



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

June 10, 2013

Ordinance 17604

Proposed No. 2013-0225.2

Sponsors McDermott and Phillips

1 AN ORDINANCE amending sewage disposal rules and
2 regulations in order to clarify the application,
3 administration and billing for wastewater capacity charges;
4 and amending Ordinance 11034, Section 5, as amended,
5 and K.C.C. 28.84.050.

6 STATEMENT OF FACTS:

- 7 1. Following authorization from the Washington state legislature, the
8 Municipality of Metropolitan Seattle began collecting a wastewater
9 capacity charge from customers who connected, reconnected or
10 established service after February 1, 1990.
- 11 2. In 1993, Ordinance 11034 was enacted relating to the administration of
12 the capacity charge program.
- 13 3. The wastewater treatment division of the department of natural
14 resources and parks has developed practices consistent with current King
15 County Code for the implementation of the capacity charge.
- 16 4. Ordinance 16414, enacted in 2009, revised several code provisions to
17 provide greater clarity on the administration of the wastewater capacity
18 charge.

19 5. The wastewater treatment division is a green utility whose core mission
20 is protecting public health and the environment by creating resources from
21 wastewater. The division recognizes that some on-site sewage systems
22 may offer an alternative opportunity for resource recovery in
23 nonresidential structures that meet very strict sustainable building
24 requirements.

25 6. The emergence of new technologies for an on-site sewage treatment
26 system designed with a back-up system that does not rely on discharging
27 into the public sewer system and that does not pose a human or
28 environmental health risk should be eligible for a modified capacity
29 charge.

30 7. The proposed King County Code changes in this ordinance further
31 improve clarity as well as add a provision related to calculation of the
32 capacity charge for new structures designed to achieve zero discharge into
33 the public sewer system.

34 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

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

37 A. The director shall administer and implement the following rules and
38 regulations for the disposal of sewage into the metropolitan sewerage system. The rules
39 and regulations in this section shall be applicable to water pollution abatement activities,
40 including the disposal of sewage into the metropolitan sewer system, whether delivered
41 from within or from without the county.

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

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

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

63 2. Requests by a local public agency, person or state or federal agency for
64 approval of a local public sewer facility connection to an existing interceptor or trunk

65 shall be considered by the department only if the director has received a written
66 certification as described in this section, but a connection involving service by a local
67 public sewer facility that is located wholly within the boundaries of a city and has a
68 potential service area contained wholly within those boundaries shall require only the
69 written certification of that city;

70 3. The certification may be made by either the legislative body of the city or
71 county or by such department or division thereof as the legislative body may designate.
72 The issuance of the certification may be preceded by a reasonable analysis and
73 consideration, by a city or county having zoning authority, of alternatives to the proposed
74 connection or extension.

75 a. If the director has not received a certification or other statement from a city
76 or county as described herein within ninety days of receipt by a city or county of a
77 written application for certification, the city or county shall be deemed, for purposes of
78 this section only, to have certified the proposal as consistent with adopted land use plans
79 and policies; provided, that if the certification has not been received by the director
80 within sixty days of receipt by a city or county of a written application for certification,
81 the director shall notify the chief executive and chair of the legislative body of the city or
82 county of the certification deadline.

83 b. The director is authorized to develop such additional rules, procedures and
84 forms as may be required to implement this section, to notify local public agencies, cities,
85 counties and interested persons of the certification process and to assist the local public
86 agencies, cities, counties and persons in compliance with this section.

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

92 C.4. The certification provisions of this section shall not apply where an
93 extension of or connection to an interceptor or trunk is required by formal order or
94 directive of a state or federal agency with regulatory powers over the extension,
95 connection or the metropolitan sewer system, or to the following interceptor extensions:
96 that portion of the Phase 1 May Creek Interceptor System, as defined in the
97 Environmental Protection Agency Project No. C-530749 Negative Declaration dated
98 November 29, 1977, which includes the Honeydew Interceptor and a section of the May
99 Creek Interceptor between existing Metro Manhole B and the confluence of May and
100 Honey creeks; SLW 14 in the Comprehensive Plan, also known as the Madsen Creek
101 Trunk; and GR 25 and GR 26 of the Comprehensive Plan, extending from 11th Avenue
102 in Algona to Main Street in the city of Auburn. Copies of any formal orders or directives
103 as referred to in this subsection C.4. shall be immediately forwarded to every city, county
104 and other local public agencies within the county.

