

# **SPOKANE COUNTY**

# SANITARY SEWER ORDINANCE NO. 96-0752

# **Sanitary Sewer Ordinance No. 96-0752**

(September 2007 Printing with Changes 1 – 19 Incorporated)

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### **ORDINANCE NO. 96-0752**

An ordinance relating to the public health and safety, repealing certain chapters in Title 8 of the Spokane County Code (SCC) and implementing a sanitary sewer code in new Chapter 8.03.

Ordinance No. 96-0752, authorized by Board of County Commissioners of Spokane County by Resolution No. 96-0752, is amended and restated to reflect the amendments adopted by the Board by Resolution Nos. 96-1162, 96-1225, 97-0232, 97-0831, 97-1084, 97-1134, 98-0553, 99-0062, 99-1039, 1-0568, 1-1225 and 3-0447, 3-1031, 5-0132, 5-0947, 5-1166, 6-0329, 6-0883, 7-0715 and 7-0905.

### Chapter 8.03

### **SANITARY SEWER CODE**

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### 8.03.0000 CHAPTER

This Chapter may also be referred to as the "Sanitary Sewer Code".

### **ARTICLE 1000 - DEFINITIONS**

### 8.03.1000 Definitions.

These definitions apply to the entire Chapter unless otherwise stated or clearly indicated from the context.

### 8.03.1010 Abbreviations.

The following abbreviations have the designated meanings:

APA - Aquifer Protection Area
BOD - Biochemical Oxygen Demand
CFR - Capital Facilities Rate
COD - Chemical Oxygen Demand

CWMP - Comprehensive Wastewater Management Plan

EPA - U.S. Environmental Protection Agency

ERU - Equivalent Residential Unit GFC - General Facility Charge

Gpd - gallons per day IU - Industrial User

L - Liter

LEL - lower explosive limit

Mg - Milligrams

mg/l - milligrams per liter

NPDES - National Pollutant Discharge Elimination System

O&M - Operations and Maintenance
POTW - Publicly Owned Treatment Works

RCRA - Resource Conservation and Recovery Act

RCW - Revised Code of Washington

SCC - Spokane County Code

SIC - Standard Industrial Classification

SIU - Significant Industrial User

SWDA - Solid Waste Disposal Act (42 USC 6901, et seq.)

TRC - Technical Review Criteria
TSS - Total Suspended Solids

ULID - Utility Local Improvement District

USC - United States Code

WTPC - Wastewater Treatment Plant Charge

### 8.03.1030 Act.

The "Act" means the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended (33 USC 1251 et seq.).

### 8.03.1040 Annual Sewer Construction Program.

Annual Sewer Construction Program shall mean, with respect to any given year, those Sewer Projects listed for the immediate year in the Six-Year Sewer Construction Capital Improvement Program adopted by the Board each year.

### 8.03.1050 Applicable Pretreatment Standard.

The "Applicable Pretreatment Standard" or "Applicable Standard", for any specified Pollutant, is the most stringent of the standards reflected in:

- (1) The Prohibited Discharge Standards, General or Specific Prohibitions [Cross References: Sections 8.03.4040, 8.03.4060];
  - (2) Local Limits (see 8.03.4160 or imposed by the Director);
  - (3) Applicable State Standards; or
  - (4) Categorical Pretreatment Standards [Cross Reference: Section 8.03.4120].

### 8.03.1070 Approval Authority.

"Approval Authority" means the Director of the Washington State Department of Ecology.

### 8.03.1090 Authorized Representative Of The User.

"Authorized Representative of the User" shall mean:

- (1) If the user is a corporation:
- (A) The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or
- (B) The manager of one or more manufacturing, production or operation facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25 million (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
  - (2) If the user is a partnership or sole proprietorship, a general partner or proprietor, respectively.
- (3) If the user is a Federal, State or local governmental facility, a Director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or his/her designee.
- (4) The individuals described in Section (1) through (3) above may designate another authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the Director.

### 8.03.1094 Board.

"Board" means the Board of County Commissioners of Spokane County, Washington.

### 8.03.1110 BOD.

"BOD", denoting biochemical oxygen demand, is the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20 degrees Centigrade, expressed in parts per million by weight or as a concentration (e.g., mg/l).

### 8.03.1130 Building Drain.

"Building Drain" is that part of the lowest piping of a drainage system which receives the discharge from piping inside the walls of a structure or building to a point approximately two (2) feet outside the outer face of a structure, wall or foundation and conveys it to the sewer or an on-site sewage disposal system.\_Generally, the side sewer shall connect to the building drain not the building sewer.

### 8.03.1131 Building Sewer.

"Building Sewer" is that part of drainage piping from the building drain to a sewage container.

### 8.03.1135 Capital Facilities Rate.

The "Capital Facilities Rate" or "CFR" is that portion of the monthly sewer charges for property within an individual Sewer Project that is attributable to the costs of acquiring, constructing and installing the System of Sewerage. The CFR has four components: (1) a component equal to the respective Annual Sewer Construction Program's construction costs (including, but not limited to, the costs of designing, engineering, acquiring, constructing the improvements, any interim financing within each Sewer Project, the County's costs of administering the Sewer Projects, and any Developer Latecomer Reimbursements due for sewer construction within each Sewer Project) that are to be financed; (2) a component equal to all other costs of the respective Annual Sewer Construction Program and GFCs that are to be financed (including, but not limited to, bond issuance costs and debt service reserve account deposits); and (3i) a component representing the interest costs associated with financing the respective Annual Sewer Construction Program and GFCs; and, (4) a GFC component. The CFR components described above will be computed on a "per-ERU" basis.

For so long as the County bills and collects sewer charges on a monthly basis, the monthly CFRs per-ERU for each Annual Sewer Construction Program will be calculated pursuant to the following formula:

$$(A + B + C + D) \div E$$
, where,

"A" represents the construction costs for the Annual Sewer Construction Program less any contribution to such costs made from available County funds, grant proceeds and other sources (as determined by the Director) *divided* by the number of ERUs within the Annual Sewer Construction Program as of the date the CFR is initially calculated (the "construction cost component"):

"B" represents all costs of the Annual Sewer Construction Program other than construction costs (as determined in the previous Section) that are to be financed *divided* by the number of ERUs within the Annual Sewer Construction Program as of the date the CFR is initially calculated (the "bond issuance cost component");

"C" represents the sum of all interest payable to finance the Annual Sewer Construction Program *divided* by the number of ERUs within the Annual Sewer Construction Program as of the date the CFR is initially calculated (the "interest component");

"D" represents the GFCs per ERU allocated within the Annual Sewer Construction Program as of the date the CFR is initially calculated (the "GFC component");

"E" represents the total number of months for the CFR financing period for the respective Annual Sewer Construction Program (240 months).

In determining the number of GFCs and/or ERUs within an Annual Sewer Construction Program, the County may make adjustments to account for potential parcel combinations (aggregations), pre-existing sewer connection/extension agreements, future development of vacant parcels and any other factor that impacts the equitable distribution of the costs of such Annual Sewer Construction Program.

### 8.03.1150 Categorical Pretreatment Standard Or Categorical Standard.

"Categorical Pretreatment Standard" or "Categorical Standard" means any regulation containing pollutant discharge limits promulgated by EPA in accordance with Sections 307 (b) and (c) of the Act (33 USC 1317), which apply to a specific category of users and which appear in 40 Code of Federal Regulations Chapter I, Subchapter N, Parts 405-471. [Cross References: Sections 8.03.4120, 8.03.4500(1)]

### 8.03.1160 Categorical User.

"Categorical User" means a user subject to regulation under a categorical standard. [Cross References: Sections 8.03.1650, 8.03.2130]

### 8.03.1170 Combined Sewer.

"Combined Sewer" is a sewer which conveys any category of wastewater, as permitted by the Director, and performs the functions of both a sanitary and a storm sewer.

### 8.03.1171 Commercial Unit.

"Commercial Unit" means a building or portion thereof not included within the definitions of single-family dwelling unit, duplex or multi-family dwelling unit as defined in this Chapter.

### 8.03.1172 Commercial User.

"Commercial User" means any person, not classified as an Industrial User or Domestic User, doing business solely in the construction, wholesale, retail, finance, insurance, real estate, service or public administration industries and others, as described by the Standard Industrial Classification (SIC).

### 8.03.1174 Commercial User Charge.

"Commercial User Charge" means the charge applied to a commercial user service account for the cost of treating the volume of wastewater from that service account of a standard strength of BOD, SS and P, plus a surcharge or credit for the treatment of wastewater of more or less than standard wastewater strength as determined by wastewater monitoring, from a specific commercial user.

### 8.03.1180 Comprehensive Wastewater Management Plan Implementation Procedures.

The "Comprehensive Wastewater Management Plan Implementation Procedures" (CWMP Implementation Procedures) refers to those procedures adopted by the Division of Utilities to implement and manage those Wastewater Management Policies of a procedural nature in the CWMP.

### 8.03.1190 Composite Sample.

"Composite Sample" means the sample resulting from the combination of individual wastewater samples taken at selected intervals based on an increment of either flow or time.

### 8.03.1192 Day(s).

"Day(s)" mean working day(s) unless otherwise noted.

### 8.03.1210 Director Or POTW Director.

"Director" or "POTW Director" means the Director of the Spokane County Division of Utilities, or his/her designee.

### 8.03.1215 Discharge.

"Discharge" means the quantity of wastewater, sewerage or other liquid material released into the sewage system of the County as determined by:

- (1) Constant metering by the County of actual wastewater flow from a specific property; or
- (2) Water consumption at a specific property as determined by actual metering of water supply from all sources; or
- (3) In accordance with subsection 2 of this Section, as adjusted for sanitary usage by employees and/or consumptive water uses determined not to contribute wastewater loading to the sewage collection and treatment system as measured by methods approved by the Director.

### 8.03.1230 Discharge – Direct, Indirect.

- (a) "Discharge" or "Indirect Discharge" are identical for purposes of this Chapter. Unless otherwise apparent from the context, the term means a release of wastewater, sewage or effluent into the POTW. For purposes of Article 4000, the term does not include releases of wastewater defined as sanitary or domestic sewage in Section 8.03.1770 of this Chapter.
- (b) "Direct Discharge" refers to any release of wastewater, sewage or effluent into the outside environment or natural outlet.

### 8.03.1240 Domestic Wastewater.

"Domestic Wastewater" is wastewater of similar volume or chemical composition that is similar to that typically generated by residential dwelling units. Such wastewater typically includes 0.2 pounds of BOD, and 0.17 pounds of TSS, per 100 gallons, all measured per capita, per day. The term is contrasted with "Industrial Process Wastewater" or "Process Wastewater" described in Section 8.03.1270 of this Chapter, sometimes also referenced as "Non-Domestic Wastewater", and is also distinguished from other categories of wastewater identified in Section 8.03.2150(a) of this Chapter.

### 8.03.1242 Dry Side Sewer.

"Dry Side Sewer" (also referred to as "Double Plumbing") is a sewer service line installed on properties with on-site sewage disposal systems, which will allow for future connection to a public sewer, when the public sewer becomes available. Unless otherwise indicated or approved by the Director, all side sewer requirements shall apply to dry side sewers.

### 8.03.1244 **Dryline Sewer.**

"Dryline Sewer" is a public or private sewer lateral that is intended for future use when authorized by the Director.

### 8.03.1246 **Duplex Unit.**

"Duplex unit" means a building or a portion thereof designed exclusively for residential purposes on a permanent basis as distinguished from a transient basis. It does not include hotels, motels, dormitories or convalescent homes or accessory buildings or structures. It shall consist of one or more rooms designed, occupied or intended for occupancy as separate living quarters by two families living independently of each other within separate dwelling units each having individual entrances, cooking, sleeping and sanitary facilities. It shall exclude single-family dwelling units and multi-family dwelling units. For the purpose of this Chapter, a duplex shall be considered as two single-family residences.

### 8.03.1246 Duplex.

"Duplex" means a building designed, occupied or intended for occupancy as separate living quarters by two families living independently of each other within separate dwelling units, each having individual entrances, cooking, sleeping and sanitary facilities. It shall be designed exclusively for residential purposes on a permanent basis as distinguished from a transient basis. It shall exclude single-family dwelling units, multi-family dwelling units, hotels, motels, dormitories or convalescent homes, or accessory buildings or structures. For the purpose of this Chapter, a duplex shall be considered as two single-family residences.

### 8.03.1247 Equivalent Residential Unit.

"Equivalent Residential Unit" or "ERU" is a unit of equivalency based on the estimated peak residential sewer usage, whereby each ERU is equal to each 800 cubic feet of metered water usage per month. Each single-family residence, mobile home (where two or less occupy the same parcel) and duplex dwelling unit is deemed to represent one ERU. Each multi-family (other than duplexes) dwelling unit is deemed to represent seven-tenths of an ERU. Each commercial unit and manufactured home park is assigned one ERU for each 800 cubic feet of metered water usage per month (rounded to the nearest tenth), except as provided for in Section 8.03.8420(b) of this Chapter. If historical water usage data is not available for a Manufactured Home Park, six-tenths of an ERU will initially be assigned to each unit space within the Park. Once actual water usage data is available for a Manufactured Home Park, the data will be used to determine the need to assign additional ERUs to the Park (Cross Reference: Sections 8.03.8200, 8.03.8220 and 8.03.8420). Each vacant parcel is assigned zero ERUs. Upon development of a vacant parcel, the applicable number of ERU(s) will be calculated in accordance with the developed usage.

### 8.03.1248 General Facilities.

"General Facilities" shall include the capacity purchased by the County in the Regional Wastewater Treatment Plant and outfalls; interceptors and certain trunks and pump stations; interim wastewater treatment facilities operated by Spokane County; and, other primary facilities of the County's general sewerage system needed to achieve the objectives of the County's comprehensive wastewater management plan and identified by the County as general facilities.

### 8.03.1249 General Facilities Charge.

The "General Facilities Charge" or "GFC" shall mean the charge established pursuant to Sections 8.03.8300 through 8.03.8460 of this Chapter.

### 8.03.1250 Grab Sample.

"Grab Sample" means a sample that is taken from wastewater or a wastestream on a one-time basis without regard to the flow in the wastewater or wastestream and without consideration of time.

### 8.03.1260 Health Officer.

"Health Officer" means the Spokane County Health District Health Officer or his/her designee.

### 8.03.1270 Industrial Process Wastewater Or Process Wastewater.

- (a) "Industrial Process Wastewater" or "Process Wastewater" is that category of water carried wastes that, during a manufacturing or commercial processing activity, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, by product, or waste product. [Source: 40 Code of Federal Regulations 401.11(q)]. The term is contrasted with "Domestic Wastewater", described in Section 8.03.1240 of this Chapter, and also distinguished from other categories of wastewater identified in Section 8.03.2150(a) of this Chapter.
- (b) The term includes two subcategories:
- (1) "Manufacturing Process Wastewater" is wastewater of a nature, concentration, or constituency traditionally originating from industrial or manufacturing customers. This generally includes sewage from one or more heavy industrial or manufacturing process sources or industrial cleanup procedures. It includes one process discharges or several commingled process discharges.
- (2) "Non-Manufacturing Process Wastewater" includes all other process wastewater. This generally includes wastewater from business, institutional or commercial customers that generate non-domestic wastewater components derived from a business or commercial process other than manufacturing or heavy industry. Examples of included sources are wastewater from commercial laundries, radiator shops and photo finishers, as well as wastewater from vehicles used for storage or transportation of wastewater, such as septic tank pumpers or haulers.

### 8.03.1272 Industrial User.

"Industrial User" means any person doing business in the agricultural, forestry, fishing, mining, manufacturing, transportation or utility industries and others, as described by the Standard Industrial Classification (SIC).

### 8.03.1274 Industrial User Charge.

"Industrial User Charge" means the charge applied to an industrial user service account for the cost of treating the volume of wastewater from that service account of a standard strength of BOD, SSTs and P, plus a surcharge or credit for the treatment of wastewater or more or less than standard wastewater strength, as determined by wastewater monitoring from a specific industrial user.

### 8.03.1290 Interference.

"Interference" means a discharge which, alone or in conjunction with a discharge or discharges from other sources:

- (1) Inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal;
- (2) Causes or contributes to a violation of the City of Spokane's NPDES permit or prevents sludge use or disposal in compliance with any of the following laws: Section 405 of the Clean Water Act; the Federal Solid Waste Disposal Act (SWDA), including Title II thereof, commonly referred to as the Federal Resource Recovery and Conservation Act (RCRA); any State regulations contained in any State sludge plan prepared pursuant to Subtitle D of the SWDA, the Federal Clean Air Act; the Federal Toxic Substances and Control Act; the Federal Marine Protection, Research, and Sanctuaries Act; or, any more stringent State or local law; or
- (3) Would be designated as or would cause POTW sludge to be designated as "Dangerous Waste" under Chapter 173-303 WAC (Washington State Dangerous Waste Regulations.)

### 8.03.1310 Lateral Or Lateral Sewer.

"Lateral" or "Lateral Sewer" is a sewer to which side or private sewers may be connected from adjacent or vicinal properties. The service area for a lateral is determined by the Director, based upon generally accepted engineering practices and subject to the practice of the Division of Utilities.

### 8.03.1320 Local Limits.

"Local Limits" are provided for in Section 8.03.4160(a). They are specific to the City of Spokane's POTW.

### 8.03.1330 Lower Explosive Limit.

"Lower Explosive Limit" is the lowest concentration of a gas-in-air mixture at which a gas can ignite.

### 8.03.1352 Manufactured Home Park.

"Manufactured Home Park" means any parcel where three or more manufactured homes occupy the same parcel.

### 8.03.1355 Multi-Family Dwelling Unit.

"Multi-family Dwelling Unit" means a building or portion thereof designed exclusively for residential purposes on a permanent basis as distinguished from a transient basis. It does not include hotels, motels, dormitories, convalescent homes or accessory buildings or structures. It shall consist of one or more rooms designed, occupied or intended for occupancy as separate living quarters by three or more families living independently of each other within separate dwelling units each having individual entrances, cooking, sleeping and sanitary facilities. It shall exclude single-family dwelling units and duplex dwelling units, but shall include but not necessarily be limited to multi-family structures of three or more units, triplex, apartments, apartment condominium and flats.

### 8.03.1370 National Pretreatment Standard. [See Section 8.03.1650]

### 8.03.1390 Natural Outlet.

"Natural Outlet" is any outlet into a watercourse, pond, ditch, lake or other body of surface water or groundwater. It does not include connections to the County of Spokane POTW, authorized on-site sewage or stormwater disposal systems, or other authorized sewage disposal mechanisms or systems.

### 8.03.1410 New Source, Existing Source.

- (a) "New Source" is any person who is or may be a categorical user who has commenced operations or construction of a building, structure, facility or installation, after the date of publication of proposed categorical pretreatment standards under Section 307(c) of the Act, which standards will be applicable to such user if thereafter promulgated in accordance with Section 307(c), provided that:
- (1) The building, structure, facility or installation is constructed as a site at which no other user is located;
- (2) The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an Existing Source; or
- (3) The production or wastewater generating processes of the building, structure, facility or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent factors, such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source should be considered.
- (b) For purposes of this definition a person may be a categorical user where, because of the nature of its business or industrial activities, statements or other objective basis, said person appears to become a categorical user. The Director may identify persons subject to this provision.
- (c) Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility or installation meeting the criteria of subsection(a)(2) or (a)(3) of this Section but otherwise alters, replaces or adds to existing process or production equipment.
- (d) Construction of a new source as defined under this Section has commenced at the earliest time a person has:
  - (1) Begun, or caused to begin as part of a continuous on-site construction program:
    - (A) Any placement, assembly or installation of facilities or equipment;
- (B) Significant site preparation work, including clearing, excavation, or removal of existing buildings, structures or facilities, which is necessary for the placement, assembly, or installation of New Source facilities or equipment; or
- (2) Entered into a binding contractual obligation for the purchase of facilities or equipment that are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this Section.
- (e) "Existing Source" means any categorical user other than a new source. This includes a person who becomes a categorical user subsequent to promulgation of an applicable categorical pretreatment standard, unless such user meets the entire definition of a "New Source". [Source: 40 Code of Federal Regulations 403.3(k)] [Cross Reference: Section 8.03.1910]

### 8.03.1420 New User, Existing User.

(a) "New User" means a non-categorical user that applies for a County building permit or who newly occupies any premises and seeks to discharge wastewater into the POTW after the effective date of this Chapter or applicable amendments thereto, the same being 30 days after enactment. Any person that buys an existing premises already engaged in discharging industrial process wastewater as opposed to domestic

wastewater will be considered an "Existing User" if the Director determines no significant changes have been made in the user's operations.

