)	(1,109)				
TRANSFERS TO CAPITAL	(108,900)	(99,700)	(110,000)	(119,321)	(93,298)	(99,949)	(84,162)	(95,885)				
RATE STABILIZATION RESERVE	\$ 46,250	\$ 46,250	\$ 46,250	\$ 46,250	\$ 46,250	\$ 46,250	\$ 46,250	\$ 46,250				
OPERATING LIQUIDITY RESERVE BALANCE	14,850	17,276	16,889	17,706	18,592	19,521	20,777	21,886				
OPERATING FUND ENDING BALANCE	\$ 61,100	\$ 63,526	\$ 63,139	\$ 63,956	\$ 64,842	\$ 65,771	\$ 67,027	\$ 68,136				
<b>CONSTRUCTION FUND</b>												
BEGINNING FUND BALANCE	\$ 76,524	\$ 173,888	\$ 75,555	\$ 5,000	\$ 4,999	\$ 5,000	\$ 5,000	\$ 5,000				
REVENUES:												
Parity Bonds	142,039	-	-	98,436	189,420	170,593	130,610	135,435				
Parity Bonds - WIFA Loan	-	-	77,212	57,288	-	-	-	-				
Variable Debt Bonds (new money only)	-	-	-	-	-	-	-	-				
Interim Debt	-	-	-	-	11,178	12,295	12,961	13,659				
SRF Loans	27,843	20,553	6,984	-	-	-	-	-				
Insurance Settlements (2018): Other	29,182	500	1,450	500	500	500	500	500				
Transfers From Operating Fund	108,900	99,700	110,000	119,321	93,298	99,949	84,162	95,885				
TOTAL REVENUES	\$ 307,964	\$ 120,753	\$ 195,645	\$ 275,546	\$ 294,396	\$ 283,337	\$ 228,233	\$ 245,478				
CAPITAL EXPENDITURES	(231,197)	(226,140)	(271,825)	(268,794)	(277,304)	(267,535)	(216,894)	(236,175)				
DEBT ISSUANCE COSTS	(1,135)	(750)	-	(1,969)	(3,788)	(3,412)	(2,612)	(2,709)				
BOND RESERVE TRANSACTIONS	-	8,415	5,807	(5,092)	(13,761)	(12,395)	(9,489)	(9,839)				
ADJUSTMENTS	21,732	(612)	(181)	308	459	0	761	3,244				
ENDING FUND BALANCE	\$ 173,888	\$ 75,555	\$ 5,000	\$ 4,999	\$ 5,000	\$ 5,000	\$ 5,000	\$ 4,999				
<b>CONSTRUCTION FUND RESERVES</b>												
Parity Reserve Account	150,491	142,076	136,269	141,361	155,122	167,516	177,004	186,843				
SRF Reserve Account	12,873	13,485	13,666	13,358	12,899	12,899	12,137	8,893				
Asset Management, BW	15,000	15,000	15,000	15,000	15,000	15,000	15,000	15,000				
TOTAL FUND RESERVES	\$ 178,364	\$ 170,561	\$ 164,935	\$ 169,719	\$ 183,021	\$ 195,414	\$ 204,142	\$ 210,737				
CONSTRUCTION FUND BALANCE	\$ 352,252	\$ 246,115	\$ 169,936	\$ 174,718	\$ 188,021	\$ 200,414	\$ 209,141	\$ 215,736				