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

106 1. Local public agency design and construction standards and standard
107 specifications and local public agency ordinances and resolutions directly relating to the
108 planning or construction of local public sewers or regulating the use of local public
109 sewers or side sewers shall be consistent with this section;

110 2. Two copies of any such documents that are in effect on the date of adoption
111 of this section and that have not previously been submitted to the department shall be
112 submitted to the director within six months following such date. Two copies of any of
113 such documents adopted or placed in use after the date of this section, including any
114 changes in or amendments of documents previously in effect, shall be submitted to the
115 director within sixty days of their adoption; and

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

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

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

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

130 E. Local system plans shall be prepared and approved subject to the requirements
131 defined in K.C.C. chapter 13.24 and the departmental policies and procedures that
132 implement the code.

133 F. Detailed construction plans and specifications for proposed local public sewers
134 shall be subject to review and approval by the director only when the director deems such
135 review to be necessary. Each local public agency shall notify the director in writing of its
136 intention to prepare the construction plans and specifications delineating the boundaries
137 of the areas to be sewered by map or sketch, and the estimated date for bid advertisement.
138 Within ten days following receipt of the notice, if determined necessary, the director shall
139 make written request for the submission of construction plans and specifications. If
140 required to do so, the local public agency shall submit two sets of plans and specifications
141 and shall obtain approval of the plans and specifications before advertising for bids.
142 Within fifteen days following receipt of such plans and specifications, the director shall
143 review the plans and specifications and return one set thereof to the local public agency
144 with approval, or with required changes indicated. If the plans and specifications are
145 disapproved, the required changes shall be made by the local public agency, and all
146 required revisions of plans and specifications resubmitted in the same manner as provided
147 for the initial submittal. If no communication is received from the director by the local
148 public agency within fifteen days of the date of receipt by the director of the plans and
149 specifications, it shall be deemed that the director has approved the plans and
150 specifications.

151 G. The following provisions shall govern sewerage standards:

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

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

161 H. The following provisions shall apply regarding inspection of new
162 construction:

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

170 a. The letter shall include the name of the organization responsible for contract
171 administration and the name of the individual the director should contact during
172 construction.

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

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

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

184 a. Allowable exfiltration leakage shall be no greater than five-tenths gallon per
185 hour per inch of diameter per one hundred feet of sewer pipe with a minimum test
186 pressure of six feet of water column above the crown at the upper end of the pipe. For
187 each increase in pressure of two feet above a basic six feet of water column measured
188 above the crown at the lower end of the test section, the allowable leakage shall be
189 increased ten percent. Allowable infiltration leakage shall be no greater than four-tenths
190 gallon per hour per inch of diameter per one hundred feet of sewer pipe, with no
191 allowance for external hydrostatic head.

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

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

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

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

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

206 I. The following provisions shall govern connections to the metropolitan sewer
207 system:

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

210 2. Local public sewers shall be planned so as to require the minimum practical
211 number of points of connection to the metropolitan sewerage system. At each point of
212 connection to the metropolitan sewerage system, the department shall timely construct, at
213 its expense, such special manholes or chambers as are required, including the intervening
214 connection from the manhole or chamber to the department trunk.