(b) "Existing User" means a non-categorical user other than a new user. [Cross Reference: Section 8.03.1910]

### 8.03.1430 Non-Contact Cooling Water.

"Non-Contact Cooling Water" is that category of wastewater consisting of water used for cooling, generally in an industrial or manufacturing process, which does not come into direct contact with any raw material, intermediate product, waste product or finished product. The term excludes other categories of wastewater identified in Section 8.03.2150(a) of this Chapter.

### 8.03.1450 Non-Standard Strength Sewage.

"Non-Standard Strength Sewage" is wastewater accepted for discharge into the POTW but which does not meet the criteria for acceptance as standard strength sewage, whether because of special characteristics, special treatment requirements, special monitoring, or additional handling as a condition of acceptance. Specific criteria defining this class of wastewater are determined by the Director, in the exercise of sound discretion, considering the purposes set forth in this Chapter, the public health, safety and welfare, and cost and expense to the POTW. The Director may further consider average concentrations of total suspended solids, BOD and phosphorus or other factors, and may include any wastewater determined by the Director to have any of the following characteristics:

- (1) Containing more than 215 milligrams per liter of total suspended solids (TSS);
- (2) Containing more than 260 milligrams per liter of Biochemical Oxygen Demand (BOD); or
- (3) Any other non-standard strength sewage, as defined by statute, ordinance, regulation, or by Director's order. [Cross Reference: Sections 8.03.2150(b), 8.03.3140, 8.03.3240(2)]

### 8.03.1470 NPDES.

"NPDES" refers to the "National Pollutant Discharge Elimination System" permit program administered by the Washington State Department of Ecology.

### 8.03.1490 On-Site Sewage Disposal System.

"On-Site Sewage Disposal System" is any system or combination of piping, treatment, or other facilities that stores, treats, and/or disposes of sewage and effluent on the property where it originates, or on adjacent or nearby property under the ownership of the user of the system or in which the user has a recorded interest for the purpose of maintaining the system on such other property. In general, these include, but are not limited to septic tank disposal systems.

### 8.03.1510 Pass-Through.

"Pass-through" means a discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation). [Source: 40 Code of Federal Regulations 403.3(n)]

### 8.03.1520 Person.

"Person" is an all-inclusive reference to any individual or group, firm, association, partnership, political subdivision, government agency, municipality, industry, public or private corporation, or any other entity.

### 8.03.1530 pH.

"pH" is a measure of the acidity or alkalinity of a solution, expressed in standard units.

### 8.03.1550 Pollutant.

"Pollutant" is any substance proscribed or limited with respect to its introduction into the POTW by Federal or State pretreatment regulatory requirements, or by requirements adopted pursuant to this Chapter reflecting the County's Wastewater Pretreatment Program.

### 8.03.1570 POTW.

"POTW" means a treatment works as defined by Section 212 of the Act, which is owned by a State or municipality (as defined by Section 502(4) of the Act). This definition includes any devices and systems used in the storage, treatment, recycling and reclamation of municipal wastewater or industrial wastes of a liquid nature. It also includes public sewers, pipes and other conveyances only if they convey wastewater to a POTW Treatment plant. The term may also refer to the municipality as defined in Section 502(4) of the Act, which has jurisdiction over the discharges to and from such a treatment works. For purposes of any enforcement work performed by the City under County authorization, the term includes the sewage system of Spokane County as well as the City of Spokane. [Source: 40 Code of Federal Regulations 403.3(o)]

### 8.03.1590 Pretreatment.

"Pretreatment" means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration may be obtained by physical, chemical or biological processes, process changes or by other means, except as prohibited by 40 Code of Federal Regulations 403.6(d) and this Chapter, including subsection (f) of Section 8.03.4120. [Source: 40 Code of Federal Regulations 403.3(q)]

### 8.03.1595 Pretreatment Of Wastes

"Pretreatment of Wastes" means the treatment of wastewater at its source to modify the nature of concentration of constituent pollutants in the wastewater prior to its discharge into the municipal sewer system.

### 8.03.1610 Pretreatment Program

"Pretreatment Program" or "Wastewater Pretreatment Program" is that set of County requirements embodied in this Chapter and the Spokane County Pretreatment Program Handbook, together with regulations, policies, orders and individual permit requirements, and applicable provisions of the Act and Title 40 Code of Federal Regulations relating to pretreatment, monitoring, sampling and conditioning of wastewater prior to discharge into the POTW.

### 8.03.1630 Pretreatment Requirements.

"Pretreatment Requirements" means any substantive or procedural requirement related to pretreatment imposed on a user, other than a pretreatment standard.

### 8.03.1650 Pretreatment Standard Or Standard.

(a) "Pretreatment Standard", "National Pretreatment Standard" or "Standard" means any regulation containing pollutant discharge limits, promulgated by the EPA in accordance with Section 307(b) and (c) of the Act, which applies to users. This term includes prohibited discharge limits established pursuant to 40 Code of Federal Regulations 403.5, categorical pretreatment standards, and Federal standards as identified in this Chapter. [Source: 40 Code of Federal Regulations 403.3(j)]

(b) Sources of pretreatment standards include prohibited discharge standards, categorical pretreatment standards, and local limits, all as may be more specifically set forth in Article 4000 or in rules or regulations promulgated as a part of the County's Pretreatment Program. [Cross References: Section 8.03.1370, 8.03.4160]

### 8.03.1670 Private Pump Station.

"Private Pump Station" is an appurtenance of a side sewer, private sewer, or on-site sewage disposal system, which alone or in conjunction with the side sewer or private sewer, conveys standard strength sewage or effluent by lifting or pumping to another sewer.

### 8.03.1690 Private Sewer.

"Private Sewer" is a sewer not owned or maintained by a public authority.

### 8.03.1710 Private Storm Sewer.

"Private Storm Sewer" is a storm sewer not owned or maintained by a public authority and connected to a public sewer or discharged into a natural outlet.

### 8.03.1715 Process Wastewater Loading.

"Process Wastewater Loading" means:

- (1) All wastewater from an industrial user that exceeds the upper limits of constituent pollutants: BOD, suspended solids or phosphorus, established for standard wastewater strength; and
  - (2) All standard strength wastewaters from the industrial process of an industrial user.

### 8.03.1730 Prohibited Discharge Standards Or Prohibited Discharges.

"Prohibited Discharge Standards" or "Prohibited Discharges" means absolute prohibitions against the discharge of certain substances. For purposes of this Chapter, these prohibitions appear in Sections 8.03.4040 and 8.03.4060 of this Chapter.

### 8.03.1750 Public Sewer.

"Public Sewer" is a sewer owned or controlled and maintained by a public authority. The term includes any publicly controlled and maintained sanitary or other, storm or combined sewers. It does not include side sewers, side sewer stubs after connection to the sewer, or private sewers. [Cross Reference: Section 8.03.1790]

### 8.03.1760 Reduced Rate Residence.

"Reduced Rate Residence" is a single-family dwelling unit or a duplex dwelling unit that is the primary residence of a qualifying low-income senior or disabled property owner (see Section 8.03.8525) and, as such, is billed Sewer Service Fees at the reduced rate reflected in Section 8.03.8520.

### 8.03.1770 Sanitary Sewage.

"Sanitary Sewage" is redefined as "Domestic Wastewater" in Section 8.03.1240.

### 8.03.1790 Sanitary Sewer.

"Sanitary Sewer" is a sewer that conveys sanitary sewage. Additionally, the term is also applied to any public sewer except a storm sewer.

### 8.03.1810 Sewage.

"Sewage" is a combination of the water carried wastes from domestic, business, commercial, industrial or manufacturing sources, including residences, business buildings, institutions and industrial establishments. Sewage also includes surface water and stormwater when discharged into a sewer.

### 8.03.1830 Sewer.

"Sewer" is a pipe, conduit, structure, or appurtenance for conveying sewage. These definitions further identify this term according to who owns or maintains the sewer: private sewer, private storm sewer, side sewer, or special side sewer, as opposed to public sewers. In general, public sewers are also subdivided according to what they convey: sanitary sewer, storm sewer, and combined sewer. The term sewer also includes any dryline sewer.

### 8.03.1832 Sewer Project.

The phrase "Sewer Project" refers to a geographic area designated by the Board to receive public sewer improvements that will be financed by or through the County. Such public sewer improvements may have been constructed via the Utility Local Improvement District process, Capital Facilities Rate financing process, a Developer Extension Agreement or other financing mechanism.

### 8.03.1833 Sewer Service Boundary.

"Sewer Service Boundary" is that area within the Urban Growth Area (UGA) within Spokane County that the County owns or controls and maintains a public sewer or the County is identified as the sewer purveyor within the Comprehensive Wastewater Management Plan.

### 8.03.1834 Sewer Service Fee.

The "Sewer Service Fee" is a fee charged all properties connected to the System of Sewerage for purposes of defraying the costs of operating, maintaining and repairing the System of Sewerage. The WTPC is a component of the Sewer Service Fee.

### 8.03.1835 Sewer Standards Handbook.

"Sewer Standards Handbook" refers to the "Spokane County Standards for Road and Sewer Construction" which details proper controls for design, inspection and construction of sewer systems in conformance with this Chapter. The standards may contain specifications relative to materials, design, construction, procedure, policy, inspection, backfilling and responsibilities in sewer installations. [Cross Reference: Section 8.03.6220]

### 8.03.1850 [Reserved]

### 8.03.1870 Side Sewer.

"Side Sewer" is a sewer, not directly controlled or maintained by a public authority, which begins approximately two (2) feet outside the outer face of a structure wall or foundation, conveying wastewater from the building(s) drain(s) to a public sewer or private sewer. The term side sewer also includes any double plumbing dry side sewer and temporary sewer connections. The property owner is responsible for the maintenance and repair of the entire side sewer, including the portions located within the public right-of-way.

### 8.03.1890 Side Sewer Stub.

"Side Sewer Stub" is that portion of a side sewer, located between the public sewer line and a point near the property line of the premises to be served. After connection has been made to the premises, the side sewer stub shall become part of a side sewer and shall be maintained by the property owner to the point of entry into the public sewer.

### 8.03.1910 Significant Industrial User.

"Significant Industrial User" means:

- (1) All users subject to categorical pretreatment standards, also referenced as a "categorical user";
- (2) Any other user, also referenced as "non-categorical user", that:
- (A) Discharges an average of 25,000 gallons per day or more of process wastewater to the POTW, excluding sanitary sewage, non-contact cooling water and boiler blowdown wastewater. As used here, "boiler blowdown water" means specially treated water to render it suitable for use inside high-pressure boilers:
- (B) Contributes process wastewater which makes up five percent (5%) or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or
- (C) Is designated as such by the Director on the basis that the user has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement (in accordance with this Chapter or 40 Code of Federal Regulations 403.8(f)(6)); and
- (D) Any user so designated by this Chapter, or by regulation or order of the Director, considering pollutant characteristics, the concentration or mass loading limits established by Federal or State standards or by standards locally developed to address POTW or environmental conditions. [Source: 40 Code of Federal Regulations 403.3(t)]; and/or
- (3) A user may be both a categorical and a non-categorical user, and shall comply with any respective provisions, as may apply. For purposes of definition, "categorical users" are further broken down into classifications of "new source" or "existing source", as defined in Section 8.03.1410 of this Chapter. "Non-categorical users" are broken down into classifications of "new user" or "existing user" as defined in Section 8.03.1420 of this Chapter. [Source: 40 Code of Federal Regulations 403.3(t)]

### 8.03.1915 Single-Family Dwelling Unit.

"Single-Family Dwelling Unit" means a building or a portion thereof designed exclusively for residential purposes on a permanent basis as distinguished from a transient basis. It does not include hotels, motels, dormitories or convalescent homes or accessory buildings or structures. It shall consist of one or more rooms designed, occupied or intended for occupancy as separate living quarters with an individual entrance, cooking, sleeping and sanitary facilities provided within a dwelling unit for the exclusive use of one family maintaining a household.

### 8.03.1930 Slugload.

"Slugload" means:

- (1) Any discharge at a flow rate or concentration which could cause a violation of the Prohibited Discharge Standards in this Chapter; or
- (2) Any discharge not of a routine, regular, or episodic nature, including but not limited to an accidental spill or a non-customary batch discharge.

### 8.03.1945 Special Connection Charge.

The "Special Connection Charge" is a connection charge to be collected by the County under 8.03.8280. The Special Connection Charge is a charge equal to the product of A x B, where:

"A" represents the "construction cost component" (as defined in Section 8.03.1135) of the CFR for the year that the Sewer Connection Permit is issued; and

"B" represents the total number of ERUs allocated by the County to the parcel connecting to such improvements.

### 8.03.1950 Special Side Sewer.

"Special Side Sewer" is a side sewer connected to a lateral or other public or private sewer that is outside the normal service area of said sewer as determined by the Director. Unless otherwise indicated or required by the context, all side sewer requirements shall apply to special side sewers.

### 8.03.1970 Standard Strength Sewage.

"Standard Strength Sewage" is wastewater which complies with specifications designated by the Director, County resolution, or this Chapter as not requiring special treatment, monitoring or additional handling prior to acceptance by the POTW, considering chemical, physical, and organic content, including but not limited to BOD, suspended solids and phosphorus. The definition of Standard Strength Sewage may be adjusted by Spokane County by resolution. [Cross Reference: Section 8.03.2150(b)]

### 8.03.1990 Stormwater.

"Stormwater" is that category of wastewater consisting of flows occurring during or following any form of natural precipitation, and resulting from such precipitation, including snow melt. This includes but is not limited to flows discharged from roof, yard, footing, springs, pools and storm drains of any type. The term is distinguished from other categories of wastewater identified in Section 8.03.2150(a).

### 8.03.2010 Storm Sewer Or Storm Drain.

"Storm Sewer" or "Storm Drain" is a sewer that conveys stormwater.

### 8.03.2030 Suspended Solids.

"Suspended Solids" means the total suspended matter that floats on the surface of or is suspended in water, wastewater, or other liquid, and which is removable by laboratory filtering.

### 8.03.2050 System Of Sewerage.

"System of Sewerage" is the system of sewers, outfalls, works, plants and facilities for wastewater collection, treatment and disposal, or any and all such facilities of the County used or dedicated to provide public sewer service.

### 8.03.2055 Temporary Sewer Connections.

"Temporary Sewer Connections" are sewer connections for structures such as temporary offices at a construction site. [Cross Reference: Section 8.03.7020]

### 8.03.2070 Total Solids.

"Total Solids" are all matter that can be removed by total evaporation as contained in the manual of "Standard Methods", under total residue.

### 8.03.2090 Twenty-Four Hour Flow Proportional Composite Sample.

"Twenty-Four Hour Flow Proportional Composite Sample" is a composite sample, taken over a period of 24 hours, in which the size and numbers of the individual samples in the composite reflect the discharge rate at the time each individual sample is taken.

### 8.03.2110 Upset.

"Upset" means an exceptional incident in which there is unintentional and temporary non-compliance with categorical pretreatment standards because of factors beyond the reasonable control of the user. An upset does not include non-compliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

### 8.03.2112 Urban Growth Area.

The "Urban Growth Area" (UGA) is that area designated as urban in Spokane County's Comprehensive Plan in accordance with the Growth Management Act. The UGA will be provided urban levels of service, such as centralized wastewater collection and treatment.

The County will not provide wastewater services to areas outside the UGA, except as follows:

- (1) In response to an immediate threat to public health or safety;
- (2) When necessary for the protection of aquifers designated pursuant to RCW 36.70A.170;
- (3) Vested development that is required to be served with sanitary sewer as a condition of development approval;
- (4) To maintain existing levels of service in existing urban or suburban developments; or
- (5) To structures on parcels that are immediately adjacent to the UGA boundary where public sewer is available.

### 8.03.2115 User Charge.

- (a) "User Charge" means the charge required to cover the costs of collection and treatment of wastewaters discharged to the Spokane Wastewater Treatment System, including treatment of the wastewater to remove suspended solids, biochemical oxygen demand and phosphorus, as necessary to meet the standards established under State and Federal law for municipal sewage effluent, as set forth in the City of Spokane's NPDES Wastewater Disposal Permit, and the costs for the disposal of treated wastewater and any residuals.
- (b) The user charge rates, as set forth in Article 8000, shall be reviewed and may be adjusted by the Director, subject to the approval of the Board, to accurately reflect the costs for treating each unit volume of wastewater and unit quantity of the above constituents, as necessary to comply with the requirements of the City of Spokane's NPDES Wastewater Discharge Permit.
- (c) The user charge will consist of a charge calculated, by the Director, for the treatment and disposal of discharges of standard wastewater strength, plus a surcharge or credit to be applied to commercial and industrial user sewer service accounts based upon the quality of the above constituent pollutants. The amount of the surcharge shall be determined by an analysis, by the Director, of the wastewater being discharged by specific commercial and industrial users.

### 8.03.2130 User Or Industrial User.

										_
(a) "User" as indirect	or "Industrial discharge.	User"	means any	person	who is a	source of	f discharge,	also som	etimes i	referenced

(b) "Categorical User" and "Non-Categorical User" are subgroups within the definition of "significant industrial user" in Section 8.03.1910. [Source: 40 Code of Federal Regulations 403.3(b) and (h)] [Cross References: Sections 8.03.1230, 8.03.1410, 8.03.1420]

### 8.03.2150 Wastewater.

- (a) "Wastewater" includes anything released into the POTW and generally includes water carried wastes from domestic, business, commercial, manufacturing or industrial sources. For purposes of reference, four categories of wastewater, based on its generic source, are identified in usage:
- (1) "Sanitary Sewage", defined in Section 8.03.1770 as redefined under "domestic wastewater" in Section 8.03.1240;
  - (2) "Stormwater", defined in Section 8.03.1990;
  - (3) "Industrial Process Wastewater" or "Process Wastewater", defined in Section 8.03.1270; and
  - (4) "Non-Contact Cooling Water", defined in Section 8.03.1430.
- (b) Additionally, "Wastewater" is divided into two general classes for purposes of rates and treatment requirements:
  - (1) "Standard Strength Sewage", defined in Section 8.03.1970; and
  - (2) "Non-Standard Strength Sewage", defined in Section 8.03.1450.
- (c) "Domestic Wastewater" is identified in Section 8.03.1240.

### 8.03.2152 Wastewater Loading.

"Wastewater Loading" means the volume of wastewater flow and its constituent pollutants including five-day biochemical oxygen demand, suspended solids and total phosphorus.

### 8.03.2153 Wastewater Treatment Plant Charge.

The "Wastewater Treatment Plant Charge" or "WTPC" is a component of the Sewer Service Fee to be used to pay (and establish a reserve) for the costs associated with repairing and otherwise upgrading the Regional Wastewater Treatment Plant and the interceptors within the System of Sewerage.

### 8.03.2154 Wastewater Treatment System.

"Wastewater Treatment System" means and includes the system of sanitary or combined sewers, outfalls, treatment works, equipment, facilities and land owned and utilized by Spokane County for sewage treatment and disposal, or any and all such facilities.

### 8.03.2156 Water Purveyor.

"Water Purveyor" is the utility that provides water service within a defined service area as described in the Coordinated Water System Plan in accordance with RCW 70.116.

### **ARTICLE 3000 - GENERAL REQUIREMENTS**

### 8.03.3020 Mandatory Sewer Service – No Rights Created.

- (a) No wastewater, except stormwater, shall be directly discharged into a natural outlet within Spokane County. All wastewater, sewage, wastes and waters generated in Spokane County, except stormwater, must be discharged into the POTW of Spokane County and/or into on-site sewage disposal systems as authorized by the Health District, Washington State Department of Ecology or Washington State Department of Health, as applicable. This obligation applies to the owner of the premises and to persons in possession, charge, or control of the premises where prohibited discharges either originate or occur. [Cross Reference: Section 8.03.3160]
- (b) This Chapter shall not create rights for any individual or group to require construction of public sewers, connection thereto, or otherwise to receive sewer service from Spokane County. The County reserves all rights to deny, limit, or curtail service.

### 8.03.3040 On-Site Sewage Disposal Systems – Policy To Limit.

- (a) It is the policy and intent of Spokane County, the City of Spokane, the Spokane County Health District and various other agencies of the State and Federal governments that on-site sewage disposal be limited and discouraged, and, except where specifically authorized by permit regulations, prohibited in all areas and that all sewage be discharged into the POTW.
- (b) No on-site sewage disposal system requiring a permit from the Spokane County Health District, Washington State Department of Ecology or Washington State Department of Health may be constructed, altered, used or maintained without a written permit from the cognizant Health Officer certifying that it meets the requirements of the cognizant agency. On-site sewage disposal systems to be operated and maintained by Spokane County must also meet the requirements of the Director and this Chapter.
- (c) An on-site sewage disposal system is not permitted when:
  - (1) Public sewer service is available, as defined in subsection (d) below;
  - (2) For any premises occupied by a significant industrial user; or
  - (3) The public health or safety would be adversely affected.
- (d) For purposes of this Section, public sewer service is deemed "available" when determined by the Director and:
- (1) A street, highway, alley or easement in which a public sewer is located runs within any point 200 feet or less from the boundaries of the premises concerned and the Director determines that such connection is feasible; or
- (2) A street, highway, alley or easement in which a public sewer is located runs within a distance greater than 200 feet from the boundaries of the premises, the anticipated sewage flow from the premises is greater than 1,000 gallons per day and the Director determines that such connection is feasible;
- (e) Every owner, agent or occupant of any property constructing, using or maintaining an on-site sewage disposal system after public sewer service becomes available, shall discontinue use of the on-site facility and connect to the POTW, through the County's general sewerage system and in the manner specified in Section 8.03.3060, upon the earlier of:
- (1) The time the on-site system fails, or requires repair or replacement, as determined by the Health Officer; or

- (2) Within one (1) year after public sewer service became available. The Director may extend the one-vear time frame for good cause. [Cross Reference: Section 8.03.3060(d)]
- (f) Upon the connection to the County's general sewerage system or the end of the connection period established by the Director in accordance with Section(e)(2) of this Section, whichever is earlier, the owner, agent, or occupant shall pay the applicable Special Connection Charge and commence payment of monthly sewer service fees and applicable General Facility Charges. Special Connection Charges and/or monthly sewer service fees bills shall be subject to lien payable upon sale of the real property. [Cross Reference: Section 8.03.9040]
- (g) Public sewer as used in this Section means a sewer comprising part of the Spokane County General Sewerage System and not an interim public sewer.

### 8.03.3060 Proper Connection Of All Premises.

- (a) Every owner, agent, or occupant of any structure or premises used for human occupancy, employment, recreation, or other purposes requiring sanitary facilities, or when the Director or Health Officer so orders, shall construct or cause to be constructed all necessary sanitary facilities and a proper and sufficient sewer for connection to the public sewer, in accord with Spokane County requirements, unless specifically exempted therefrom in writing by the Director or Health Officer.
- (b) A separate and independent side sewer shall be provided for each parcel of land, except as authorized by the Director.
- (c) The side sewer provided shall connect the building, structure or property, and all toilets, commercial grease interceptors, oil/water separators, sand traps, pipes and fixtures therein used as a receptacle of or conductor of wastewater, to the public sewer. All drywells, cesspools, septic tanks or other on-site sewage disposal facilities shall be bypassed, and such facilities shall be removed or abandoned according to Spokane County Health District and Spokane County Division of Utilities regulations and/or standards. (Cross References: Sections 8.03.1835, 8.03.6220)

### 8.03.3080 Private Sewer To Serve Only One Parcel – Easements.

- (a) As an additional condition of allowing connection of a private sewer, the property owner may be required to execute and record at her/his expense an easement appurtenant to and for the benefit of premises crossed by a private sewer. Said easement shall be in a form approved by the Prosecuting Attorney. It shall run with the land and allow perpetual access to said private sewer through all premises crossed. Grantors of property crossed by a private sewer shall mutually covenant to maintain said sewer for the use and enjoyment of all premises crossed or affected, as determined by the Director.
- (b) Said easement shall not be subject to revocation without the written approval of the Director. The County shall have no maintenance or repair obligations for said private sewer, and shall be held harmless from any liabilities or damages involving the private sewer. The County shall not be responsible for ensuring that the private sewer is contained within the limits of the easement.

### 8.03.3100 Multiple Dwelling Units – Owner, Occupant Duties.

- (a) Every owner, agent, and/or person in possession, charge, or control of any hotel, motel, mobile home park, condominium, apartment house, or other multiple dwelling unit arrangement shall furnish adequate means of disposing of wastewater originating from the premises, as are approved by the Director. This Section is supplemental to authority that may be exercised by other County officials.
- (b) In cases of hotels, motels, mobile home parks, condominiums, apartment houses, other multiple dwelling unit arrangements, or any other areas the Director deems to require public sewer service, the Director may require multiple tenants or the property owners to appoint an agent or agents responsible and accountable to the County for making payment for public sewer service whenever multiple billings are deemed unreliable or inconvenient. Failure of an agent to discharge any duty imposed by this Section shall not relieve any property owner, tenant, occupant, customer or any other person of any legal obligation imposed herein and the County reserves all rights and remedies at contract and law.

### 8.03.3120 Disorders On Private Premises – Prompt Repair.

- (a) When any sewer, pipe, drain, or on-site sewage disposal system located on private premises becomes obstructed, broken, out-of-order, or otherwise inoperative, the Health Officer or the Director shall, if the owner of such private facilities or his/her agent fails to correct the problem after two (2) days notice to do so, and upon a determination by the Health Officer that the public health and safety is or could be endangered thereby, cause such sewer to be removed, reconstructed, repaired, pumped, altered, or cleansed, as he may deem expedient, at the expense of the owner of such private facilities as aforesaid. No notice is necessary in cases of imminent danger to the public health and safety.
- (b) Said broken, obstructed, out-of-order, or otherwise inoperative sewers, pipes, or on-site sewage disposal systems are declared public nuisances which may be summarily abated at the sole expense of the premises owner and/or responsible persons, notwithstanding any other provision of this Chapter.

### 8.03.3140 Non-Standard Strength Sewage – Special Arrangements.

- (a) Non-standard strength sewage shall be made to conform to standard strength sewage, consistent with the requirements of this Chapter prior to discharge into the POTW, at the generator or source's sole expense and liability.
- (b) The Director may, however, by special agreement or arrangement, accept Non-Standard Strength Sewage, subject to additional charges and terms as the Director deems appropriate.

### 8.03.3160 Duty Imposed – Who Is Responsible.

- (a) Whenever this Chapter imposes a duty on any identified person, party, or permit holder, said duty or obligation is imposed on said person, party or permit holder's successors in interest, in addition, but not by way of limitation.
- (b) When this Chapter imposes a duty or prohibition upon a customer, user, or other responsible party, said duty or prohibition applies in addition, and not by way of limitation, upon the owner of the realty upon which the wastewater source is located and upon all executive officers, managing agents and other persons in charge of the industrial or other facility generating the discharge.

### 8.03.3180 Unlawful Disposal Of Sewage.

- (a) Except as authorized by this Chapter, no person may dispose of sewage, water carried wastes or polluted waters.
- (b) Sanitary sewage shall be disposed of only into a sanitary or combined sewer, with proper payment of all fees or charges therefore, or to an authorized on-site sewage disposal system.

(c) Industrial process wastewater and non-contact cooling water shall be disposed of only into a sanitary or combined sewer, or other sewer or place approved by the Director, with proper payment of all fees or charges therefore. [Cross Reference: Section 8.03.9160]

### 8.03.3200 Prohibited Uses Of Sanitary Sewer.

- (a) No person may discharge or cause to be discharged any storm sewage or stormwater into a sanitary sewer. [Cross Reference: Section 8.03.9160]
- (b) It shall be unlawful to pump out sewage containers into a sanitary sewer.

### 8.03.3220 Use Of Storm Sewers. Combined Sewers. Natural Outlets.

Except as hereafter provided, no person may discharge or cause to be discharged any wastewater, except stormwaters, into a storm sewer. Additionally, notwithstanding the foregoing, non-contact cooling water or other wastewater (some unpolluted industrial process wastewaters) may be discharged upon approval of the Director and the Washington State Department of Ecology to a storm sewer, combined sewer, or natural outlet. Any such discharges shall not cross over a public walk or way. [Cross Reference: Section 8.03.9160]

### 8.03.3240 Prohibited Uses – Public Sewers.

Absolute prohibited uses of a public sewer are set forth in 8.03.4040 and 8.03.4060. In addition to these requirements, no person shall, directly or indirectly discharge or suffer or permit a discharge into any public sewer any of the following without previous written authorization from the Director and payment of all required fees and charges therefore:

- (1) The contents of any tank or container owned or used by any person in the business of pumping, collecting, transporting or receiving sewage, effluent, septage, or other waste substances unless said person has obtained prior testing and written consent, as required by the Director, and paid all fees assessed for such discharge; or
  - (2) Any non-standard strength sewage. [Cross References: Sections 8.03.1450, 8.03.9160]

### 8.03.3260 Obstructing Sewer Prohibited.

No person may deposit any garbage, rubbish, dead animal or any substance having a tendency to obstruct the flow of the sewer, in any sewer, access portal, manhole, lamphole, flush tank or sewer opening. [Cross Reference: Section 8.03.9160]

### 8.03.3280 Breaking Structures, Appurtenances Prohibited.

No person may break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is part of the POTW, including, but not limited to, any portal, manhole, lamphole, catch basin, pump station, power source, supporting structures or substrate, or any part whatsoever of a public sewer. [Cross Reference: Section 8.03.9160]

### 8.03.3300 Unauthorized Connection To Public Sewers.

No unauthorized person may uncover, make any connection with, open into, use, alter, damage, or disturb any public sewer or appurtenance thereof without first obtaining written permission from the Director, obtaining permits as required by this Chapter, and paying fees therefore. [Cross Reference: Section 8.03.9160]

### **ARTICLE 4000 - PRETREATMENT**

Part One: General Pretreatment Provisions

### 8.03.4020 Objectives – Application.

- (a) This Chapter establishes a wastewater pretreatment regulatory program for Spokane County, consisting of requirements for POTW users and enables the County and the City of Spokane to comply with State and Federal laws, including the Clean Water Act (33 USC 1251 et seq.) and the General Pretreatment Regulations (40 Code of Federal Regulations Part 403). The objectives of this Chapter are to:
- (1) Prevent the introduction of pollutants into the POTW that will interfere with the operation of the POTW:
- (2) Prevent the introduction of pollutants into the POTW that will pass-through the POTW, inadequately treated, into receiving waters or otherwise be incompatible with the POTW;
- (3) Ensure that the quality of the POTW sludge is maintained at a level that allows its use and disposal in compliance with applicable statutes and regulations;
- (4) Protect POTW personnel who may be affected by wastewater and sludge in the course of their employment and to protect the general public;
  - (5) Improve the opportunity to recycle and reclaim wastewater and sludge from the POTW;
- (6) Provide for fees for the equitable distribution of the cost of operation, maintenance, and improvement of the POTW; and
- (7) Enable the City of Spokane to comply with its NPDES permit conditions, sludge use and disposal requirements, and any other Federal or State laws to which the POTW is subject.
- (b) This Chapter applies to all persons, customers or POTW users, including Federal, State or local governmental entities or agencies. It provides for the issuance of Wastewater Discharge Permits; authorizes monitoring, compliance, and enforcement activities; establishes administrative review procedures; requires user reporting; and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

### 8.03.4040 Prohibited Discharge Standards – General Prohibitions.

No person shall introduce or cause to be introduced into the POTW any substance which:

- (1) Causes pass-through or interference:
- (2) Interferes with, inhibits or disrupts safe and efficient functions of the POTW, including its treatment process and operational safety;
  - (3) Adversely affects the POTW's physical, biological, chemical or radiological status;
  - (4) Is a cause of any violation of the City of Spokane's NPDES permit limitations;
  - (5) Prevents or interferes with a County or City of Spokane selected sludge use or disposal program;
- (6) Consists of or contains dangerous wastes, as defined in 173-303 WAC, unless excluded pursuant to 173-303-071(3)(a) WAC; or

(7) Creates, proximately causes or poses a risk of any adverse impact upon the environment or upon human health or safety. [Cross Reference: Section 8.03.3240]

### 8.03.4060 Prohibited Discharge Standards – Specific Prohibitions.

No person shall introduce or cause to be introduced into the POTW the following:

- (1) Any substance which alone or by interaction with another substance, causes or tends to cause a fire, explosion, or physical or chemical injury to the POTW, plant operations or processes or plant personnel. Prohibited substances shall include, but are not limited to, wastestreams with a closed cup flash point of less than 140 degrees Fahrenheit or 60 degrees Centigrade using the test methods specified in 40 Code of Federal Regulations 261.21. Such substances shall further include, but not be limited to:
  - (A) Alcohol,
  - (B) Aldehyde,
  - (C) Benzene,
  - (D) Bromate,
  - (E) Carbide,
  - (F) Chlorate,
  - (G) Ether,
  - (H) Gasoline
  - (I) Hydride,
  - (J) Kerosene.
  - (K) Ketone,
  - (L) Naphtha,
  - (M) Perchlorate,
  - (N) Peroxide,
  - (O) Sulfide,
  - (P) Toluene,
  - (Q) Xylene, or
- (R) Any other substance which the County, the Washington State Department of Ecology, or the EPA has notified the user is a fire hazard or hazard to the POTW;
- (2) Any substance having corrosive properties capable of causing damage or hazard to structures, equipment, or personnel of the POTW, but in no case wastewater with a pH lower than 5.0 or greater than 12.0:
- (3) Substances not adequately shredded or treated sufficiently to allow easy passage of wastewater flows through a public sewer;
- (4) Any substance, including oxygen demanding materials (BOD, etc.), released in wastewater at a flow rate and/or concentration which will cause interference with the POTW;
- (5) Wastewater heated to a level that will inhibit biological activity in the POTW resulting in interference, but in no case, wastewater which causes or creates a temperature at the point of entry at the POTW Treatment Plant exceeding 40 degrees Celsius (104 degrees Fahrenheit);
- (6) Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass-through;
- (7) Substances that cause, create or result in the presence of toxic gases, vapors, or fumes within the POTW presenting immediate risk to County or City of Spokane personnel health and safety;
  - (8) Any trucked or hauled substances, except at discharge points designated by the POTW;

- (9) Substances that exceed the local limits, as provided in Section 8.03.4160, or would be designated as "Dangerous Waste" under 173-303 WAC, Washington State Dangerous Waste Regulations;
- (10) Any substance, which because of a solid or viscous character, amount, or other reasons, may cause or contribute to obstruction of wastewater flows at any point in the POTW or result in interference;
- (11) Any toxic, noxious or malodorous substance in sufficient quantity to create a public nuisance or health hazard, or render the operation, maintenance or repair of any part of the POTW hazardous or unsafe;
- (12) Any substance causing the POTW effluent, sludge or by-product to be unsuitable for safe and lawful environmental release, disposal, recycling, reclamation or other use, or which would make such release, disposal, recycling, reclamation or other use more difficult or costly;
  - (13) Any substance that imparts color to the POTW effluent under the following test:
- (A) Color, as a factor of turbidity, shall not cause the POTW effluent to reduce the depth of the compensation point for photosynthetic activity by more than 10 percent of the seasonably established norm for aquatic life; or
  - (B) So to cause a violation of the City's NPDES permit;
  - (14) Slugload;
- (15) Wastewater containing any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Director in compliance with applicable Federal, State, or other governmental agency regulations;
- (16) Pollutants above either concentration or mass loading limits established by Federal or State standards; or
- (17) Other substances, including unpolluted water and non-contact cooling water, as may be determined by the Director in the exercise of reasonable discretion, in consideration of the objectives of the Pretreatment Program.
- (18) The Director shall have the authority to specify by regulation or order specific Local Limits consistent with or more stringent than 40 Code of Federal Regulations 403.5(c) and (d). [Cross Reference: Section 8.03.3240]

# 8.03.4080 Prohibited Discharge Standards – Prevention – To Whom Apply.

- (a) Prevention. Pollutants, substances or wastewater prohibited under Sections 8.03.4040 and 8.03.4060 shall not be processed, stored or accumulated to create a discharge or risk of discharge into the POTW.
- (b) Application. Sections 8.03.4040 and 8.03.4060 apply to all persons, regardless of whether they are also subject to categorical pretreatment standards or any other Federal, State or local pretreatment standards or requirements.

#### 8.03.4100 Prohibited Discharge Standards – Affirmative Defenses.

A user shall have an affirmative defense in any action brought against it alleging a violation of the Prohibited Discharges in Sections 8.03.4040 and 8.03.4060 subsection (3) through (7) where the user can demonstrate that it did not know or have reason to know that its discharge, alone or in conjunction with a discharge or discharges from other sources, would cause pass-through or interference; and

(1) A local limit designed to prevent pass-through and/or interference, as the case may be, was developed in accordance with 40 Code of Federal Regulations 403.5.C for each pollutant in the user's

discharge that caused pass-through or interference, and the user was in compliance with each such local limit directly prior to and during the pass-through or interference; or

(2) If a local limit designed to prevent pass-through and/or interference, as the case may be, has not been developed in accordance with 40 Code of Federal Regulations 403.5.C of the pollutant(s) that caused the pass-through or interference, the user's discharge directly prior to and during the pass-through or interference did not change substantially in nature or constituents from the user's prior discharge activity when the POTW was regularly in compliance with the POTW's NPDES permit requirements and, in the case of interference, applicable requirements for sewage sludge use or disposal.

# 8.03.4120 Categorical Pretreatment Standards.

- (a) The categorical pretreatment standards found at 40 Code of Federal Regulations Chapter I, Subchapter N, Parts 405-471 are adopted and incorporated herein by reference as if fully set forth, as now or hereafter amended or revised. These standards specify limitations of quantities or concentrations of substances (pollutants) or substance (pollutant) properties which may be released into the POTW by new or existing sources in specific industrial categories listed in this Chapter, 40 Code of Federal Regulations 403.6 and 40 Code of Federal Regulations Chapter I, Subchapter N.
- (b) When a categorical pretreatment standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the Director may impose equivalent concentration or mass limits in accordance with 40 Code of Federal Regulations 403.6(c).
- (c) When wastewater subject to a categorical pretreatment standard is mixed with wastewater not subject to the same standard, the Director may impose an alternate limit using the combined wastestream formula in 40 Code of Federal Regulations 403.6(e).
- (d) A user may obtain a variance from a Categorical Pretreatment Standard if the user shows, in accordance with procedural and substantive provisions of 40 Code of Federal Regulations 403.13, and considering the objectives of the County's Pretreatment Program and any evidence presented, that factors relating to the particular user's discharge are fundamentally different from factors considered by the EPA in developing that particular Categorical Pretreatment Standard. Such requests must be directed to the Washington State Department of Ecology, Water Quality Program Director, and granted consistent with 40 Code of Federal Regulations 403.13(g).
- (e) A user may obtain a net gross adjustment to a categorical pretreatment standard in accordance with 40 Code of Federal Regulations 403.15.
- (f) No user may increase the use of potable water or process water in any way, or mix separate waste streams, for the purpose of diluting a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the applicable pretreatment standards. [Cross Reference: Section 8.03.1590]
- (g) The Director may impose mass limitations on users using dilution to meet pretreatment standards and in other appropriate cases. [Cross Reference: Section 8.03.1150]

#### 8.03.4140 Categorical Violations – Upset Affirmative Defense.

- (a) Effect of an Upset. An upset shall constitute an affirmative defense to an action brought for non-compliance with applicable pretreatment standards if the user can demonstrate, through proper documentation such as signed and verified contemporaneous operating logs or other reliable evidence that:
  - (1) An upset occurred and its cause can be identified;
- (2) At the time of the upset, the user's facility was operated in a prudent and workmanlike manner and in compliance with applicable operation and maintenance procedures; and

- (3) Within 24 hours of becoming aware of the upset, the user orally advised the POTW, with a written report of the event within five (5) days, as follows:
  - (A) Provides a description of the discharge and cause of non-compliance;
- (B) States the period of non-compliance, including exact dates and times or, if not corrected, the anticipated time the non-compliance is expected to continue; and
- (C) Describes the steps being taken or planned to reduce, eliminate and prevent a recurrence of the non-compliance.
- (b) Burden of proof. In any enforcement proceeding, the party seeking to establish the occurrence of an upset shall have the burden of proof.
- (c) Limitations on review of Director's decision on a claim of upset. In the exercise of sound discretion, the Director reviews any claims that non-compliance was caused by an upset. No Director decision made in the course of the review shall constitute a final action subject to any further appeal or review. Further review or appeal from an adverse Director decision of a claim of upset may occur only in an enforcement action brought for non-compliance with applicable pretreatment standards.
- (d) User responsibility in case of upset. The user shall control production or all discharges to the extent necessary to maintain compliance with applicable pretreatment standards upon reduction, loss or failure to its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost or fails. [Source: 40 Code of Federal Regulations 403.16; 46 Code of Federal Regulations 9439, January 28, 1981, as amended at 53 Code of Federal Regulations 40615, Oct. 17, 1988]

#### 8.03.4160 Local Limits.

(a) The following pollutant levels, expressed as maximum daily concentrations in process wastewater, measured at the end of the pretreatment facility pipe, or, if no such sampling location, prior to mixing with other process wastewater or non-contact cooling water, apply unless prior written approval of the Director has been obtained. No person shall discharge or release wastewater into the POTW in excess of the following concentrations or equivalent mass limits set by the Director:

<u>Material</u>	Concentration (mg/L)
Arsenic	0.94
Cadmium	0.11
Chromium	5.0
Copper	1.4
Cyanide	0.49
Lead	0.32
Mercury	0.2
Nickel	3.98
Silver	0.43
Zinc	7.47
Fats, Oils and Grease	100.00
Benzene, Tolueve, Ethyl Benzene and Xylene (BTE	EX),
a sum of these four constituents' analytical results	0.5
Non-Polar Material (or total petroleum hydrocarbons	s) 100.00

(B) Consistent with the purposes of the Wastewater Pretreatment Program and in the interest of public health, safety and welfare, the Director may adopt additional local limits by regulation.