215 With the written approval of the director, the special manhole or chamber and
216 intervening connection from the manhole or chamber to the department trunk may be
217 designed and constructed by the local public agency at the expense of the department but
218 subject to inspection and approval by the director. It shall be the responsibility of the
219 local public agency to connect local public sewers to the manhole or chamber at its
220 expense and in a manner approved by the director;

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

224 Upon its completion, each such a structure and connection shall be owned,
225 operated and maintained by the department, provided that the local public agency may
226 use the chamber for measuring and sampling flows at reasonable times with the
227 concurrence of the director; and

228 4. The director may require a metering manhole or chamber on extensions
229 constructed after January 1, 1961, to local public sewers in existence on that date. The
230 manhole or chamber shall be located on the extension near its connection with the local
231 public sewer. The department shall construct and pay for any manhole or chamber
232 required for extensions constructed prior to April 17, 1969. The local public agency shall
233 construct any required manhole or chamber for any local public sewer extension
234 constructed after the adoption of this section. The construction shall be performed in
235 accordance with plans and specifications prepared or approved by the director and the
236 department shall pay the additional cost of the manhole or chamber as follows:

237 a. For pipe sizes eight inches in diameter through twenty-one inches in
238 diameter, and with the measuring device placed in a department standard, four-foot
239 diameter, manhole, the department shall pay one hundred fifty dollars per each such
240 measuring manhole.

241 b. For special chambers and pipe sizes larger than twenty-one inches in
242 diameter, the department shall pay as per agreement for each specific case. Upon its
243 completion, each such manhole or chamber shall be owned, operated and maintained by

244 the local public agency, provided that the department may use the chamber for measuring
245 and sampling flows at reasonable times with the concurrence of the local public agency.

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

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

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

253 Whenever a local public sewer becomes available, the private sewer shall be
254 disconnected from the metropolitan sewerage system under the inspection of and in a
255 manner approved by the director, and shall be connected to the available local public
256 sewer in accordance with the requirements of the local public agency. All work of
257 making connections, disconnections and reconnections of private sewers to the
258 metropolitan sewerage system shall be at the expense of the owner or developer of the
259 private sewers;

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

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

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

266 1. The discharge into any sewer by direct or indirect means of any of the
267 following is hereby prohibited: subsoil foundation, footing, window-well, yard or
268 unroofed basement floor drains; overflows from clean water storage facilities; clear water
269 from refrigeration, reverse-cycle heat pumps and cooling or air-conditioning equipment
270 installed hereafter, except for the periodic draining and cleaning of the systems; roof
271 drains or downspouts from areas exposed to rainfall or other precipitation; and surface or
272 underground waters from any source;

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

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

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

- 288 (1) maximum dry-weather wastewater flow as measured in the preceding
289 August-September period. The flow shall be determined as follows:
- 290 (a) meter and record all flow for the period;
- 291 (b) discard all flow records for each day containing measurable
292 rainfall and discard the flow records of the succeeding days;
- 293 (c) determine the maximum flow volume occurring in a thirty minute period
294 for each day's metering; and
- 295 (d) average all of the maximum flow volumes to arrive at a maximum dry-
296 weather wastewater flow;
- 297 (2) additional dry-weather flow resulting from new customers or equivalents
298 added after the measured August-September period. The flow shall be determined as
299 follows:
- 300 (a) determine the number of added residential customers and equivalents;
- 301 (b) multiply each such customer and equivalent by the departmental
302 allowance of seven hundred fifty cubic feet per month; and
- 303 (c) reduce (b) from a monthly to a thirty-minute allowance by the formula:
304 cubic feet per month divided by [30 days x 24 hrs. x 2] = additional dry weather flow;
305 and
- 306 (3) flow allowance for ground water infiltration and storm water inflow on
307 which the metropolitan sewerage system was designed. The flow shall be determined as
308 follows:
- 309 (a) determine the sewered area being metered in acres; and
- 310 (b) flow allowance = 3.06 cubic feet per acre x sewered area in acres.

311 b. Flow volumes for any thirty-minute period that exceed the allowable
312 volume of flow, as determined in subsection K.3.a of this section, will be considered to
313 be excess flow.