(C) Limits may be established for all users, groups or specific users. They may be designed to ameliorate temporary or permanent discharge characteristics, or to accommodate any new or special temporary or permanent condition of the POTW, its effluent receiving water, or other environmental problem.

# 8.03.4180 Level Of Compliance Effort – Unreasonable Burden.

Every user shall use all known, available and reasonable methods of treatment and prevention to achieve compliance with the County's Wastewater Pretreatment Program contained in this Chapter. In specific instances, upon a showing of unreasonable burden or hardship, the Director may limit, relax, condition discharge requirements, or impose temporary measures, to accommodate reasonable efforts to develop a full compliance effort, consistent with the purpose of the program and in the exercise of sound discretion. The Director does not waive Federal or State standards, such waivers are subject to approval by the Washington State Department of Ecology. Nothing herein shall extend the compliance deadlines provided in Section 8.03.4310.

#### 8.03.4200 Construction Of Pretreatment Facilities.

- (a) Users shall construct all necessary wastewater pretreatment facilities to meet the requirements of this Chapter, and shall maintain the same in satisfactory operation, all at the user's sole expense and liability.
- (b) Prior to commencing construction, a user must submit to the Director sufficiently detailed construction plans for the pretreatment facilities and receive approval. Prior to commencing operations, the user must submit operation and maintenance plans and procedures for the Director's approval. Any subsequent proposal for modification, repair or change of the pretreatment facilities, or methods of operation or maintenance, are further subject to approval by the Director. No approval granted shall excuse a user from full responsibility to comply with the requirements of this Chapter.
- (c) In addition to approvals referenced above, pretreatment facilities are subject to local permit, inspection and other building and construction regulations and to the requirements of 173-240 WAC and Section 173-216-110 WAC.
- (d) For construction requiring Washington State Department of Ecology approval, all plans, specifications and other pertinent information relating to proposed preliminary treatment facilities shall be submitted to the Director and to the Department of Ecology for approval. No construction of such facilities shall be commenced until such approvals are obtained in writing, fees paid and approval conditions met. [Cross Reference: Section 8.03.4600(c)]

#### 8.03.4220 Side Sewer Manhole.

When required by the Director, the owner of any property served by a side sewer carrying industrial wastewater shall, within 90 days of notification, install a suitable manhole or access portal in the side sewer to facilitate observation, sampling and measuring the wastes. Such portal or manhole, when necessary, shall be accessibly and safely located and shall be constructed in accordance with plans approved by the Director. The portal or manhole shall be installed by the owner at his/her sole expense and liability and shall be maintained by the owner so as to be safe and accessible at all times.

# 8.03.4240 Self Monitoring – County Inspections.

- (a) In order to insure continued compliance with this Chapter, the Director may require any user or customer to submit information on the nature and characteristics of its wastewater or any other information requested by the Director within 10 days of the request. The Director may prepare a form for this purpose and may require periodic updates.
- (b) Where deemed necessary to assure compliance with this Chapter, the Director may further require any user or customer to install sampling and monitoring equipment as necessary and maintain the same at all times in a safe and proper operating condition by the user or customer at its own expense. All devices used

to measure wastewater flow and quality shall be calibrated to manufacturer's specifications to ensure their accuracy.

- (c) The Director is authorized to conduct inspections or take samples deemed necessary to assure compliance with this Chapter. Where a user or customer has security measures in force, which require proper identification and clearance before entry into its premises, the user or customer shall make necessary arrangements so that, upon presentation of suitable identification, the County staff will be permitted to enter without delay for the purposes of enforcement or inspections required by this Chapter or the Director.
- (d) Users or customers shall permit County inspectors or officials, without delay, hindrance or interference:
- (1) To inspect any facilities and sewage, and set up on the user's property, or require installation of such devices as are necessary to conduct sampling and/or metering of the user's/customer's operations.
- (2) To require a permittee to produce documents and business records for inspection and copying upon the Director's request; and
  - (3) To take samples of discharge.
- (e) All users must cooperate fully with the Director in his/her efforts to test, monitor, inspect and otherwise enforce this Chapter. Required cooperation includes granting prompt entry access to any premises or facility containing a discharge source, treatment system, monitoring or testing facility, or relevant records.
- (f) No person may alter, tamper with, change, remove, damage or otherwise interfere with any discharge monitoring device or test, or alter, falsify, conceal or change any data or information acquired therefrom. [Cross Reference: Section 8.03.9180]

# 8.03.4260 Sampling And Analysis.

- (a) A minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide, and volatile organics. For all other pollutants, twenty-four hour flow proportional composite samples must be obtained through flow-proportional composite sampling techniques where feasible. The Director may waive flow-proportional composite sampling for any user that demonstrates that flow-proportional is infeasible. In such cases, samples may be obtained through time-proportional composite sampling techniques or through a minimum of four (4) grab samples where the user demonstrates that this will provide a representative sample of the effluent being discharged.
- (b) Samples should be taken immediately downstream from the pretreatment facilities if such exist, or immediately downstream from the regulated or manufacturing process if no pretreatment exists, or as determined by the Director and contained in the user's permit. For users subject to categorical standards, if other wastewater is mixed with the regulated wastewater prior to pretreatment the user should measure the flows and concentrations necessary to allow use of the Combined Wastestream Formula of 40 Code Of Federal Regulations 403.6(e) in order to evaluate compliance with the applicable pretreatment standards.
- (c) All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in this Chapter shall be determined, as appropriate or required by the Director, by an environmental laboratory accredited by the Washington State Department of Ecology (173-50 WAC), and in accordance with the current edition of "Standard Methods for the Examination of Water and Wastewater", a publication of the American Public Health Association, Inc., and/or current EPA approved procedures (40 Code of Federal Regulations Part 136), and shall be taken at the control access portal or manhole provided for in Section 8.03.4220, or based upon suitable samples taken at said control manhole. In the event that no special access portal or manhole has been required, the control portal or manhole shall be considered to be the nearest downstream portal or manhole in the public sewer from the point at which the structure is connected.

(d) All sample results submitted by or on behalf of a user or customer shall indicate the time, date and place of sampling, methods of analysis, and shall certify that such sampling and analysis is representative of normal work cycles and expected pollutant discharges from the user. If a user sampled more frequently than what was required in its permit, using the methodology specified in 40 Code of Federal Regulations 136, it shall submit all results of sampling and analysis of the discharge as part of its self-monitoring report. The Director will follow the same procedures as outlined in subsections (a) through (d) of this Section.

## Part Two: Wastewater Discharge Permit

# 8.03.4280 Wastewater Discharge Permit Required.

- (a) In addition to any permit that may be required for the construction of pretreatment facilities, there is required a Wastewater Discharge Permit for every significant industrial user (SIU), as further provided in this Chapter. Permits are issued to a named person at a specified location, granting the privilege of discharge of SIU wastewater into the POTW. No SIU shall discharge wastewater into the POTW without first obtaining a Wastewater Discharge Permit from the Director.
- (b) A permit hereunder confers no property or other vested rights and does not excuse compliance with this Chapter. Obtaining a Wastewater Discharge Permit does not relieve a permittee of its obligation to comply with all Federal and State pretreatment standards or requirements or with any other requirements of Federal, State, and local law.

## 8.03.4300 Times To Apply – New Permits, Renewals.

- (a) Existing users or existing sources must apply for a Wastewater Discharge Permit within 30 days of the effective date of this ordinance. In addition, the Director may require any person identified by the Director as appearing to meet the definition of a significant industrial user to show cause why such person should not apply for a Wastewater Discharge Permit. Thereafter, such person must apply for a permit within 30 days of being notified to apply by the Director.
- (b) New Users and New Sources. Not later than 90 days prior to the planned or actual commencement of discharge, new sources and new users shall apply for a permit and will be required to submit to the Director the items listed in subsections (1) through (5) of Section 8.03.4320.
- (c) Following application deadlines set forth in subsections (a) and (b) of this Section, no user may commence or continue discharge without first receiving a permit from the Director. Such users shall also be required to include in their report information on the method of pretreatment they intend to use to meet applicable pretreatment standards. Such users shall give estimates of the information requested in subsections (5) and (6) of Section 8.03.4320. The Director will establish the schedule for completion of all required permit information as necessary.
- (d) Upon finding that a user otherwise meeting the criteria of significant industrial user has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the Director may at any time on his/her own initiative or in response to a petition received from a user, and in accordance with this Chapter and 40 Code of Federal Regulations 403.8(f)(6), determine that such user is not a significant industrial user.
- (e) Permit renewal applications must be submitted, in like form as an original application except as modified by the Director, 180 days prior to expiration of an existing permit. Renewal applications shall be signed and certified as provided in Section 8.03.4360. Incomplete, inaccurate or unsigned renewal applications are returned by the Director. The Director may permit an administrative extension of an existing, expiring permit, pending review of a timely renewal application, except to the extent the delay is caused by lack of cooperation by an applicant or other factors within an applicant's control.
- (f) This Section is also subject to the compliance deadlines set forth in 8.03.4310.

# 8.03.4310 Compliance Deadlines.

The following compliance deadlines apply to this Chapter:

#### (1) Categorical Users:

- (A) Existing sources must comply with the requirements of this Chapter respecting categorical standards and any other applicable pretreatment standards no later than three (3) years from the effective date of the standard, unless a shorter compliance time is specified in the appropriate subpart of 40 Code of Federal Regulations Chapter I, Subchapter N.
- (B) New sources must comply with the requirements of this Chapter upon commencement of discharge. Where new categorical standards are promulgated by the EPA hereafter, new sources are bound by such standards and compliance is required as of the date of promulgation. [Source: 40 Code of Federal Regulations 403.6(b)]

# (2) Non-Categorical Users:

- (A) Existing users must comply with the requirements of this Chapter respecting applicable pretreatment standards other than categorical standards no later than 180 calendar days from the effective date of the standard, unless a shorter compliance time is specified by the adopting authority; provided, the Director may order a shorter period for local limits or any other applicable standard.
- (B) New users must comply with the requirements of this Chapter upon commencement of discharge. Where new standards are promulgated hereafter, new sources are bound by such standards and compliance is required as of the date of promulgation.
- (3) Users who are both categorical and non-categorical users must comply with the most stringent applicable deadlines set forth herein.

# 8.03.4320 Contents Of Application.

An application required under Section 8.03.4300 is also intended to fulfill the requirements of 40 Code of Federal Regulations 403.12(b). The application shall include:

- (1) Fee. The permit fee in accordance with Article 8000 of this Chapter;
- (2) General Information. The name, address and telephone number of the facility, operator, owners, authorized representative of the user and other identifying information requested by the Director.
  - (3) Other Permits. A list of any environmental control permits held by or for the facility.
  - (4) Description of Operations.
- (A) A description of the nature, average rate of production and Standard Industrial Classification (SIC) of the operation(s) carried out at the facility; and
- (B) A schematic process diagram that indicates points of discharge to the POTW from the regulated or manufacturing processes;
  - (5) Flow Measurement.
- (A) For flows regulated under categorical standards, users must submit information showing the measured average daily and maximum daily flow of industrial process wastewater, in gallons per day, to the POTW.

- (B) Where flows from other sources combine with regulated flow, users must submit information showing such information as determined necessary by the Director to allow use of the Combined Wastestream Formula of 40 Code of Federal Regulations 403.6(e).
- (C) For users not within the prior subsection (B), such persons must submit information showing the measured average daily and maximum daily industrial process wastewater flow, in gallons per day, to the POTW from the user's total plant flow or individual manufacturing process flow, as required by the Director. [Cross Reference: Section 8.03.1270]
- (D) The Director may allow for verifiable estimates of these flows where justified by cost or feasibility considerations.

#### (6) Pollutant Measurement.

- (A) The user shall identify the applicable pretreatment standards for each regulated process.
- (B) In addition, the user shall submit the results of sampling and analysis identifying the nature and concentration (or mass, where required by the Categorical Pretreatment Standard or by the Director) of regulated pollutants in the discharge from each regulated or manufacturing process. Both daily maximum and average concentration (or mass, where required) shall be reported. The sample shall be representative of daily operations and shall conform to sampling and analytical procedures outlined in Section 8.03.4260 and any related provisions.
- (C) The user shall take a minimum of one representative sample to compile that data necessary to comply with the requirements of this Section. More sampling may be required by the Director where deemed necessary.
- (D) For Categorical Users, where an alternate concentration or mass limit has been calculated in accordance with 40 Code of Federal Regulations 403.6(e) adjusted limit along with supporting data shall be submitted as part of the application. For users not subject to Categorical Standards, where the Director develops alternate concentration or mass limits because of dilution, this adjusted limit, along with supporting data, must be submitted as part of the application.
- (7) Certification. A statement, signed by an authorized representative of the user in accordance with Section 8.03.4360 and certified by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required for the user to meet the applicable pretreatment standards and requirements.
- (A) Where the user's categorical pretreatment standard has been modified by a removal allowance (40 Code of Federal Regulations 403.7), the Combined Wastestream Formula (40 Code of Federal Regulations 403.6(e)), and/or a fundamentally different factors variance (40 Code of Federal Regulations 403.13) at the time the user submits the report required by this Section, the information required by subsections (6) and (7) of this Section shall pertain to the modified limits.
- (B) If the Categorical Pretreatment Standard is modified by a removal allowance (40 Code of Federal Regulations 403.7), the Combined Wastestream Formula (40 Code of Federal Regulations 403.6)(e)), and/or a fundamentally different factors variance (40 Code of Federal Regulations 403.13) after the user submits the report required by subsections (6) and (7) of this Section shall be submitted by the user within 60 days after the modified limit is approved;
- (8) Compliance Schedule. If additional pretreatment and/or O&M will be required to meet the applicable pretreatment standards, the application will reflect the schedule by which the user will provide such additional pretreatment and/or O&M. The completion date in this schedule shall not be later than the compliance date established for the applicable categorical pretreatment standard. [Cross Reference: Section 8.03.4600]

#### (9) Additional Information:

- (A) Description of activities, facilities and plant processes on the premises including a list of all raw materials, chemicals or supplies used, received or stored on site which are or may be discharged to the POTW, whether accidentally or intentionally;
  - (B) Number and types of employees, hours of operations (proposed or actual);
- (C) Each product produced by the facility, type, amount, process or processes and rate of production;
- (D) Type and amount of raw materials, including chemicals, utilized, disclosed in average and maximum daily amounts;
- (E) Disclosure of site plans, floor plans, mechanical and plumbing plans and details to show all sewers, sewer connections, inspection manholes, sampling chambers and appurtenances by size, location and elevation. For each sewer, an inspection and sampling manhole or other structure with an opening of not less than 24 inches in diameter and an internal diameter of not less than 36 inches, containing flow measuring, recording and sampling equipment, shall also be shown, as required by the Director;
  - (F) Disclosure of time and duration of discharges;
- (G) An indication whether pretreatment facilities are necessary to comply with the Wastewater Pretreatment Program; and
  - (H) Such other information as may be requested by the Director; and
- (10) Acknowledgment. An acknowledgment that the applicant is familiar with the pretreatment standards and requirements applicable to its discharges and possible discharges and a showing that it has developed monitoring and pretreatment programs satisfactory to assure compliance with the best practical available technology;
- (11) Incomplete or inaccurate applications or applications not signed by an authorized representative of the user will be returned and do not comprise compliance with this Chapter.

## 8.03.4340 Confidentiality.

- (a) A person submitting or allowing the examination of data required by the Director in the performance of the regulatory purposes of the County's Wastewater Pretreatment Program may, by written request contemporaneous with the disclosure, stating in specific detail the data sought to be protected and the basis of the claim of confidentiality, request the Director to keep in confidence information given under the program.
- (b) The person must segregate from other information the data sought to be protected at the time of submittal.
- (c) Requests for confidentiality may relate to trade secrets or similar commercially valuable information. Approval of confidentiality shall be subject to any applicable laws requiring the disclosure of public records information, and shall further not apply to requests by other governmental agencies for purposes relating to the NPDES or pretreatment programs or in any enforcement proceedings relating to this Chapter. Wastewater constituents, characteristics, or other "effluent data" as defined in 40 Code of Federal Regulations 2.302 may not be granted confidentiality protection.

(d) In ruling on confidentiality requests, the Director, with the advice of the Prosecuting Attorney, may consider the practices of Federal and State agencies and the purposes of the program. A determination of confidentiality may be revoked upon reasonable notice to the person who submitted the confidential data.

# 8.03.4360 Signing The Permit Application – Reports, Other.

All applications, reports or other documents submitted in connection with this Chapter shall be signed by an authorized representative of the user and include substantially the following certification:

I certify under penalty of law that this document and all attachments were prepared by me or under my direction or supervision. I certify that I have made a diligent inquiry and review of the contents of all submittals, and that the contents are true, accurate and complete, based upon reliable information gathering procedures by trained and qualified personnel. I make this certification individually and as an authorized representative of the user.

I further certify that I am familiar with the requirements of Spokane County's Wastewater Pretreatment Program, as reflected in SCC (Spokane County Code) Chapter 8.03, and particularly Article 4000 thereof and understand the user, and myself personally, are subject to significant penalties for false, inaccurate or incomplete submittals under applicable laws, including fines and the possibility of imprisonment. I understand my personal responsibility to supplement promptly any submittal with updated and additional information as soon as it is known or, in the exercise of reasonable care, should be known.

# 8.03.4380 Decision On Permit Application.

Within 30 days of receipt of a properly completed permit application, including any additional information requested, the Director will determine whether the permit shall be issued and will notify the applicant. Upon a determination to issue the permit, public notice shall be given by publishing the same in the official newspaper of Spokane County for two (2) weeks, with a public comment period of 30 calendar days commencing with the date of first publication. No permit shall be final until the evaluation and review of any public comment(s) submitted, including any response thereto by the applicant. Unless the Director determines a need exists for additional time, permit comments shall be reviewed and any permit shall become final or other action taken thereon within 30 days after the last date to receive public comment.

#### 8.03.4400 Permit Terms Required.

The Director will determine the permit terms, consistent with this Chapter. A permit shall include the following terms:

- (1) Duration (in no case more than five (5) years);
- (2) Statement of non-transferability without prior notice and approval, in accord with this Chapter, with a copy of the existing Wastewater Discharge Permit to the new owner or operator;
- (3) Effluent limits based on applicable general pretreatment standards in 40 Code of Federal Regulations Part 403 and this article, categorical pretreatment standards, local limits, and any other State and local laws or regulations;
- (4) Self-monitoring, sampling, reporting, notification and record keeping requirements, including an identification of the pollutants or substances to be monitored, sampling locations, sampling frequency and sample type, based on the applicable general pretreatment standards in 40 Code of Federal Regulations Part 403 and this article, categorical pretreatment standards, local limits, and State and local laws and regulations, but no permit omission shall excuse compliance with this Chapter;

requirements, and any applicable compliance schedule. Such schedules may not extend the compliance date beyond applicable Federal deadlines; and

(6) A statement of the possibility for permit modifications or revisions because of changing requirements in this Chapter, the needs of the POTW, the public health and safety, to incorporate specific orders or an EPA promulgation of new Federal pretreatment standards, additional state requirements or other reasonable basis.

#### 8.03.4420 Permittee Obligations.

The following requirements apply to all persons required to apply for Wastewater Discharge Permits, applicants, and permittee, and are requirements of the issuance and continued validity of all permits:

- (1) Compliance with all provisions of this Chapter, including applicable pretreatment standards and requirements, any regulations or orders issued pursuant to this Chapter and any specifically stated permit conditions:
- (2) Submission of true, accurate and complete application and reporting information and prompt addendum or update for any information changes;
  - (3) The regulated party obtaining all other permits and approvals required by law; and
- (4) No discharges shall contain any new or increased pollutants or change the nature of pollutants when such discharge would not meet the applicable pretreatment standards, or cause the POTW to violate its NPDES requirements.

## 8.03.4440 Slugload – Accidental Discharge Control Plan.

- (a) Every two (2) years or sooner, significant industrial users shall be evaluated as to the need for a plan to address slugload problems. The results of such activities shall be available to the approval authority upon request.
- (b) When required, Slugload Control Plans shall include:
  - (1) A description of discharge practices, including non-routine batch discharges;
  - (2) A description of stored chemicals;
- (3) Procedures for immediately notifying the POTW of slug discharges, including any discharge that would violate a prohibition under 40 Code of Federal Regulations 403.5(b) or this Chapter, with procedures for follow-up written notification within five days;
- (4) Where required by the Director, procedures to prevent adverse impact from accidental spills, including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site run-off, worker training, building of containment structures or equipment, measures for containing pollutants (including solvents), and/or measures and equipment for emergency response [Source: 40 Code of Federal Regulations 403.8(f)(2)(v)]; and
  - (5) A review of any requirements or suggestions from the Washington State Department of Ecology.

#### 8.03.4460 Permit Performance Security.

When deemed necessary in the exercise of reasonable discretion, the Director may issue orders or develop regulations regarding the posting of surety or other bonds to insure full performance of all permit requirements to enhance and assure enforcement capability, either for a specific applicant or class, or in general. If a bond is required, its renewal may be a condition of continued validity of a permit.

#### 8.03.4480 Permit Transfer.

- (a) Permit holders shall submit requests for transfer of permit privileges and duties in writing to the Director. Such a request shall reflect:
  - (1) The permittee's and transferee's full name and address;
  - (2) The reason for the transfer request and a proposed date for the transfer;
- (3) A statement that the transferee is fully familiar with permit conditions and facility operations, and understands and accepts the obligation for full permit compliance, and that no requests for permit modifications are planned or reasonably foreseeable. Any request for permit modification is handled under Section 8.03.4500; and
- (4) The transfer request shall be signed and certified as provided in Section 8.03.4360 by an authorized representative of the permittee and proposed transferee.
- (b) Requests, including any additional information required by the Director, shall be submitted no later than 30 days prior to the proposed effective date, unless otherwise approved in writing by the Director.
- (c) Failure to obtain approval prior to transfer renders any permit automatically void as of the date of the facility transfer.

#### 8.03.4500 Permit Modification.

For good cause, the Director may modify a permit. Good cause shall include:

- (1) To incorporate new or otherwise determined applicable Federal, State or local requirements not included in the permit, including revisions of or a grant of variance from categorical pretreatment standards pursuant to 40 Code of Federal Regulations 403.13;
- (2) Where deemed necessary by the Director because of changes in the user's operating processes, wastewater volume or character since the time of issuance of the permit.
- (3) Where deemed necessary by the Director because of changes in the POTW related to the need for temporary or permanent reduction or elimination of permitted discharges;
- (4) Where deemed necessary by the Director because of safety or efficiency of operations of the POTW, safety of the receiving waters, other environmental concerns, or safety of County or City of Spokane personnel;
- (5) To address violations of a permit or because of misrepresentations or misunderstandings about information supplied or not included in the Director's permit file;
  - (6) Because of typographical or clerical errors; or
- (7) Upon application, because of a transfer of ownership of the permittee's facility or other significant permittee business changes since the time of permit issuance, upon a showing of unreasonable burden, as provided in Section 8.03.4180. No modification may be granted because of transfer unless the permit is transferred in accordance with Section 8.03.4480.

#### 8.03.4520 Permit Revocation.

The Director may revoke a permit for good cause. Good cause shall include, but not be limited to:

- (1) Violations of the permit or this Chapter, including any applicable pretreatment standard, permit condition or order of the Director;
- (2) Misrepresentations, inaccurate, incomplete information or data in the permit application or in any other reports or documents submitted by the permittee, or required to be submitted by the Director or this Chapter;
- (3) Failure to update any information or data previously submitted or notify the Director of changed conditions under Section 8.03.4660 or significant changes planned or experienced in the permittee's wastewater discharge;
  - (4) Falsifying or failing to timely submit self monitoring reports, or tampering with monitoring equipment;
- (5) Failure to meet effluent limitations, compliance schedules, or other reporting or monitoring requirements;
- (6) Failure to allow the Director access to records or the premises for inspection or other enforcement purposes;
- (7) Failure to complete, supplement and timely submit a permit application, transfer or modification request, or commencement of operations for which permit action is requested prior to approval of the same; or
- (8) Upon issuance of a new permit, granting of a request for transfer or modification, any prior permits issued are automatically revoked and void.

# 8.04.4540 Appeals.

- (a) Appeals from the Director's decision respecting any permit or application must be submitted in writing, filed with the Board, with a copy served on the Director, no later than 30 days from the issuance date given by the Director for his/her decision. The appeal shall also be served on the permit applicant if the appealing party is other than the applicant.
- (b) An appeal shall specify:
  - (1) The identity and interest of the party appealing;
- (2) The decision or parts of the decision to which the appeal is directed, the reasons for the appeal, including a summary of facts and legal authorities, and any alternatives to the decision desired to be considered;
- (3) Contain copies of any permit application or permit granted which relate to the subject matter of the appeal or clearly reference all documents or other information to support the appeal; and
- (4) If the appellant is a permit holder or applicant, be signed and certified as provided in Section 8.03.4360.
- (c) Untimely, incomplete or unsigned appeals shall be returned by the Board.
- (d) Failure to file and serve a timely appeal in proper form waives the right to seek further administrative review, and the applicant shall be deemed to have accepted the Director's decision.

(e) The Director's decision shall not be stayed or superseded pending further appeals or review of his/her decision, unless ordered by the Director or the Board, conditioned upon the posting of such security or other actions as the Director or Board may require.

#### Part Three: Wastewater From Other Jurisdictions

## 8.03.4560 Wastewater From Other Jurisdictions – Interlocal Agreements.

- (a) Acceptance by the City of Spokane's POTW of wastewater conveyed through the County's general sewerage system from locations outside of Spokane County's sewer service area is contingent upon satisfying the requirements of this Section.
- (b) Any other governmental entity with jurisdiction over any person, customer or user desiring to discharge or continue discharging wastewater into the POTW through the County's general sewerage system shall enter into an Interlocal Agreement with the County in conformity with Chapter 39.34 RCW as the same may apply, which shall include the following information and terms:
  - (1) General constituents and volumes of wastewater discharged;
- (2) A list of all sewer service customers in the contributing government's territorial jurisdiction, and a promise to maintain and update said list on at least an annual basis, together with any other information requested by the Director;
- (3) Agreement by the contributing governmental entity to adopt and make all necessary arrangements to administer and enforce within its jurisdictional boundaries, an ordinance, regulation or rule at least as stringent as this Chapter with respect to the requirements of this article, and to update the same to conform to changes in the SCC, all consistent with the County's Pretreatment Program, as now or hereafter implemented;
- (4) Sets forth which regulatory responsibilities enunciated in this will be performed by which governmental entity and which will be delegated;
- (5) Specifies which, if any, administrative and enforcement powers and functions of the Pretreatment Program will be delegated and to which governmental or other entity, as the agent of the contributing governmental or other entity, and pledging to pay all costs of administrative and enforcement functions and powers delegated not otherwise covered by permit fees remitted to the enforcing government;
- (6) Respecting any such powers or functions reserved by the contributing governmental entity, provides that in the event of any failure or default by said entity in the performance of the reserved functions or powers, the Director, upon 30 days notice or other reasonable time set by the Director, may elect to assume said powers or functions, as the agent of and at the expense of the contributing governmental entity, to the extent permitted by law, or may compel performance of such functions by the contributing governmental entity:
- (7) Agreement that all permit applications, reports, data, inspections or other documents relating to extraterritorial discharges are accessible by the Director and not protected by any right of confidentiality or privilege; and that the Director has a right of direct access to and inspection of any extraterritorial source of wastewater, including facilities, operations, sampling or monitoring equipment, logs or data, in whatever form;
- (8) Any desired limits on the constituents or volumes of wastewater originating from the contributing governmental entity; and
  - (9) Remedies for breach.

# Part Four: Reporting Requirements

# 8.03.4580 Baseline Monitoring Report.

A report with items listed in Section 8.03.4320 subsections (2) through (8) and signed as provided in Section 8.03.4360 shall be submitted to the Director.

# 8.03.4600 Compliance Schedules – Progress Reports.

- (a) Compliance schedules for meeting applicable pretreatment standards shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards. Incremental tasks include hiring an engineer or other personnel, completing preliminary plans, completing final plans, executing contract(s) for major components, commencing construction, and completing construction. No time lapse between incremental tasks shall exceed nine (9) months.
- (b) The user shall submit a progress report no later than 14 calendar days following each date in the schedule and the final date for compliance, to the Director including, at a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay and the steps being taken by the user to return the construction to the established schedule. In no event shall more than nine (9) months elapse between such progress reports.
- (c) New sources shall install and have in operating condition, and shall "start up" all pollution control equipment required to meet applicable pretreatment standards before beginning to discharge. [Cross Reference: Section 8.03.4200]

# **8.03.4620** Ninety-Day Compliance Report – Applicable Pretreatment Standards.

- (a) A Compliance Report, signed as required in Section 8.03.4360, shall be submitted to the Director within 90 days following the date for final compliance by a user for applicable pretreatment standards, or in the case of a new source within 90 days following commencement of discharge. The report shall contain those items listed in Section 8.03.4320, subsections (5) through (8).
- (b) For users subject to equivalent mass or concentration limits established by the Director in accordance with procedures established in 40 Code of Federal Regulations 403.6(c), the Compliance Report shall contain a reasonable measure of the user's long term production rate. For all other users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), the report shall include the user's actual production during the appropriate sampling period.

# 8.03.4640 Semiannual Continuing Reports.

- (a) All SIUs performing self-monitoring must submit a written report to the Director in June and December of each year, unless another biannual schedule is ordered by the Director. The report must specify the content of all user wastewater, based upon current sampling (in a least six month intervals) and as prescribed in the Wastewater Discharge Permit. The report must be signed in accordance with Section 8.03.4360 except to the extent sampling is through direct County monitoring.
- (b) Sampling shall be representative of the user's daily operations and shall be taken in accordance with the requirements specified in Section 8.03.4260. Wastewater monitoring and flow measurement facilities shall be properly operated, cleaned and maintained in good working order. Failure to accomplish this is not grounds for a user to deny a sample is representative. User monitoring more frequently than required by the Director shall be included in any report if in accordance with the specifications of Section 8.03.4260.

- (c) The report shall include a record of concentrations (and mass, if specified in the Wastewater Discharge Permit) of pollutants listed in the permit and a record of all flow measurements (average and maximum) taken at the designated sampling locations, and other information required by the Director or this Chapter. Production data, as required in the permit, shall also be included. Daily maximum and average concentration (or mass, if required) must be reported. Users sampling more frequently than required, using methods in 40 Code of Federal Regulations Part 136, shall report the results.
- (d) The Director may require self-monitoring by the user or, if requested by the user, may agree to perform the periodic compliance monitoring needed to prepare the periodic compliance report required under this Section at the user's expense. The user shall be billed for any periodic compliance monitoring accomplished by the County. The Director is under no obligation to perform periodic compliance monitoring for a user.

# 8.03.4660 Changed Conditions Report.

- (a) Each user shall notify the Director of any planned significant changes to the user's operations, system or processes which significantly affect the user's wastewater nature, constituents, quality, characteristics, volumes or storage of chemicals, including the commencement of discharge of any prohibited or limited substance and the addition of any process covered by the national categorical pretreatment standards, occurring since previous information was submitted. For purposes of this requirement, significant changes include, but are not limited to, flow increases of 20 percent volume or greater, either of a pollutant or total volume, or the discharge of any previously unreported pollutant.
- (b) User notification shall be signed in accordance with Section 8.03.4360 and received by the Director at least 30 days before the change. Where a change was unplanned and not reasonably foreseeable, the report shall be filed with the Director within three (3) business days after any change in operations. Such report shall not excuse full compliance with permit conditions. Additionally, users remain responsible to obtain the Director's approval prior to initiating any discharge in violation of an applicable pretreatment standard.
- (c) The Director may require the user to submit any additional information as deemed necessary, including filing an application for a Wastewater Discharge Permit, in whole or part. The Director may determine a user is an SIU, issue a Wastewater Discharge Permit, or modify or revoke an existing permit.
- (d) Any SIU holding a Wastewater Discharge Permit incorporating equivalent mass or concentration limits shall notify the Director within two (2) business days after the permittee has a reasonable basis to know that the production level will significantly change within the next calendar month. Any permittee not providing a notice of such anticipated change will be required to comply with the existing limits contained in its permit.

# 8.03.4680 Slugload, Upset, Prohibited Discharge Reports And Notices.

- (a) All users are required to provide immediate telephonic notification to the Director upon the occurrence of a slugload, upset or any other prohibited discharge. The notification must include the location, date and time of the discharge, the type of waste, concentration and volume, and indicate corrective actions taken and proposed. Users shall retain a record, for County inspection, of the user caller's identity, time of call and person reached.
- (b) The user shall file a written report with the Director within five (5) days following the discharge:
- (1) Describing the occurrence, its cause and its impact upon the user's compliance with the Wastewater Pretreatment Program and the Wastewater Discharge Permit;
- (2) Stating the duration of the non-compliance in exact dates and times and, if non-compliance is continuing, the expected time of compliance; and
  - (3) Detailing steps that have been and will be taken to correct the violation and prevent a recurrence.

- (c) A timely filed report, with good and complete documentation, signed by an authorized representative of the user and accepted as complete and accurate by the Director, constitutes a defense to a criminal enforcement action brought by the County for violation of this Chapter or the Wastewater Discharge Permit against a user, to the extent the violation occurred during the period of upset or other accident. However, submittal of such report does not relieve the persons responsible of any expense, loss, damage or other liability that may be incurred, including liability for damages sustained by the County or third parties.
- (d) Every user shall post and maintain in a prominent place a notice to employees advising them whom to call in the event of a prohibited discharge and shall ensure that all employees are advised of the emergency notification procedure.

# 8.03.4700 Sample Violation Report.

If sampling performed by an user indicates a violation, the user shall notify the Director within 24 hours of becoming aware of the violation. The user shall also repeat the sampling within five (5) days and submit the results of the repeat analysis to the Director within 30 days after becoming aware of the violation, except that the user is not required to resample if:

- (1) The Director performs sampling at the user's location at a frequency of at least once per month; or
- (2) The Director performs sampling at the user's location between the time when the user performs its initial sampling and the time when the user receives the results of this sampling.

# 8.03.4720 Dangerous Waste Notification.

- (a) Users discharging dangerous wastes as defined in Chapter 173-303 WAC (listed, characteristic or criteria wastes) are required to provide a one-time notification in writing to the Director and the Washington State Department of Ecology, Eastern Region Dangerous Waste Unit. Any user shall comply with the requirements contained herein within 30 days of becoming aware of a discharge of dangerous wastes to the POTW.
- (b) Such notification shall include:
  - (1) The name of the dangerous waste as set forth in Chapter 173-303 WAC;
  - (2) The dangerous waste number; and
  - (3) The type of discharge (continuous, batch or other).
- (c) If a user discharges more than 100 kilograms of such waste per calendar month or batch to the sewer system, the notification in Section (b) of this Section shall also contain the following information to the extent that it is known or readily available to the user:
  - (1) An identification of the hazardous constituents contained in the wastestream;
- (2) An estimation of the mass and concentration of such constituents in the wastestreams discharged during the calendar month or batch; and
- (3) An estimation of the mass of constituents in the wastestreams expected to be discharged during the following 12 months.
- (d) These notification requirements do not apply to pollutants already reported under the self-monitoring requirements.
- (e) Whenever the Washington State Department of Ecology publishes final rules identifying additional dangerous wastes, new characteristics or criteria of dangerous waste, a user shall notify the Director and

the Department of Ecology, Eastern Region Dangerous Waste Unit, of the discharge of such a substance within 90 days of the effective date of such regulations. [Cross Reference: Section 8.03.4040(6)]

#### 8.03.4740 [Reserved]

#### 8.03.4760 Bypass Notification.

- (a) For purposes of this Section:
- (1) "Bypass" means the intentional diversion of wastewater or wastestreams from any portion of the user's treatment facility.
- (2) "Severe property damage" means major physical damage to real or personal property to the extent that treatment facilities would be caused to become inoperable, or substantial and permanent loss of natural resources. In general, the expenses created by the damage should exceed \$100,000, provided that severe property damage does not mean economic loss caused by delays or shut downs in production.
- (b) If a user knows in advance of the need for a bypass, it shall submit a written request for approval to the Director, at least 10 days before the date of the bypass. A user shall give immediate oral notice to the Director of an unanticipated bypass that exceeds applicable pretreatment standards within 24 hours from the time the user becomes aware of the bypass. A written submission shall also be provided within five (5) calendar days of the time the user becomes aware of the bypass. The written submission shall contain:
  - (1) A description of the bypass and its case;
  - (2) The duration of the bypass, including exact dates and times;
  - (3) If the bypass has not been corrected, the anticipated time it is expected to continue; and
  - (4) The steps being taken or planned to reduce, eliminate and prevent reoccurrence of the bypass.
- (c) The Director may waive the written report requirement on a case-by-case basis if the oral report has been received within 24 hours.
- (d) Unapproved bypasses constitute a violation of this Chapter unless the responsible party establishes, to the Director's satisfaction, that:
- (1) It does not cause pretreatment standards or requirements to be violated, and it is for essential maintenance to assure efficient facility operations; or
  - (2) It was unavoidable to prevent bodily injury or loss or life, or severe property damage; or
- (3) No feasible alternatives existed. Feasible alternatives include the use of auxiliary treatment facilities, retention of untreated wastes, revised maintenance schedules during plant downtime or like options; and
  - (4) The user submitted notices required under Section (b) of this Section.
- (e) The defenses in subsection (d) of this Section do not apply if adequate back-up equipment could have been installed in the exercise of reasonable engineering judgment and foreseeability.

Part Five: Administrative Provisions

#### 8.03.4780 Retention Of Records.

- (a) All users, customers or persons submitting or required to submit information under the provisions of this Chapter shall retain and preserve for no less than five (5) years all records, books, documents, memoranda, reports, correspondence and summaries thereof. With respect to reporting or monitoring requirements, required information to be kept and maintained shall specifically include the date, exact place, method, time of sampling, name of sampler, dates any analyses were performed, and who performed the analysis.
- (b) All records pertaining to a matter which is the subject of an enforcement action or litigation must be retained and preserved until all enforcement activities and litigation have concluded and all periods of limitation for all appeals have expired.
- (c) Records or materials required to be retained shall be made available for inspection and copying by the Director at a location within the County or City of Spokane, in a format for convenient access.

# 8.03.4800 Director's Authority.

- (a) In the exercise of sound discretion and in consideration of the purposes of the program and the interests of public health, safety and general welfare, the Director is authorized to:
- (1) Administer and interpret the County's Wastewater Pretreatment Program requirements detailed in this Chapter;
- (2) Prepare, issue and maintain the Spokane County Pretreatment Program Handbook detailing the County's Pretreatment Program policies and procedures; and
  - (3) Determine all questions arising under the Program.
- (b) The Director may promulgate modifications to this Chapter, including prohibitions to specific discharges. A notice of Public Hearing to adopt modifications will be published once in the County's official newspaper a minimum of 10 calendar days in advance of the Hearing by the Board of County Commissioners to adopt said modifications. Users are encouraged to subscribe to such newspaper.
- (c) The Director may issue warning notices and enforcement orders to entities, as necessary, to enforce the Pogram upon such reasonable notice as the Director deems proper.
- (d) The Director may take such remedial measures as the Director deems necessary to enforce the Program, including intervention and takeover of a user's pretreatment, monitoring and testing efforts, direct development and correction of the same, and/or adapting or adjusting user's activities responsible for a violation. The Director may require the installation of such preventive devices and the modification of such processes and activities deemed necessary to avoid future violations. Where the Director deems necessary, for enforcement, as a corrective measure or to protect the public health and safety, sewer or water service to the premises concerned may be stopped, suspended, restricted, conditioned, with or without a Show Cause proceeding. All actions taken pursuant to the authority of this Chapter shall be at the user's sole expense and liability.
- (e) The Director may establish procedures to resolve disputed questions of fact or liability within the scope of his/her authority, including the submission of verified statements, records and/or samples.
- (f) The Director may order a public hearing on a permit application when questions of general public interest may arise. The hearing may be convened by the Director, referred to a Hearing Examiner designated by the County, or by the Board. The Director may publish, at the applicant's expense, notice of a permit issued in the County's official newspaper.

- (g) The County, acting through the Director, reserves and asserts all right and authority to enforce State or Federal pretreatment requirements as an agent of the State or Federal government or as a participating agency in a POTW, and to recover the costs of such enforcement from the violator, the delegating agency or a participating agency as the law may allow.
- (h) The County further reserves the right, either directly or through a POTW participating agency, to negotiate compliance as a contractual condition of providing public sewer or water service, including liquidated damages, specific performance and other contractual remedies for breach.