314 c. Since excess flow is based upon a thirty-minute period, the volume so
315 measured will be small. In order that the surcharge for excess flow will more nearly
316 approach the cost of providing additional capacity in the metropolitan sewerage system,
317 excess flow will be adjusted as though it were occurring for a twenty-four hour period.
318 The flow will be called adjusted excess flow. Adjusted excess flow = Excess flow x 24 x
319 2.

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

325 e. If the new excess flow does not exceed the former excess flow, the former
326 will be used for ten days from time of its measurement, at which time the new excess
327 flow will be used for as many days as will complete ten days from the time of
328 measurement of the new excess flow.

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

333 g. The surcharges for excess flows shall be paid to the department by local
334 public agencies in the same manner and at the same times as regular sewer service
335 charges; provided that a local public agency may offset against the surcharges amounts
336 actually expended on local sewerage facility improvements or modifications that have
337 been constructed by the local public agency for the purpose of reducing the excess flows
338 and the plans for which shall have been approved by the director. If the local public
339 agency elects to construct the improvements, it shall so signify in writing to the director
340 within thirty days of receipt of the department's first billing of each specific excess flow
341 surcharge. Upon receipt of the notice, the department will allow the local public agency
342 one year to prepare approved plans and specifications and let a contract for the corrective
343 work. Failure to meet the one-year deadline shall result in the original surcharge, as well
344 as any intervening surcharges, becoming immediately due and payable.

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

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

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

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

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

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

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

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

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

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

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

380 5. The annual fee for a permit to discharge materials from cesspools, septic
381 tanks, chemical toilets and privies into the metropolitan sewerage system, unless
382 exempted in this section, is hereby fixed and determined to be the sum of two hundred
383 dollars for each vehicle employed or used by the permit holder for the hauling and
384 discharge of such materials. At the time of issuance of each discharge permit, there will
385 also be issued an entrance control identification card for each truck under permit. No
386 person may discharge into the metropolitan sewer system any materials collected from
387 cesspools, septic tanks, chemical toilets and privies without first paying the permit fee,
388 and registering with the proper entrance control identification card at the point of
389 discharge into the metropolitan sewer system for each load dumped.

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

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

397 a. The director may waive the gallonage fee to permit holders dumping septic
398 tank sludge from residences and businesses paying the department sewerage charges to
399 local agencies. Claims for exemption of gallonage fees shall be made on forms provided

400 by the department and shall be accomplished in the manner described thereon. The
401 department shall bill each permit holder for the accumulated gallonage fee monthly.
402 This billing shall provide for the subtraction of all volumes declared on valid gallonage
403 fee exemption claims. Payment of gallonage fees shall be made within thirty days from
404 the date of invoice by the department.

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

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

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

417 9. A permittee hereunder shall be liable for the costs of any damages to property
418 or personal injury caused by reason of his operations. In addition, failure to pay the costs
419 upon demand shall be cause for revocation of the permit;

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

423 11. Each permittee shall be required to obtain liability insurance in such amount
424 and in such form as shall be determined by the director. The insurance shall afford
425 bodily injury limits of liability of five hundred thousand dollars for each person and one
426 million dollars for each occurrence. Evidence of the insurance coverage shall be
427 provided to the director. Nothing in this subsection L.11. shall in any manner preclude
428 any applicant from obtaining such additional insurance coverage as the applicant may
429 deem necessary for his or her own protection; and

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

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

436 M. The following practices shall be prohibited:

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

440 2. No unauthorized person shall enter any department sewer, manhole, pumping
441 station, treatment plant or appurtenant facility. No person shall maliciously, willfully or
442 negligently break, damage, destroy, deface or tamper with any structure, appurtenance or
443 equipment that is part of the metropolitan sewerage system.