#### 8.03.4820 Enforcement Remedies.

In addition to the general provisions above, the Director is specifically authorized and empowered to use any of the enforcement remedies listed below, not by way of limitation of any other emergency or enforcement action against a user or violator, including civil or criminal prosecution. Failure of an affected party to respond in a timely manner or to abide by the result of any administrative proceeding initiated under this Section shall be deemed a failure of the affected party's right to exhaust available administrative remedies, consent to entry of an adverse determination, and a violation of this Chapter:

- (1) Notice of Violation. Where the Director finds a person subject to this Chapter has violated any provision thereof, the Director may issue a Notice of Violation, requiring the recipient to explain the violation and submit a remedial plan to correct the same within 10 days of receipt of the notice or other time set forth therein.
- (2) Consent or Unilateral Compliance Order. The Director may enter an administrative or judicially sanctioned Consent Order establishing agreement with any user or other person regulated under the authority of this Chapter. If consent is not obtained, the Director may issue a Unilateral Compliance Order. Such order shall state any specific action agreed upon between the parties, the costs and responsibilities, a time period for compliance and any specific penalties, forfeiture of bond or other security required to be posted or other consequences. Consent Orders shall contain a provision of no contest to the entry of a judgment of forfeiture or other appropriate relief in the event of violation of the Consent Order.
- (3) Show Cause Order. Whenever the Director determines that there is or may be a violation of any provision of this Chapter, including regulations and orders made thereunder, the Director may require any person, upon 10 days notice or in such other time as is deemed proper, to show cause why sewer service and/or discharge permit privileges should not be suspended, conditioned, or revoked, or other enforcement consequences stated occur, on account of circumstances appearing to the Director and, further, may require a person to establish proof of compliance. The Show Cause Order shall be served personally or by certified mail upon the party affected. Specific grounds for termination of sewer service shall include:
  - (A) Violation of Wastewater Discharge Permit terms or conditions;
  - (B) Failure to submit timely and accurate reports or data required hereunder;
  - (C) Refusal of records or access to premises required hereunder;
- (D) Failure to report significant changes in operations or in wastewater volume, constituents or characteristics prior to discharge; or
- (E) Violation of the prohibited discharge, categorical standards, or local limits set forth in Sections 8.03.4040 through 8.03.4160 of this Chapter.
- (4) Violation of any requirement imposed under the authority of this Chapter shall, in addition, be a public nuisance and subject to summary abatement or the commencement of a judicial proceeding to abate the same, all at the violating party's sole expense and liability.

- (5) Emergency Action.
- (A) The Director may immediately, with or without such notice and hearing as deemed expedient or proper, suspend a user's discharge to prevent or avoid danger to environment or to the public health and safety, including the continued safe and efficient operation of the POTW and the safety of POTW personnel.
- (B) To accomplish the suspension, the Director may take all due and necessary action, including severance or obstruction of any sewer connection, whether on public or private property, until the Director is satisfied that the danger is removed.
- (6) Civil or Criminal Prosecution. The Director may request the Prosecuting Attorney to initiate civil and/or criminal prosecution, including but not limited to the seeking of a permanent or temporary injunction to restrain or compel the performance of any action or duty as required under the authority of this Chapter.

# 8.03.4840 Enforcement By County And Other Governmental Agencies – No Rights Or Duties Created.

- (a) The Washington State Department of Ecology, operating within its lawful authority, is the primary regulatory agency designated in accordance with Federal and State law to oversee and assist in the development, implementation and enforcement of the requirements of the County's Wastewater Pretreatment Program.
- (b) The County invokes its rights, powers and protections as a political subdivision of the State of Washington, as a utility purveyor and as an agency required to cooperate with Federal, State and local governmental agencies respecting wastewater pretreatment.
- (c) Any provision of the County's Wastewater Pretreatment Program or this Chapter may be enforced either pursuant to inherent or delegated regulatory powers and/or as a condition of continued connection to and sewer service from the POTW. These options are cumulative and not alternative.
- (d) The County's Wastewater Pretreatment Program does not confer rights upon or create any duty towards any person, including any permittee under the program. The program remains at all times subject to change by Federal, State and local governmental agencies as may be required to accomplish the purposes of the Act or to promote the public interest.

## 8.03.4860 Publication Of Violators List.

- (a) The Director shall cause to be published at least annually in the largest newspaper published in the municipality in which the POTW is located a list of users which, at any time during the previous 12 months, were in significant non-compliance, as determined by the Director under this Section, with applicable pretreatment requirements.
- (b) For the purpose of this Section, a user is in significant non-compliance if the user or its violation meets one or more of the following criteria:
- (1) Is a repeated violator of applicable pretreatment standards or requirements or other wastewater Discharge Limits, defined herein as those in which 66 percent or more of all of the measurements taken during a six-month period exceed (by any magnitude) the daily maximum limit or the average limit for the same pollutant parameter;
- (2) Is a violator of technical review criteria (TRC), defined here as those in which 33 percent or more of all of the measurements for each pollutant parameter taken during a six month period equal or exceed the product of the daily maximum limit or the average limit multiplied by the applicable TRC (TRC=1.4 for BOD, TSS, fats, oil and grease, and 1.2 for all other pollutants except pH);

- (3) Violates other pretreatment effluent limits (daily maximum or longer-term average) that the Director determines have caused, alone or in combination with other discharges, interference or pass-through, or endangered the health or safety of POTW personnel or the general public;
- (4) Discharged a pollutant that has endangered human health, welfare or created significant environmental damage or has resulted in the POTW's exercise of its emergency authority under Section (f)(1)(vi)(B) of 40 Code of Federal Regulations 403.8 to halt or prevent such a discharge;
- (5) Failed to meet, within 90 days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance;
- (6) Failed to provide, within 30 days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;
  - (7) Failed to accurately report non-compliance; or
- (8) Is responsible for any other violation or group of violations, which the Director determines adversely affect the operation or implementation of the Wastewater Pretreatment Program.

# ARTICLE 5000 - GREASE INTERCEPTORS, OIL/WATER SEPARATORS, SAND TRAPS

## 8.03.5020 Grease Interceptors.

Any commercial food facility which generates grease waste shall include a grease interceptor as part of their sewer, or where required by the Director, the Division of Building and Planning or the Health Officer. Including but not limited to hotels, boardinghouses, restaurants, or food processing facilities. Grease interceptors may be located inside or outside the structure. Design and construction specifications are included in the Sewer Standards Handbook. Design and operation shall satisfy the limits contained in Section 8.03.4160. [Cross Reference: Section 8.03.6220]

#### 8.03.5040 Oil/Water Separators, Sand Traps.

Any commercial facility which discharges petroleum and/or settleable granular particles wastes shall include an oil/water separator and sand trap as part of their sewer system, or where required by the Director, the Division of Building and Planning, or the Health Officer. Such commercial facilities include, but are not limited to, car washes, automotive repair/maintenance facilities, and petroleum stations. Design and construction specifications are included in the Sewer Standards Handbook. Design and operation shall satisfy the limits contained in 8.03.4160. [Cross Reference: Section 8.03.6220]

# 8.03.5060 [Reserved]

# 8.03.5080 Grease Interceptors, Oil/Water Separators, Sand Traps – Maintenance.

- (a) Where installed, all grease interceptors, oil/water separators, and sand traps shall be maintained by the owner, at his/her expense and liability, in good order and condition at all times. Existing outside grease interceptors connecting to public sewer shall be pumped and inspected by a licensed septic tank pumper prior to connection to the public sewer. If the grease interceptor fails the inspection as not being up to County standards, such grease interceptor will have to be repaired or replaced. All grease interceptors shall be inspected every six (6) months and pumped as needed by a licensed septic tank pumper. There shall be a minimum of one (1) pumping per year. The owner shall retain records of all inspections and pumping activity for one (1) year.
- (b) The Director may require the inspection of grease interceptors, sandtraps and oil/water separators. Upon receipt of written notification of the need for inspection, the owner shall make all facilities accessible for inspection, and shall provide inspection and pumping records. The cost of the inspections and any cleaning of the public sewer, necessitated by a lack of proper maintenance of the owner's facilities, shall be billed as an additional utility service to the owner. Charges shall include, but are not limited to, pumping out the facility, inspection, correcting the problem and cleaning the public sewer.

# **ARTICLE 6000 - SEWER CONSTRUCTION**

[Cross Reference: Section 8.03.3300]

#### 8.03.6005 Sewer Installers.

Construction of sewers shall only be performed by State of Washington licensed and bonded contractors or by the owner of the property that is to be served by the sewer. Owner installation may be subject to the Director's approval. Installers with no previous experience with the installation of sewer services in the County's service area shall be required to attend an orientation/consultation prior to the sewer construction. The installer shall be responsible for compliance with this Chapter and to insure all wastewater drains are connected to the public sewer system. The installer may be required to perform tests to verify the connection of all wastewater drains. The installer is required to give notice of excavation to owners of underground facilities through a one-number locator service per RCW 19.122.030. [Cross Reference: Section 8.03.6220]

# 8.03.6020 Inspections.

- (a) All public and private sewer construction, repairs, alterations, extensions and abandonment shall be inspected by the Director.
- (1) One (1) working day notice is required for scheduling inspections of sewer installations. Same day sewer inspection requests shall be dependent upon time allotments and inspector availability. The Director reserves the right to set the sewer inspection times.
- (2) Requests to have inspections occur before or after normal work hours, are subject to inspector availability and Director approval. The installer shall be required to pay overtime inspection charges in accordance with Section 8.03.8500 of this Chapter. Overtime inspection charges shall be based on half-hour increments, with a one (1) hour minimum. An extra fee shall be assessed by the Director to cover weekend or holiday inspections and shall be received by the County no later than the preceding workday to the weekend/holiday inspection. The weekend/holiday inspection rate, as specified in Section 8.03.8500 of this Chapter, is per each site visit of up to two hours. Any weekend/holiday inspections, which require multiple visits to the site or exceed the two hour limit, shall be assessed an additional weekend/holiday inspection rate/charge for each such occurrence.
- (3) All costs incurred to remedy non-compliance shall be borne entirely by the owner and/or the owner's contractor. A copy of Sewer Connection Permit shall be available at the job site and readily accessible to the inspector.
- (4) All sewers subject to inspection must be inspected and found satisfactory before any trench may be backfilled or any sewer covered unless specifically authorized by the Director. The installer shall have a ladder of adequate length and in good condition on the job or a sloping trench so that the inspector can enter the trench. If the inspector deems a trench unsafe, he/she need not enter it or complete the inspection. All requirements of the Washington State Department of Labor and Industries shall be observed at all times by the installer.
  - (5) Call back inspection fees may be assessed to the installer for:
    - (A) Re-inspections due to violations of this ordinance or incorrect installations;
    - (B) Partial inspections; or
  - (C) Not being ready at scheduled time (if installer did not call to cancel or reschedule at least one half hour in advance). [Cross Reference: Section 8.03.8500-4]
    - (D) Multiple inspections.

- (E) Follow-up inspections.
- (F) Sewer connection permit and/or installer not at job site at the scheduled inspection time.
- (G) Work site safety issues that preclude inspection.
- (H) Re-testing for failed tests.
- (6) It shall be the responsibility of the installer to schedule call back and final inspections.
- (b) The Health Officer will permit and inspect on-site sewage disposal systems as defined in Spokane County Health District Rules and Regulations for Sewage Disposal Systems.

# 8.03.6040 Sewer Connection Permit Required.

- (a) A Sewer Connection Permit as authorized by the Director and issued by the Division of Building and Planning is required prior to the connection, construction, repair, alteration, extension or sewer service line abandonment of any side sewer, or dry side sewer. A Sewer Connection Permit is also required for an interior plumbing reversal that will result in the activation of a connection to the public sewer. The standard Sewer Connection Permit Fee allows for a 30-minute inspection. Inspections that require more than 30-minutes may be subject to additional inspection fees.
- (b) For a single-family residential unit, one (1) permit is required.
- (c) For a condominium, townhouse, duplex, triplex or fourplex with more than one parcel, one (1) permit is required per parcel.
- (d) For a duplex, triplex or fourplex on a single parcel, one (1) permit is required per sewer service stub.
- (e) For multiple buildings (apartments, commercial and industrial complexes) with single ownership, one (1) permit is required for each building connecting to the sewer. For multiple buildings on one parcel, the County may consolidate the multiple connections under one permit, but the amount of permit fees due in accordance with Section 8.03.8500 of this Chapter, shall be based on the cost of one permit per building.
- (f) For sewer service line abandonment, one (1) permit is required.
- (g) Sewer Connection Permit requirements not specifically- addressed above, shall be as determined by the Director.

8.03.6060 [Reserved]

8.03.6080 [Reserved]

#### 8.03.6100 Costs Of Installation And Connection – Indemnity.

- (a) All costs incident to the installation and connection of a side sewer, special side sewer or private sewer shall be paid by the owner.
- (b) The owner and/or State of Washington licensed and bonded contractor performing sewer installation and connection shall indemnify the County from any loss, liability, or damage that may directly or indirectly be occasioned by the installation of the owner's side sewer, dry side sewer, special side sewer or private sewer, and shall be responsible to repair and restore any defects or problems in the vicinity of said construction. Responsibility includes but is not limited to damage done in or to the public right-of-way.

#### 8.03.6140 Extensions - Risk.

In cases of extension, construction or reconstruction of all or any portion of a side sewer, the owner and/or his/her State of Washington licensed and bonded contractor is responsible for the proper functioning of the entire side sewer including the sewer stub, and shall indemnify and hold harmless Spokane County for any cost, expense, loss, liability or damage caused by any malfunction of said side sewer. This Section also applies to special side sewers and private sewers.

# 8.03.6160 Eligibility For Sewer Connection Permit.

- (a) A Sewer Connection Permit will be issued only to current Washington State licensed and bonded contractors, the owner of property to be served by the sewer, or the owner's authorized agent (who shall not be the licensed contractor) in the owner's name. Such owner may be required to furnish reasonable proof of ownership. The Director has the authority to determine any other eligibility.
- (b) The applicant must apply for a Sewer Connection Permit on a form provided by the Division of Building and Planning, pay the prescribed fee(s) and be issued a permit as authorized by the Director prior to any construction on the project, whether on private property or within public right-of-ways or easements.
- (c) Property owners or first time contractors who intend to perform work requiring a Sewer Connection Permit shall first contact the Division of Utilities for information regarding construction regulations and standards. The Director must sign the application form in order for the applicant to be issued the Sewer Connection Permit.
- (d) If the work to be done under the Sewer Connection Permit requires the excavation or obstruction of the public right-of-way, the applicant shall be responsible to obtain a permit to perform work in the public right-of-way from appropriate jurisdiction.
- (e) Except as specifically authorized by the Director, Sewer Connection Permits will not be issued until the public sewer system serving the premises has been accepted for operation by the Director. In some cases, connection agreements, fees or engineered plans approved by the Division of Utilities may be required before the Director will authorize issuance of the Sewer Connection Permit.
- (f) All Sewer Connection Permits shall expire 12 months from date of issuance.

# 8.03.6180 Permit Required For Each Private Sewer Connection.

Each extension of a private sewer to a residence, structure or property shall require a separate Sewer Connection Permit in accordance with Section 8.03.6040. [Cross References: Sections 8.03.1690, 8.03.6160]

#### 8.03.6200 [Reserved]

# 8.03.6220 Sewer Construction Regulations.

- (a) The Director is authorized to prepare, revise and administer standards, as established by resolution by the Board of County Commissioners, describing proper controls for design, inspection and construction of sewer systems in conformance with this Chapter and to insure that the health, safety and welfare of the public are protected. The standards shall be printed in manual form as a portion of the "Spokane County Standards for Road and Sewer Construction" (referred to as the "Sewer Standards Handbook", see Section 8.03.1835) in accordance with and shall be considered part of this Chapter.
- (b) The Sewer Standards Handbook may contain specifications relative to materials, design, construction, procedure, policy, inspection, backfilling and responsibilities in sewer installations.

- (c) The permissibility of specific situations not fully covered in this Chapter or the Sewer Standards Handbook, will be determined by the Director at the time of occurrence in accordance with the spirit and purpose of the code.
- (d) The Director may issue a Cease and Desist Order against sewer construction in County's sewer service area by any person who fails to comply with any provision of this Chapter related to sewer construction. Any such violation or instance of non-compliance may result in said violator(s) appearance at an Administrative Hearing before the Director to determine the facts for possible issuance of a Cease and Desist Order and its duration. The result of any Administrative Hearing shall not preclude the County from pursuing additional legal action in accordance with Article 9000 in this Chapter.
- (e) Abandoned sewers shall be capped per the Director's requirements.

8.03.6240 [Reserved]

8.03.6260 [Reserved]

8.03.6280 Enforcement Inspections.

- (a) Authorized personnel of the Health Officer or the Divisions of Utilities, Engineering or Building and Planning, shall have the right to enter upon any premises, public or private, as reasonably necessary to enforce the provisions of this Chapter, any other ordinance relative to wastewater control, or any regulation or order adopted or issued pursuant thereto.
- (b) The owner or occupant of any house, building, or property shall specifically allow the Health Officer or Director to inspect on-site the nature of wastes intended to be discharged into a public sewer and/or on-site sewage disposal system.
- (c) In the event it appears there is any violation, the County may, in addition to any other power or authority reserved in this Chapter, issue a Notice of Violation, requiring the party to whom the notice is directed to correct the violation within 30 days of the date of the notice. Failure to take such corrective action is an additional violation of this Chapter, but no Notice is necessary in case of emergency or as a prior requirement to taking any other enforcement action authorized in this Chapter.

#### 8.03.6300 Excavation And Cleaning.

- (a) Any expenses incurred by the County for excavation, cleaning or inspecting a sewer, as a result of a discharge prohibited by this Chapter or improper maintenance or repair of a sewer, shall be the responsibility of the property owner, agent, occupant or other requesting party, jointly and severally, unless the Director determines the problem was caused by a public sewer.
- (b) All expense and liability for loss or damage for cleaning, repairing and maintenance of a side sewer or a private sewer from the building drain to the public sewer shall be the responsibility of the property owner, agent, occupant or other requesting party, jointly and severally.

#### 8.03.6320 Construction Plans.

- (a) The Director may require sewer construction plans designed by a professional engineer to be submitted for review and approval, including but not limited to, larger new and existing commercial sewer connections, public sewers, plats, developments, pressure sewers including pump specifications, private sewers, or any other sewer construction the Director deems necessary. In any case where a plan is required, a reproducible as-built shall also be required to be submitted to the Division of Utilities within 30 days after the completion of sewer construction for review and approval. Extensions may be granted by the Director.
- (b) Changes to approved plans must have the prior written approval of Director and/or resubmitted for review and approval before starting any work. The Director may stop any work upon determining that the

work is not being performed according to the approved plans, and may direct corrections of such work to comply with the approved plans and specifications, and this Chapter.

- (c) In any case where a plan is required, no work shall begin without an approved plan and a set of the approved plans shall be on the job site and readily accessible to the inspector.
- (d) The Director may require construction security in an amount equal to the Director's estimate of the cost of the public sewer facilities including, but not limited to, contingencies and sales tax. Such security shall be in a form approved by the County Prosecuting Attorney's Office. The construction security will be authorized for reduction to 50% of the Director's estimate of costs for a public sewer collection line project when such collection line(s) have successfully passed air and mandrel tests. The construction security will be authorized for reduction to 25% of the Director's estimate of costs for the public sewer facilities (20% for projects with an estimated cost greater than \$100,000), when substantially complete or when the public facilities are accepted by the County for operation and maintenance, subject to an one-year warranty period. Such security will be eligible for release upon satisfactory completion of the one-year warranty period.

8.03.6340 [Reserved]

# **ARTICLE 7000 - SPECIAL CONDITIONS**

# 8.03.7020 Temporary Sewer Connections.

- (a) A Sewer Connection Permit may be issued for temporary sewer connections only for the connection of temporary structures as approved by the Director. Temporary sewer connections shall be for a period of no more than two (2) years, or as otherwise approved by the Director based on specific project conditions.
- (b) All temporary connections shall comply with the requirements contained in Articles 6000 and 7000 of this Chapter, except as noted below:
- (1) A Sewer Connection Permit, designating the connection as temporary, is required for all temporary connections.
  - (2) The County shall only bill the owner for the monthly O&M fees.
- (c) After two (2) years, the connection shall be deemed permanent unless an extension is requested and approved by the Director. Once deemed permanent, the Sewer Connection Permit will be amended to designate the connection as permanent and the current connection charges shall be due.

#### 8.03.7040 Interim Sewer Connections. Error! Bookmark not defined.

- (a) In the event the property owner or developer desires to connect to public sewer by constructing a sewer line beyond the limits of their property boundary; and, the Director determines that such sewer line is not consistent with the County's Comprehensive Wastewater Management Plan, the line will be determined a private line, even if constructed in public right-of-ways.
- (b) The private line will be considered an Interim Connection. If the Director determines that property is planned to be served by a public sewer at a future date, the property owner or developer will be required to abandon the use of the Interim line and make connection to permanent sewer, at such time as the public system is made available.
- (c) The property owner or developer will comply with Section 8.03.7045 of this Chapter.

#### 8.03.7045 Connection Of Properties Outside County Sewer Project Boundaries.

The Director will evaluate requests for connection of properties located outside the County's Sewer Project boundaries to the County's general sewerage system on a case-by-case basis. Any such requests will be evaluated based upon capacity in the existing POTW to accommodate the sewage generated by the added development, consistency with the CWMP, and under the following circumstances:

- (1) Property owners or developers may connect to the County's public sewer by means of direct connection to sewer adjacent to their property or by private line through an easement, provided:
- (A) The property owner or developer obtains a Sewer Connection Permit and pays all applicable fees (Special Connection Charges, GFCs and plan check fees)
- (B) The property owner or developer agrees to pay monthly Sewer Service Fees as required in Section 8.03.8520 of this Chapter; and
  - (C) The property owner or developer complies with all applicable sections of this Chapter.

- (2) Property owners or developers may connect to the County public sewer by means of a designated General Facility interceptor, provided:
- (A) The property owner or developer obtains a Sewer Connection Permit and pays all applicable GFCs and plan check fees.
- (B) The property owner or developer agrees to pay monthly Sewer Service Fees as required in Section 8.03.8520 of this Chapter; and
  - (C) The property owner or developer complies with all applicable sections of this Chapter.
- (3) Property owners or developers may obtain sewer service by constructing or financing an extension to existing public facilities, provided:
- (A) The property owner shall execute a Sewer Extension Agreement obligating the owner to pay applicable fees and charges, and obtain a Sewer Connection Permit and pay the fees therefore. The agreement shall be prepared by the Director and may contain other provisions deemed appropriate by the Director to ensure proper connection to the County's General Sewerage System;
- (B) The proposed facility is constructed in substantial conformance with the County's Comprehensive Wastewater Management Plan, sewerage plans for the area adopted by the Division of Utilities, and all applicable laws and regulations;
- (C) The public sewer extension is built to County design criteria and construction standards, is located within County right-of-ways or easements, and is conveyed to the County free and clear of all liens and encumbrances:
- (D) The property owner or developer agrees to the requirements for private sewer extensions referenced in this Chapter and the Sewer Standards Handbook; [Cross Reference: Section 8.03.6220]
- (E) In the event the property owner or developer constructs a public sewer 15 inches in diameter or larger, the County may, at its option, design that portion of the line. The County may require reimbursement of all or a portion of the cost of design. If GFC credits are allowed pursuant to Section 8.03.7140 of this Chapter, the design cost may be deducted from the GFC credit;
- (F) The property owner or developer provides security and warranty in accordance with Section 8.03.6320(d) of this Chapter, or as otherwise required in any Sewer Extension Agreements executed pursuant to Section 8.03.7150 of this Chapter; and
- (G) The property owner or developer submits plans and specifications for construction of public sewer for approval by the Director. Approval will be withheld until the Developer and County enter into a Sewer Extension Agreement as provided for in this Section.

8.03.7080 [Reserved]

8.03.7100 [Reserved]

8.03.7140 Reimbursement Or Credit For Construction Of Public Sewer.

(a) If a property owner or developer is required to construct or finance a public sewer extension in excess of 200 feet beyond the property served; or is required by the Director to oversize the pipe to a size of 15 inches in diameter or greater, for capacity in excess of that required by law to serve said property or development; the Sewer Extension Agreement may, at the discretion of the Director, provide for reimbursement and interest to the developer or property owner for the value of such excess capacity or construction of public line. Excess capacity will be determined by the difference between the cost of construction of the minimum

required line or general facilities for that development and the costs of construction for the oversized line or general facilities.

- (1) Reimbursement for excess capacity or extension of public line may be accomplished, at the discretion of the Director, utilizing one or any combination of the reimbursement alternatives detailed below:
- (A) A credit to the Special Connection Charges and/or GFCs for the property or development served;
- (B) A latecomer reimbursement agreement wherein the County remits any latecomer fees collected from those properties, within the specified service area, as they connect to the constructed line or general facilities within the specified 10-year reimbursement period; and/or
- (C) A latecomer reimbursement agreement wherein the County remits latecomer fees upon award of the contract for the construction of the balance of the Sewer Project that includes the subject property and incorporates the public sewer as part of the County's sewer service boundary improvements within the specified 10-year reimbursement period.
- (2) A reimbursement limit will be established by the Director based on the construction cost of the excess capacity or extension of public line less the Special Connection Charge and/or general facilities charge, as applicable, owed by the developer. The developer will be reimbursed up to that amount including interest as discussed in subsection (3) below. In the event a combination of the above reimbursements are allowed, the total reimbursement shall not exceed the predetermined reimbursement limit, plus any applicable interest.
- (3) Interest. An owner or developer may receive interest on reimbursements at the discretion of the Director. The interest rate shall be the Construction Cost Index as listed in the Engineering News record publication for the Seattle regional area and adjusted annually on February 1 using the January 1 Construction Cost Index.
  - (4) The term of reimbursement, including interest, shall be no longer than 10 years.
- (5) An administrative fee provision shall be included in all Sewer Extension Agreements that include reimbursement provisions, in accordance with Section 8.03.8560. The purpose of the administrative fee is to reimburse the County for the costs of tracking and administering the reimbursement provisions. The administrative fee shall be payable upon execution of the Sewer Extension Agreement.
- (b) If the lots within a subdivision are subject to Special Connection Charges or CFR charges, the developer's cost of the internal public sewer system improvements may be credited against those Special Connection Charges or the "construction cost component" of CFR respectively.

# 8.03.7150 Sewer Extension Agreements – Execution.

Whenever connection to the County's public sewer requires a written agreement (see 8.03.7045 and 8.03.7140), the Director is authorized to submit the same for approval to the Board of County Commissioners under the authority of this Chapter.

# **ARTICLE 8000 -- RATES, FEES AND CHARGES**

#### 8.03.8020 Pretreatment.

- (a) Regulations.
  - (1) User Charges.
- (A) Industrial users shall be charged, for each account, the sewer service fee (see Section 8.03.8520, paragraph (b), plus their established user charge.
  - (B) The industrial user charge shall be determined for each account according to:
- (i) Constant metering by the water purveyor of actual wastewater flow from a specific property; or
- (ii) Water consumption at a specific property as determined by actual metering by the water purveyor of water supplied from all sources; or
- (iii) Consumptive water uses determined by the Director not to contribute wastewater loading to the sewage collection and treatment System as measured by methods approved by the Director; and either
  - (iv) The user charge rate for standard wastewater strength; or
  - (v) The rate for standard wastewater strength plus a surcharge or credit.
- (C) The industrial user surcharge shall be calculated from the strength of the wastewater discharged by a specific user, as determined by a monitoring program conducted by the Director, of the individual discharge of the industrial user or for the discharge of a typical representative of a class of industrial users.
- (D) An industrial user's or class of industrial user's wastewater strength shall be determined by the County during a monitoring period of year, conducted by the Director. Time interval composite samples taken at the wastewater monitoring access (see Section (a)(2)) shall be used to determine wastewater strength unless flow proportional sampling equipment is available (see Section 8.03.8020(a)(2)), in which case the samples shall be flow proportioned.
- (E) Industrial users falling within the classification of Section (a)(2)(C), will be monitored once each six months by the County as a minimum to establish wastewater strength for utilization in computing the user charge surcharge. Other industrial user monitoring will be on an annual basis. The industrial user surcharge rate shall be established annually for the industry based on data from the previous sampling period and may be adjusted at the end of each year for future billing periods.
- (F) Other sewer districts or municipalities depositing wastewater in the County Sewer System under contract with Spokane County shall be charged the current industrial rate of wastewater loading based upon measurement of flow and waste constituents plus a service fee to recover accounting, debt service and billing expenses as determined by the Director. All industries discharging to the tributary district shall be subject to user charges for extra strength wastewater as if they were connected directly to the County's wastewater collection System.
  - (2) Equipment Required for Rate Adjustments.
- (A) Commercial and industrial users which derive their water supply solely from a water purveyor shall be charged by volume of flow based upon either water meter readings, approved wastewater flow monitoring equipment, or by such other method as shall be approved by the Director.

- (B) Commercial and industrial users which derive all or part of the wastewater from product concentration, moisture condensation, foundation drains, yard drains or other non-metered sources, shall install approved wastewater flow monitoring equipment upon notice given by the Director.
- (C) Industrial users which contribute more than 150,000 gallons (20,000 cubic feet) per day of wastewater flow, 360 pounds of BOD per day, 210 pounds of suspended solids per day, and/or 16 pounds of phosphorus per day, as an average for any seven days in each year, shall install approved wastewater flow metering, recording and totaling equipment and refrigerated, proportional to flow, sampling equipment.
- (D) If such industrial users do not supply approved monitoring facilities they shall provide to the County every three months a report on wastewater loads for periods of normal operations based upon a minimum of seven days of flow-proportioned sampling. The report shall be prepared by an approved independent licensed engineer or approved independent laboratory.
- (E) Designs and plans of wastewater flow measurement and sampling installations must be submitted to the Director for approval prior to installation. Flow or level sensor equipment must be insensitive to or protected from solids accumulation, temperature variations or surface foaming and must be capable of being readily calibrated. Wastewater sampling equipment must obtain flow-proportioned samples without distorting the concentration of any waste constituent.
- (F) Flow instrumentation must include a means for determining daily peak flow rate and a digital flow totalizer reporting in thousands of gallons and the totalizer must not turn over more than once per year during the first year of installation. Representatives of the County shall be permitted access to the monitoring station at all times. The industry using the monitoring facility shall maintain its accuracy and good working order. If the equipment becomes inoperative, the user shall provide a wastewater report as described in Section (a)(2)(D).
- (G) Each industrial user shall provide an approved wastewater monitoring access to its wastewater stream(s) ahead of the point of entering the public sewer System and downstream of all plant drainage inflows.
- (H) Commercial users expected or determined to discharge wastewaters with BOD, suspended solids and/or phosphorus concentrations greater than the range established for standard wastewater strength shall also provide an approved wastewater monitoring access to its wastewater stream(s) ahead of the point of entering the public sewer System and downstream of all plant drainage inflows. The County shall be permitted access to the wastewater monitoring point(s).
- (I) The Director shall be empowered to require installation and maintenance at the user's expense of wastewater flow monitoring equipment and proportional flow sampling equipment where wastewater loading cannot be reasonably determined. The County shall be given complete access to all such equipment.
- (J) Users notified to install flow monitoring and sampling equipment shall have 180 days to install the equipment or have the County contract for installation of the equipment and bill the user for the installation.
- (K) Any commercial and industrial user initiating a discharge or increasing the rate of discharge of wastewater or pollutants, who is within the definition of Section (a)(2)(C), shall receive approval prior to initiation of or increase of such discharge.
- (3) New Accounts. Rates and charges for commercial and industrial users commencing to receive service from the wastewater treatment system shall be charged for volume of flow as a standard wastewater load plus surcharges based upon a report of expected wastewater characteristics that shall be submitted by the prospective user and approved by the Director prior to discharge of wastewater.

- (4) Wastewater Analyses and Reports.
- (A) All measurement tests and analyses of the characteristics of wastewaters to determine wastewater loading and/or whether or not the established limits for standard wastewater are exceeded shall be made as prescribed in the latest edition of "Standard Methods for the Examination of Water and Sewage", a publication of the American Public Health Association, Inc.
- (B) All measurements, tests, analyses and reports accepted by Spokane County shall be performed by laboratories or persons approved by the Director.
- (C) The County shall monitor the wastewater from industrial users discharging process wastewaters and commercial users expected or determined to discharge wastewaters with greater constituent strength than the range for standard strength wastewaters or constituents listed in Article 4000 of this Chapter to determine the flow and wastewater strength and suitability for treatment at a frequency determined adequate by the Director.
- (D) The results of this monitoring shall be used to assess representative wastewater charges or to assure that no wastewater loading changes have occurred since the last billing rate adjustment. The scheduled frequency for monitoring each user or group of users shall be available for examination by the public.
- (E) Industrial and/or commercial users who feel that more frequent monitoring would be desirable may monitor more frequently and submit reports for the Director's use in assessing charges. The monitoring and reports shall comply with this Chapter and shall be at the user's expense.
- (F) Results of monitoring shall be public information, and records thereof shall be open to public examination upon request to the Director, unless the individual user requests otherwise and presents an affidavit that release of such information would allow others to determine information therefrom regarding proprietary processes or operations.
- (5) Adjustment of Charges. The Director will review user charges and revise them periodically to reflect actual treatment works operation and maintenance costs. Charges for each billing period will be determined based on wastewater flow and on approved wastewater strength monitoring.

# (6) Orders.

- (A) The Director shall be authorized to issue an order prohibiting further discharge into the municipal sewerage system to any user who refuses to comply with the provision of this Chapter or where deemed necessary to protect the public health and safety. Users may appeal to the Director for an adjustment of the user charge, such an appeal must be made within 30 days of the billing under dispute.
- (B) In the event that the County determined wastewater strengths and/or flows are challenged, an appeal must be accompanied by or be followed within 30 days by a report based upon samples and tests performed by an approved laboratory and/or engineer setting forth the flows and/or waste strengths in dispute. The decision of the Director on appeals may be further appealed to the Board within 10 days of the Director's decision in accordance with Section 8.03.9185 of this Chapter.
- (7) Persons Subject to Sewer User Charges. Every person to whom service is furnished by the sewage collection and treatment system of Spokane County, and every person to whom such service is available by said System of Sewerage, as determined by the Director or applicable laws or regulations, shall be charged for such service on the basis set forth herein.

- (b) Rates.
  - (1) Pretreatment Permit: \$500.
  - (2) User Charges.
    - (A) Industrial/Commercial User Charges shall be calculated in accordance with 8.03.8020(a).
    - (B) Miscellaneous Charges for Laboratory Analysis:
      - (i) Bacteriological Tests:

Fecal Coliform	\$35.00

# (ii) Chemistry Tests:

Alkalinity	
Bicarbonate	\$14.13
Carbonate	\$14.13
Total	\$27.41
Biochemical Oxygen Demand	\$31.67
Chloride	\$ 9.87
Chemical Oxygen Demand	\$29.28
Dissolved Oxygen	\$23.58
Fluoride	\$14.13
Hardness	\$13.71
Nitrogen	•
Ammonia	\$26.47
Kjeldahl	\$27.41
TKN	\$52.95
Nitrate	\$23.58
Nitrite	\$15.58
Oil & Grease	\$39.67
pН	\$ 6.55
Phosphorus	
Inorganic	\$22.64
Orthophosphate	\$16.51
Total	\$22.64
Residue	
Settleable Solids	\$11.75
Coliform	\$35.00
Suspended Solids	\$14.13
Total Solids	\$15.58
Total Dissolved Solids	\$15.58
Volatile Solids	\$19.32
Volatile Suspended Solids	\$19.32
Specific Conductance	\$ 7.83
Specific Oxygen Demand	\$59.08
Sulfates	\$20.26
Turbidity	\$11.75

- (C) Elemental Analysis Performed by Atomic Absorption Spectrophoto-metry:
  - (i) ICAP Technique:

Aluminum	\$9.43
Calcium	\$9.43
Cadmium	\$9.43
Chromium	\$9.43
Copper	\$9.43
Iron	\$9.43
Lead	\$9.43
Magnesium	\$9.43
Manganese	\$9.43
Mercury	\$9.43
Nickel	\$9.43
Potassium	\$9.43
Sodium	\$9.43
Zinc	\$9.43

(ii) Flameless Technique:

Same Elements as Above \$18.86 Each

## 8.03.8040 Sewer Facility Plan Check.

- (a) Gravity Collection Lines: \$0.40 per linear foot of public or private gravity sewer pipe with a \$100 minimum.
- (b) Community On-Site Treatment and Disposal Facilities: \$100 flat fee, plus \$5 per 300 gallons per average daily design flow for the project.
- (c) Pump Stations: \$100 flat fee, plus \$10 for each 300 gallons per average daily design flow for the project, plus \$.20 per linear foot of pressure sewer pipe.

#### 8.03.8060 Plan Actions Within Spokane County's Sewer Service Area, Review Procedure.

- (a) Planning Actions Resulting in the Production of Wastewater:
  - (1) Sites Within the Urban Growth Area: \$100 Per Action.
  - (2) Sites Outside the Urban Growth Area: \$25 Per Action.
- (b) Planning Actions Resulting in No Production of Wastewater: No Charge.
- (c) If the planning action is withdrawn, the sponsor may request a refund. The actual refund will be determined by the Director based on County action/review completed prior to withdrawal.

## 8.03.8100 Capital Facilities Rate (CFR).

The following Sections 8.03.8100 through 8.03.8250, inclusive, contain provisions pertaining to the calculation, collection and payment of CFR charges.

## 8.03.8120 CFRs Assigned To Each Annual Sewer Construction Program.

(a) A constant monthly CFR will be established by the Board for each Annual Sewer Construction Program. The CFR may be revised once final construction and/or financing costs are determined. The components of the CFR related to debt service may be based on estimates of the principal amount and interest costs of the bonds for such Annual Sewer Construction Program.

(b) The CFRs for each Annual Sewer Construction Program are as follows:

1997 Program	CFR = \$4	,295.00/ERU
CFR if Paid Mo	onthly (up to 240	Months)
		Monthly
CFR Components	CFR Costs	CFR
Construction Cost	\$3,220.00	\$13.42
GFC	\$1,075.00	\$4.48
Bond Issuance	\$155.00	\$0.64
Interest (7.0%)	\$3,950.00	\$16.46
Total	\$8,400.00	\$35.00

1998 Program	CFR = \$4,295.	00/PER ERU
CFR if Paid Monthly (up to 240 Months)		
		Monthly
CFR Components	CFR Costs	CFR
Construction Cost	\$3,020.00	\$12.59
GFC	\$1,275.00	\$5.31
Bond Issuance	\$155.00	\$0.64
Interest (7.0%)	\$3,950.00	\$16.46
Total	\$8,400.00	\$35.00

1999 Program	CFR = \$4,420.	00/PER ERU
CFR if Paid Mo	onthly (up to 240	Months)
		Monthly
CFR Components	CFR Costs	CFR
Construction Cost	\$3,020.00	\$12.59
GFC	\$1,400.00	\$5.83
Bond Issuance	\$115.00	\$0.48
Interest (6.5%)	\$3,865.00	\$16.10
Total	\$8,400.00	\$35.00

2000 Program	CFR = \$4,685.	00/PER ERU
CFR if Paid Monthly (up to 240 Months)		
		Monthly
CFR Components	CFR Costs	CFR
Construction Cost	\$3,020.00	\$12.59
GFC	\$1,665.00	\$6.94
Bond Issuance	\$71.00	\$0.30
Interest (6.0%)	\$3,644.00	\$15.17
Total	\$8,400.00	\$35.00

2001 Program	CFR = \$4,685.	00/PER ERU
CFR if Paid Mo	onthly (up to 240	Months)
		Monthly
CFR Components	CFR Costs	CFR
Construction Cost	\$3,020.00	\$12.59
GFC	\$1,665.00	\$6.94
Bond Issuance	\$71.00	\$0.30
Interest (6.0%)	\$3,644.00	\$15.17
Total	\$8,400.00	\$35.00

2002 Program	gram	
CFR if Paid Mo	lonthly (up to 240 Months)	
		Monthly
CFR Components	CFR Costs	CFR
Construction Cost	\$3,065.00	\$12.77
GFC	\$1,885.00	\$7.85
Bond Issuance	\$0.00	\$0.00
Interest (6.0%)	\$3,690.00	\$15.38
Total	\$8,640.00	\$36.00

2003 Program	CFR = \$4,950.0	00/PER ERU
CFR if Paid Mo	onthly (up to 240 l	Months)
		Monthly
CFR Components	CFR Costs	CFR
Construction Cost	\$3,065.00	\$12.77
GFC	\$1,885.00	\$7.85
Bond Issuance	\$0.00	\$0.00
Interest (6.0%)	\$3,690.00	\$15.38
Total	\$8,640.00	\$36.00

2004 Program	CFR = \$5,050.	.00/PER ERU
CFR if Paid Mo	onthly (up to 240	Months)
		Monthly
CFR Components	CFR Costs	CFR
Construction Cost	\$3,165.00	\$13.19
GFC	\$1,885.00	\$7.85
Bond Issuance	\$66.00	\$0.27
Interest (6.0%)	\$3,682.00	\$15.34
Total	\$8,798.00	\$36.65

2005 Program	CFR = \$5,160.	00/PER ERU
CFR if Paid Mo	onthly (up to 240	Months)
		Monthly
CFR Components	CFR Costs	CFR
Construction Cost	\$3,275.00	\$13.65
GFC	\$1,885.00	\$7.85
Bond Issuance	\$66.00	\$0.27
Interest (6.0%)	\$3,762.00	\$15.68
Total	\$8,988.00	\$37.45

2006 Program	CFR = \$5,275.	00/PER ERU
CFR if Paid Mo	onthly (up to 240 Months)	
		Monthly
CFR Components	CFR Costs	CFR
Construction Cost	\$3,390.00	\$14.13
GFC	\$1,885.00	\$7.85
Bond Issuance	\$64.00	\$0.27
Interest (6.0%)	\$3,841.00	\$16.00
Total	\$9,180.00	\$38.25

2007 Program	CFR = \$5,395.	00/PER ERU
CFR if Paid Mo	onthly (up to 240	Months)
		Monthly
CFR Components	CFR Costs	CFR
Construction Cost	\$3,510.00	\$14.63
GFC	\$1,885.00	\$7.85
Bond Issuance	\$62.00	\$0.26
Interest (6.0%)	\$3,927.00	\$16.36
Total	\$9,384.00	\$39.10

2008 Program	CFR = \$5,520.00/PER ERU				
CFR if Paid Monthly (up to 240 Months)					
		Monthly			
CFR Components	CFR Costs	CFR			
Construction Cost	\$3,635.00	\$15.15			
GFC	\$1,885.00	\$7.85			
Bond Issuance	\$48.00	\$0.20			
Interest (6.0%)	\$4,008.00	\$16.70			
Total	\$9,576.00	\$39.90			

## 8.03.8130 Manufactured Home Parks With Functioning Septic Systems. .

- (a) Pursuant to RCW 35.67.370(1), the county may not require an existing manufactured (mobile) home park with an existing functional septic system to connect to county sewer unless the local board of health determines that the septic system is failing.
- (b) For a manufactured home park not connected to county sewer as provided in subsection (a), and which is located within an Annual Sewer Construction Program, the CFR charge to that property shall not include the GFC component, nor that portion of the interest component associated with the GFC, unless the owner of the mobile home park elects in writing to have the GFC included in the CFR.
- (c) Upon connection of the manufactured home park to county sewer, and if the owner of the manufactured home park has not previously elected to have the GFC component included in the CFR charge, the GFC for the manufactured home park shall become due and payable. The GFC component shall be calculated at the rate existing at the time the property is connected to county sewer. Payment options for the GFC shall include: (1) a lump sum payment of the full GFC amount when the sewer connection permit is issued; (2) the payment of a "CFR reimbursement" when the sewer connection permit is issued, together with an appropriate adjustment of the monthly CFR, in accordance with the methodology set forth in Section 8.03.8200 of this Chapter; or (3) the "Alternative Payment Schedule" for GFC payment as set forth in Section 8.03.8460 of this Chapter..