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

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

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

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

463 2. Each local public agency shall charge each recipient of waste treatment
464 services within its jurisdiction, in addition to any surcharge to be assessed by the local
465 public agency against an industrial user in an amount to be determined by the director to
466 be necessary under federal regulations and separate from and in addition to any sums paid

467 by industry pursuant to this section, a sum to be paid to the department for its waste
468 treatment services to be determined as follows:

469 a. The local public agency shall determine, on a quarterly basis: the number of
470 residential customers billed by the local public agency for local sewage charges; the total
471 number of all customers so billed; and the total water consumption billed other than
472 residential customers. The quarterly water consumption report shall be taken from water
473 meter records and may be adjusted to exclude water not entering the sanitary facilities of
474 a customer.

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

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

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

486 3. Each local public agency shall charge each industrial recipient of waste
487 treatment services within its jurisdiction as required by the department, in addition to the
488 user charge, a surcharge in an amount to be determined by the director based on the
489 average annual strength and volume of discharge by the industry. For the purpose of

490 computing average annual strength, all wastes shall be assumed to have a minimum
491 strength equivalent to that of domestic sewage.

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

494 4. Each local public agency shall maintain such records as are necessary to
495 document compliance with the user charge system established under this subsection N.

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

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

503 a. "Connection," for purposes of this subsection, shall mean physical
504 connection of the side sewer serving either any structure, or an addition to a ~~((non-single~~
505 ~~family residential))~~ structure, to a sanitary sewer.

506 b. ~~(("Reconnection," for purposes of this subsection, shall mean reconnection~~
507 ~~of an existing structure following physical disconnection and abandonment of prior sewer~~
508 ~~service.))~~ "Capacity charge," for purposes of this subsection, shall mean a charge levied
509 on a property to recover capital costs needed to serve new customers.

510 c. "Discharge event," for the purposes of this subsection, shall mean discharge
511 of sewage from a zero discharge structure's system that flows into the metropolitan
512 sewerage facilities.

536 a. Senior citizen housing shall be multifamily structures of two or more
537 dwelling units within which each dwelling unit shall consist of a room or a suite of two or
538 more rooms, of which not more than one is a bedroom, for which occupancy has been
539 limited to two persons, at least one of whom is age fifty-five or older.

540 b. Low income housing shall be multifamily structures of two or more
541 dwelling units (~~(within which each dwelling unit shall consist of one room and a~~
542 ~~bathroom)~~), each totaling not more than four hundred square feet, for which occupancy
543 has been restricted, in at least fifty-one percent of the units, to persons with incomes not
544 more than eighty percent of the median income of the county within which the housing is
545 constructed, and for which rent is restricted.

546 c. Special purpose housing shall consist of dwelling units, that may be part of a
547 larger care facility, consisting of a room or a suite of rooms, of which not more than one
548 is a bedroom for which occupancy is limited to (~~(one person who)~~) two persons, at least
549 one of whom is physically or mentally disabled.

550 d. In the case of privately owned senior citizen, low income or special purpose
551 multifamily housing, the requirements of subsection O.2.a., b. and c. of this section shall
552 be contained in a permit, agreement, covenant or deed restriction in which the county, a
553 local government, an agency of state government or the United States government is
554 granted enforcement authority.

555 e. In the case of senior citizen, low income and special purpose housing owned
556 by a government or nonprofit corporation, the requirements shall be integral to the
557 establishment of the corporation as a legal entity or a legally enforceable condition of
558 construction and operation of the housing.

559 f. If use of a multifamily structure that initially qualifies as senior citizen, low
560 income or special purpose housing changes so that it no longer meets the criteria in
561 subsection O.2.a., b., c., d. and e. of this section, residential customer equivalents shall
562 then be calculated in the same manner as multifamily ~~((customers))~~ structures and the
563 department will collect the incremental difference ~~((then))~~ due for all payments from the
564 time of disqualification until paid off.

565 g. The number of residential customer equivalents for ~~((customers other than~~
566 ~~residential customers))~~ nonresidential structures shall be ~~((projected using estimated~~
567 ~~hydraulic capacities or loading))~~ determined by the department based on values of
568 plumbing fixtures and/or estimates of wastewater flow from sources other than plumbing
569 fixtures and acceptable to the department. An appropriate schedule of hydraulic capacity
570 or loading values equating to residential customers shall be determined by the director;

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

576 a. For zero discharge structures, the number of residential customer
577 equivalents shall be projected in accordance with subsection O.2.g. of this section;
578 however, fixtures and sources that are engineered to function without discharging into to
579 the metropolitan sewage facilities shall be given the value of zero for purposes of
580 calculating the residential customer equivalents. These calculations will be determined
581 by review of applicant-submitted engineering plans and specifications, site inspections

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

584 b. Zero discharge structures and systems may be required by the department to
585 install monitor and alarm systems to confirm that the structure does not discharge to the
586 metropolitan sewage facilities. Reporting requirements shall be specified by the
587 department; and

588 c. If a zero discharge structure's system discharges to the metropolitan sewage
589 facilities, this shall be considered a discharge event and the structure shall be subject to a
590 capacity charge in an amount equal to a single invoice, for one quarter or three months,
591 calculated using the monthly capacity charge for conventional systems in accordance
592 with subsection O.2.g. of this section at the rate applicable in the year of discharge. Any
593 discharge from a zero discharge structure or system lasting ninety calendar days or less
594 shall be considered a single discharge event. If a zero discharge structure has three
595 discharge events during any fifteen-year period, the structure shall then be immediately
596 converted to a conventional capacity charge calculation calculated using subsection
597 O.2.g. of this section. The zero discharge structure shall then be assessed the full fifteen-
598 year capacity charge rate applicable during the year of the third discharge event into the
599 metropolitan sewage system;

600 4. The capacity charge ((shall be collected by the department directly from the
601 customer)) is the responsibility of the current owner. The department shall collect the
602 capacity charge directly from the current legal property owner. The charge shall be a
603 monthly charge for fifteen years.

604 Each customer subject to the charge shall be billed by the department semi-
605 annually or at such frequency as may be determined by the director. The total amount of
606 the charge, hereinafter the "total amount due," may be paid at any time. The total amount
607 due shall be the sum of all remaining payments discounted (~~((at the rate of five and one-~~
608 ~~half percent annually))~~ by an index reflecting fifteen-year mortgage and ten- and twenty-
609 year investment rates that will be updated in December of each year;

610 ~~((4-))~~ 5. When determining capacity charges applicable to a new connection, the
611 charges may be reduced or eliminated to reflect a prior sewer connection and prior sewer
612 service (~~((at the property to be served by the new connection))~~) to the preexisting structure.

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

616 (1) the (~~((property))~~) structure to be served by the new connection replaces a
617 structure on the same lot that was either connected to sewers prior to February 1, 1990,
618 and was paying full sewer charges, or, if not connected to sewers, was nevertheless
619 paying such full sewer charges before February 1, 1990; and

620 (2) (~~((structures on the property were))~~) the preexisting structure was
621 subsequently demolished and sewer service abandoned and the time between
622 abandonment of service and ((reconnection of the property)) connection of the new
623 structure to sewers was less than five years.

624 b. In the event the new connection replaces a connection made after February
625 1, 1990, the charges may be reduced to reflect past capacity charge payments. This credit
626 against charges otherwise due shall be applied under the following circumstances:

627 (1) the ~~((property to be served by the new connection))~~ preexisting structure
628 that was connected to sewers after February 1, 1990, and paying full sewer charges, was
629 reported to King County by the local sewer agency; and

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

632 (3) ~~((structures on the property were))~~ the preexisting structure was
633 subsequently demolished and sewer service abandoned and the time between
634 abandonment of service and ~~((reconnection of the property))~~ connection of the new
635 structure to sewers is less than five years.

636 c. Credits permitted in accordance with subsection ~~((O.4.b. (1), (2) and (3)))~~
637 O.5.b. (1), (2) and (3) of this section will be determined using the county's accounts
638 receivable record of capacity charge invoices paid on the ~~((subject property))~~ structure.
639 Credit may be applied only from the ~~((property of the demolished structures and will be~~
640 ~~applied only to a replacement structure proximate to the))~~ demolished structure to the
641 replacement structure. The amount of the credit will be expressed as whole or fractional
642 residential ~~((customers or))~~ customer equivalents and shall reflect the percentage of the
643 total amount due actually paid~~((:));~~

644 ~~((5.))~~ 6. Credits authorized under subsection ~~((O.4.))~~ O.5. of this section shall be
645 applied only when appropriate documentation for the demolished structure is provided to
646 the department. ~~((Documentation))~~ Appropriate documentation shall ~~((be))~~ consist of one
647 of the following:

648 a. a demolition permit for a preexisting structure at the same ~~((property))~~
649 address as the new structure that contains a description of the structure demolished~~((:));~~

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

653 c. sewer service invoices for full sewer charges, for the level of service for
654 which credit is sought, dated before demolition of the previously existing ((building))
655 structure or structures that includes the service address and number of units if the
656 ((building)) structure was a multifamily structure; or

657 ((e.)) d. A dated permit issued by the local sewer agency ((authorizing))
658 confirming capping of the side sewer that includes the same ((property)) address as the
659 new structure and a description of the prior structure;

660 ((6.)) 7. Credits permitted under subsection ((0.4.)) O.5. of this section shall be
661 applied only from the ((property with the)) demolished structures. The credits shall be
662 applied in the following manner:

663 a. When a new single family home replaces a preexisting demolished single
664 family home for which no capacity charge is owed, no capacity charge shall be collected;

665 b. When a preexisting structure is demolished and the lot((s)) or parcel ((or
666 property)) is subdivided, the credit ((will)) shall be applied in equal proportion to the new
667 structure or structures ((most proximate to the demolished structure)) within the new
668 subdivided parcel((~~Alternatively, the property owner at the time of demolition may file~~
669 ~~with the department a plan for allocation of credits within the subdivided lot, parcel or~~
670 ~~property, and the plan as approved by the department will then guide the allocation of~~
671 ~~credits. If the owner does not submit a plan, credits will be applied in the manner~~
672 ~~described in subsection O.6.c. and d. of this section));~~);

673 c. ~~((When multifamily residential structures are demolished, credits will be~~
674 ~~allocated to new structures built at the location proximate to the building demolished on~~
675 ~~the same property; and~~

676 d. ~~When a nonresidential structure is demolished, credit will be applied to the~~
677 ~~new building or buildings constructed proximate to where the demolished building or~~
678 ~~buildings was located on the property)) When a preexisting structure or structures are
679 demolished and the lot or parcel subdivided and new blocks are created, the credit from
680 any qualifying preexisting structures within the footprint of the new block shall be
681 applied in equal proportion to the new structure or structures within that block;~~

682 ~~((7.))~~ 8. The following apply to capacity charge billing:

683 a. Capacity charge billing to a ~~((customer))~~ legal owner of a structure or the
684 owner's representative shall commence as soon as possible and practical after the date of
685 the sanitary sewer connection provided by a local public agency served by the department
686 in accordance with the filing frequency determined by the director; and

687 b. Late notice to the department of commencement of sewer service to a
688 ~~((customer))~~ property or failure of ~~((a customer))~~ the property owner or the owner's
689 representative to receive a capacity charge bill does not relieve a property owner of the
690 responsibility for payment of charges and interest;

691 ~~((8.))~~ 9. The following apply to delinquent capacity charge accounts:

692 a. If a customer fails to make a payment when due, an interest charge shall be
693 computed on the delinquent amount at an annual rate of not more than the prime lending
694 rate of the county's bank plus four percentage points. This interest charge and a ~~((one-~~

695 ~~time~~)) penalty of not more than ten percent of the past due amount shall be added to the
696 account balance; and

697 b. When capacity charges plus interest charges and penalties are delinquent for
698 more than thirty days, the department shall send a notice of intention to file lien to the
699 property owner or owner's representative. The notice shall direct the property owner or
700 representative to pay the total past due amount, plus interest and penalties, no later than
701 fifteen days from the date of the letter or to make suitable arrangements to bring the
702 account current. If the payment is not made within fifteen days, or suitable arrangements
703 have not been made, the total amount past due plus penalties and interest will be certified
704 as delinquent and a lien may be filed against the property with the recorder's office of the
705 county. A lien charge to cover the cost of preparing and filing the lien (~~in the amount of~~
706 ~~one hundred fifty dollars~~)) will be added to the delinquent amount on the date of
707 certification of the lien to the recorder's office of the county. Action may be taken by the
708 department to enforce collection of the delinquent amount at any time after the charges
709 have been delinquent for sixty days. The lien will be released when all past due capacity
710 charges plus interest and late penalties have been paid.

711 The department is authorized to request the prosecuting attorney to bring suit for
712 foreclosure civil action in the superior court of the county in which the real property is
713 located and to request payment of its costs and disbursements as provided by statute, as
714 well as reasonable attorneys' fees. Each account that has been submitted to the
715 prosecuting attorney for foreclosure shall be charged for legal fees incurred in connection
716 with the foreclosure, even when court proceedings are unnecessary;

717 ~~((9-))~~ 10. Local public agencies shall, at the director's request, provide such
718 information regarding new residential customers and residential customer equivalents as
719 may be reasonable and appropriate for purposes of implementing the capacity charge;

720 ~~((10-))~~ 11. The director is authorized to develop and implement such additional
721 policies and requirements and to take such actions as may be necessary and appropriate
722 for collection of the capacity charge and administration of the capacity charge program as
723 described in this subsection O.; and

724 ~~((11-))~~ 12. As part of its rate-making authority, the council elects that capacity
725 charges shall accrue as monthly fees recorded as operating revenues in accordance with
726 Financial Accounting Standards Board Statement No. 71.

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

730 1. If any local public agency or person shall construct a local public sewer,
731 private sewer or side sewer in violation of this section, the department may issue an order
732 to the local public agency or person to stop work in progress that is not then in
733 compliance with this section or the department may issue an order to correct work that
734 has been performed. The local public agency or person shall immediately take the action
735 as may be necessary to comply with the order and with this section, all at the expense of
736 the local public agency or person.

737 2. Other penalties.

738 a. Any person failing to comply with or violating this section or rules and
739 regulations developed by the director under this section shall, for each such a failure or

740 violation, be subject to a fine in an amount not exceeding two thousand dollars for each
741 separate failure or violation under this section.

742 b. The director may order the owner of any property from which prohibited
743 discharges are entering any sewer to correct the condition, provided that if the property of
744 the owner lies within a local public agency, the director shall first give written notice of
745 the prohibited discharge to the local public agency, and only if the local public agency
746 fails to correct the condition within ninety days after receipt of the notice, may the
747 director directly order the owner to correct the condition.

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

753 c. Any person who shall damage, destroy or deface any structure,
754 appurtenance, equipment or property of the metropolitan sewerage system shall be fined

755 in an amount not exceeding three hundred dollars, and shall be liable for double the
756 actual cost of restoration or repair or double the actual amount of any irreparable damage.
757

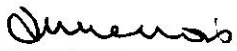
Ordinance 17604 was introduced on 5/6/2013 and passed by the Metropolitan King County Council on 6/10/2013, by the following vote:

Yes: 7 - Mr. Phillips, Mr. Gossett, Ms. Patterson, Ms. Lambert, Mr. Dunn, Mr. McDermott and Mr. Dembowski
No: 0
Excused: 2 - Mr. von Reichbauer and Ms. Hague


KING COUNTY COUNCIL
KING COUNTY, WASHINGTON


Larry Gossett, Chair

ATTEST:


Anne Noris, Clerk of the Council

APPROVED this 10 day of June, 2013.


Dow Constantine, County Executive

Attachments: None