(d) If a parcel of property with a manufactured home park which has been exempted from connection to the sewer is subsequently converted to a new land use, it shall be connected to the county sewer, and GFCs shall be paid based on the new land use, and at the rate existing at the time the property is connected to the county sewer. In addition, if the new land use on the parcel results in more ERUs than were included in the original CFR, additional CFRs shall be paid based on the difference in ERUs between the new land use and the manufactured home park, in accordance with Section 8.03.8200 of this Chapter.

## 8.03.8140 Billing Of CFRs.

- (a) The County will commence monthly billing of the CFR within each Sewer Project after the System of Sewerage becomes "available" to developed parcels within such Sewer Project within the meaning of 8.03.3040.
- (b) The CFR will be billed on a monthly basis through to the maturity date reflected on the property owner's monthly bill, unless the property owner elects to discharge such charges earlier through prepayment(s) executed pursuant to Section 8.03.8160 or 8.03.8180 of this Chapter.

## 8.03.8160 Prepayment Of The CFR During The 30-Day Prepayment Period.

- (a) The County will provide a "30-Day Prepayment Period" during which property owners may prepay all or a portion of "construction cost component" and "GFC component" of the CFR (as such phrases are defined in Section 8.03.1135 of this Chapter) applicable to such Sewer Project. Partial prepayments shall be in the amount of \$500 or more. There is no requirement that an owner prepay any portion of the CFR.
- (b) The County will mail a 30-Day Prepayment Period Notice to the owner or reputed owner of each parcel within the Sewer Project advising that the owner may pay all or a portion (in amount of \$500 or more) of the "construction cost component" and "GFC component" of the CFR applicable to his/her parcel(s) during the specified 30-Day Prepayment Period.
- (c) If a property owner elects to prepay the total "construction cost component" and "GFC component" of the CFR during the 30-day prepayment period, then the County will exclude the CFR when calculating the monthly sewer bills pertaining to such parcel.
- (d) Any property owner electing to prepay the total "construction cost component" and "GFC component" of the CFR shall submit a properly executed prepayment agreement, on a form to be provided by the County, along with such total prepayment.
- (e) If a property owner elects to make a partial prepayment of \$500 or more of the "construction cost component" and "GFC component" of the CFR during the 30-day prepayment period, then the County will deduct any such partial payment and recalculate the monthly CFR billing for inclusion on the monthly sewer bills pertaining to such parcel. The monthly CFR billing will be recalculated based upon the remaining balance of the "construction cost component" and "GFC component", using the standard capital recovery formula below:

$$A = P \qquad \underbrace{\frac{i \ (1+i)^n}{(1+i)^n - 1}}_{\text{ }} \qquad \text{where;} \qquad A = \text{Monthly Payment} \\ P = \text{Remaining Balance} \\ I = \text{Interest Rate} \div 12 \\ N = 240 \ (\text{number of monthly payments} \\ \text{Remaining}$$

(f) Prepayments are not transferable to individuals or to other parcels; and, the County will not refund any portion of a prepayment to the property owner.

(g) Notwithstanding the foregoing, Section 8.03.8200 shall apply in the event additional ERUs are allocated to the parcel after any such prepayment(s).

## 8.03.8170 CFR Credit When A Pump Is Required For Main Floor Sewer Service.

- (a) A \$1,000 CFR credit will be provided to property owners within a County Sewer Project who must install a pumping system in order to convey the wastewater flow from the main floor level of their property to the public sewer system.
- (b) If the property owner is prepaying the total CFR during the 30-day prepayment period, the total CFR will be reduced by \$1,000. If the property owner elects to pay the CFR on a monthly basis, the CFR will be reduced by \$1,000 in accordance with the policy for partial prepayments (see Sections 8.03.8160 and 8.03.8180 of this Chapter).

#### 8.03.8180 Prepayment Of The CFR After Expiration Of The 30-Day Prepayment Period.

- (a) After the expiration of the 30-Day Prepayment Period for a Sewer Project under Section 8.03.8140 of this Chapter, property owners may prepay all or a portion of the remaining CFR charges applicable to his/her parcel(s) at any time. Partial prepayments shall be in the amount of \$500 or more. There is no requirement that an owner prepay any portion of the CFR.
- (b) If a property owner elects to prepay the total remaining CFR charges, the County will exclude such CFR charges when calculating the monthly sewer bills pertaining to such parcel. The amount of any such total prepayment shall be calculated pursuant to the following formula:

$$[(A - B) \times C \times D] + E$$
, where,

"A" represents the monthly CFR on a per-ERU basis, established for the Annual Sewer Construction Program;

"B" represents the "interest component" of the monthly CFR (as specified in Section 8.03.8120) on a per-ERU basis;

"C" represents the total number of ERUs allocated by the County to the parcel for which the prepayment is being made;

"D" represents the total number of remaining months the CFR would be billed to the parcel if the prepayment was not made; and

"E" represents any unpaid sewer bills pertaining to such parcel, together with any interest, penalties and fees due on account of such delinquency.

- (c) Any property owner electing to prepay the total remaining CFR charges shall submit a properly executed prepayment agreement, on a form to be provided by the County, along with such total prepayment.
- (d) If a property owner elects to make a partial prepayment of \$500 or more of the CFR charges, then the County will deduct any such partial payment and recalculate the monthly CFR billing for inclusion on the monthly sewer bills pertaining to such parcel. The monthly CFR billing will be recalculated based upon a remaining principal amount that includes the balances of the "construction cost component", the "GFC component" and the "bond issuance cost component", using the standard capital facilities recovery formula as follows:

$$A = P \qquad \begin{array}{c} \left[ \\ \underline{I \ (1+i)^n} \\ (1+i)^n - 1 \end{array} \right] \qquad \text{where;} \quad A = \text{Monthly Payment} \\ P = \text{Remaining Balance}$$

i = Interest Rate ÷ 12n = 240 (number of monthly payments remaining

- (e) Prepayments are not transferable to individuals or to other parcels; and, the County will not refund any portion of a prepayment to the property owner.
- (f) Notwithstanding the foregoing, Section 8.03.8200 of this Chapter shall apply in the event additional ERUs are allocated to the parcel after any such prepayment(s).

#### 8.03.8190 Deferral Of CFR Charges – Low-Income Senior And Disabled Property Owners.

- (a) A property owner may request a deferral of the payment of his/her CFR charges for their principal residence if:
- (1) The property owner has an active Property Tax Exemption (submitted and approved in accordance with RCW 84.36) on file at the Spokane County Assessor's Office for that residence; and,
- (2) The property owner is ineligible for CFR prepayment assistance for that residence under the Community Aquifer Protection Assistance Program (CAPA), administered by the Spokane County' Department of Housing and Community Development.
- (b) Qualifying property owners electing to defer their CFR charges under this Section shall file a written declaration of deferral with the Division of Utilities, using the form prescribed and supplied by the Division. If a property owner is unable to make his/her own declaration of deferral, it may be made by a duly authorized agent, guardian or other person charged with the care of the person or property of such person.
- (c) The effective date for the deferral of CFR charges shall be the month following the submission of an accurate, complete and signed declaration. CFR charges, along with any associated late penalties and interest, accrued prior to the effective date of the deferral can not be deferred; all such charges will still be due and subject to collection in accordance with this Chapter. The County will not refund any CFR charges paid prior to the effective date of deferral.
- (d) When a property owner's CFR charges are deferred under the provisions of this Section, the amount deferred and required to be paid shall become a lien in favor of the County upon the owner's property. The lien shall accumulate interest annually at the rate used to calculate the monthly CFR for the corresponding Annual Sewer Construction Program for that parcel. The interest shall begin to accrue from the first day of deferral and shall continue to accrue until the obligation is paid.
- (e) Deferred CFR charges, including accrued interest, shall become payable for a property with a lien for deferred CFR charges:
  - (1) Upon the sale of the property.
- (2) Upon the death of the property owner. This subsection shall not apply if there is a surviving spouse who was a signatory on the declaration of deferral.
  - (3) Upon condemnation of the property by a public or private body exercising eminent domain power.
- (4) At such time as the property owner ceases to permanently reside in the residence. This subsection shall not apply if the owner is confined to a hospital or nursing home and any of the exceptions listed in RCW 84.36.381(1)(a) through (1)(c) apply.
- (5) Upon the failure of the property owner to meet any of the conditions and qualifications set forth in this Section.

(f) Upon collection of the CFR charges, including accru- Division of Utilities will release the lien upon the property.	ed interest,	deferred	under	this	Section,	the

## 8.03.8200 Increase In ERUs Allocated To A Parcel After CFR Billing Commences.

- (a) In the event the County determines that the total number of ERUs allocated to a parcel within a Sewer Project is/has increased after the CFR billings have commenced for the Sewer Project, the owner of such parcel shall be required to pay a CFR reimbursement and pay future CFR charges for each additional ERU allocated to such parcel.
- (b) The CFR reimbursement referred to in Section (a) of this Section shall be calculated pursuant to the following formula:

$$(A + B) \times C \times D$$
, where,

"A" represents the "construction cost component" (as specified in Section 8.03.8120) of the monthly CFR per month per-ERU for the Annual Sewer Construction Program applicable to the parcel;

"B" represents the "GFC component" (as specified in Section 8.03.8120) of the monthly CFR per month per-ERU for the Annual Sewer Construction Program applicable to the parcel;

"C" represents the number of months (rounded to the next whole month) since the CFR billing was commenced for Sewer Project in which the parcel is located; and

"D" represents the number of additional ERUs allocated to the parcel.

- (c) The property owner shall also make a lump sum payment representing the total increase in the GFC rate, if any, between the "GFC component" included in the original CFR charge and the current GFC rate for the additional ERUs.
- (d) When the County determines that ERUs have increased and an increased CFR is payable, the County will provide a "30-Day Prepayment Period" during which the property owner may prepay all or a portion of the "construction cost component" and "GFC component" (as such phrases are defined in 8.03.1135) of the CFR charges. The owner must pay at least those amounts as outlined in subsection (a) of this Section during the 30-day prepayment period. Additional prepayments shall be in the amount of \$500 or more.
- (e) Any such prepayment (all or portion) of the total "construction cost component" and "GFC component" of the future CFR charges during the 30-day prepayment period shall be accomplished in accordance with 8.03.8160.
- (f) If not prepaid in full during the 30-day prepayment period, the County shall commence the billing of the applicable future sewer charges the following month. The County shall calculate monthly sewer bills for the respective parcel for future CFR charges as if the property owner had been paying the CFR component of monthly sewer bills since the time the CFR billing commenced for the Sewer Project in which the parcel is located.
- (g) To the extent that future CFR charges are not prepaid in full during the 30-day prepayment period, these charges may be prepaid, at any time, in accordance with 8.03.8180.

## 8.03.8220 Decrease In ERUs Allocated To A Parcel After CFR Billing Commences.

Once the County has calculated the ERUs allocated to a parcel and has commenced CFR billings, the County will not recalculate and reduce the CFR billings associated with that parcel should a subsequent reduction in usage occur.

## 8.03.8240 Pre-Existing Sewers.

The Director may exclude the CFR from the monthly sewer bills for those parcels: (i) that are within a Sewer Project; (ii) that are connected to a sewage collection system installed by a developer or property owners, provided such sewage collection system is connected (or will be connected as a result of the Sewer Project) to the System of Sewerage; and (iii) for which GFCs previously have been paid. In determining whether to exclude the CFR from the monthly sewer bills under this Section, the Director shall consider the requirements of any pre-existing sewer connection/extension agreements.

#### 8.03.8250 Parcels Inside A Future Sewer Project Connecting To Existing Public Sewer.

- (a) A property owner may connect their property to public sewer prior to the date targeted for construction of the Sewer Project that includes their property.
- (b) The property owner will be required to pay the CFR in effect at the time of issuance of their Sewer Connection Permit.
- (c) The County will provide a "30-Day Prepayment Period" during which the property owner may prepay all or a portion of the "construction cost component" and "GFC component" (as such phrases are defined in 8.03.1135) of the CFR charges. Partial prepayments shall be in the amount of \$500 or more. There is no requirement that an owner prepay any portion of the CFR charges.
- (d) Any such prepayment (all or portion) of the total "construction cost component" and "GFC component" of the CFR charges during the 30-day prepayment period shall be accomplished in accordance with 8.03.8160.
- (e) If not prepaid in full during the 30-day prepayment period, the County shall commence the billing of the applicable sewer charges the following month. The term of the CFR payments will be for 20 years from the date the CFR billings commence.
- (f) To the extent that the CFR charges are not prepaid in full during the 30-day prepayment period, these charges may be prepaid, at any time, in accordance with 8.03.8180.

#### 8.03.8260 Unbuildable Parcels.

The Director may designate parcels as "unbuildable" (due to grade, slope or other factors) and exempt such parcels from GFC, CFR and Sewer Service Fee payments. Parcels designated as unbuildable will not be provided a side sewer stub. If a parcel's condition changes in such a manner that it is no longer deemed "unbuildable" by the Director, then the property owner will be required to pay the applicable GFC and CFR charges in accordance with Section 8.03.8200.

#### 8.03.8280 Special Connection Charge.

- (a) Any owner of property located outside a Sewer Project may connect to that portion of the System of Sewerage located within a Sewer Project, or to that portion of the System of Sewerage located outside a Sewer Project (e.g. sewers installed by developers or property owners that have been connected to the System of Sewerage) upon payment of the applicable Special Connection Charge. Satisfactory arrangement for payment of the Special Connection Charge shall be made as a condition to the County's issuance of a Sewer Connection Permit for such property. In addition, such property owner must make arrangements to pay any applicable GFCs in accordance with Section 8.03.8320.
- (b) The Special Connection Charge shall represent a proportionate share of the capital cost of those portions of the County's general sewerage system that do not comprise general facilities. The Special Connection Charge due for parcels connecting to public sewer, in accordance with Article 7000 of this Chapter, is equal to the "construction cost" component detailed in Paragraph B of 8.03.8120 for the year that the Sewer Connection Permit is issued. However, the Director may use an alternate method to

compute the Special Connection Charge which may he/she deems to more fairly reflect a parcel's proportionate share of the capital costs described above.

- (c) The Director may determine that Special Connection Charges are not applicable to a connection, provided:
- (1) Those portions of the sewer system downstream of the connection point and upstream of the receiving general facility were constructed without substantial financial participation by the County; and
  - (2) No Latecomer Reimbursement Agreements apply to the connection;
- (d) No Special Connection Charges will be collected when a connection is made directly to a designated General Facility interceptor.
- (e) When a Special Connection Charge is assigned to a parcel, the Director may allow payment of the Special Connection Charge and GFC for that parcel at the same rates, terms and payment period that apply to the current CFR.
- (f) The Special Connection Charge shall be subject to the same lien, interest, penalty and collection provisions applicable to the GFC.

## 8.03.8290 Trunk Charge.

- (a) A Trunk Charge will be charged to developments connecting to sewer trunk extensions outside of the County's Sewer Tank Elimination Program area, as identified in the CWMP.
- (b) The Trunk Charge will be calculated on a "per acre" basis and charged to developments within the established area benefiting from the trunk sewers.
- (c) The Trunk Charge shall be paid in full prior to issuance of the Sewer Connection Permits for the development.
- (d) In addition, the property owner shall pay any applicable GFCs due in accordance with 8.03.8320.

## 8.03.8300 General Facility Charge (GFC).

The following Sections 8.03.8300 through 8.03.8460, inclusive, contain provisions pertaining to the calculation, collection and payment of GFCs.

#### 8.03.8320 Intent And Purpose.

- (a) The Board finds that it would be inequitable for property owners to connect to an already existing public sewer system without first paying their fair share of the costs incurred in constructing such system. These costs, and the benefit derived there from, were incurred by the County to provide treatment facilities and the interceptor system facilities necessary to convey wastewater flows from the collection system to the point of treatment. The Board additionally finds it is reasonable to establish a GFC to prevent such inequities from occurring.
- (b) The Board further finds that those property owners expanding improvements upon their property, and thereby increasing demand on the public sewer system to which they are already connected, should also be liable for payment of the GFC, expressed in ERUs, for the net expansion over and above the number of ERUs previously connected and for which they have been charged.

#### 8.03.8340 GFC Established.

There is established a charge, known as a General Facilities Charge or "GFC" which shall be imposed upon all property located within the UGA of Spokane County as well as all property outside the UGA which requests connection to the System of Sewerage subsequent to the effective date of the ordinance codified in this Chapter. The GFC shall be calculated and imposed in accordance with this Chapter.

## 8.03.8360 Privilege To Connect Conditional.

The right to connect to the County's general sewer facilities is strictly conditioned upon the payment of the GFC as provided in this Chapter.

#### 8.03.8380 Disposition Of GFC Revenues.

All funds received in payment of GFCs imposed pursuant to this Chapter shall be considered revenue to the County Public Works Department, Division of Utilities and shall be deposited in a separate fund for construction and acquisition of the general sewerage facilities of the County and for payment of the debt service on bonds issued for that purpose. Further, such funds shall be available for the purposes set forth in RCW Section 36.94.020.

#### 8.03.8400 GFC Based On Project Costs.

- (a) Calculation of the GFC is based upon the total projected cost of the general facilities serving properties connecting or connected to the County's general sewerage system.
- (b) When GFCs are financed as part of CFRs in a Sewer Project or special assessments in a ULID, the share of the general facilities allocable to such ULID or Sewer Project may be considered as providing a special benefit to the properties.
- (c) When GFCs are not financed as part of CFRs in a Sewer Project or special assessments in a ULID, the County Division of Utilities may record a legal description of the property and the amount of the GFC assigned or paid with the County Auditor before or at the time the property is connected to public sewer. Such recording shall not be a prerequisite to the enforceability of such charge.

#### 8.03.8420 GFC Rates.

- (a) GFC rates shall be established by resolution of the Board of County Commissioners on the following basis:
- (1) A GFC shall be established on an ERU basis for all properties served by the County's general sewerage system.
- (2) Each single family dwelling unit and each duplex dwelling unit shall be charged the GFC amounts for one ERU.
- (3) Each multi-family dwelling unit shall be charged a GFC that is 70 percent (70%) of the GFC amount for one ERU.
- (4) Manufactured Home Parks shall be charged the GFC for one ERU for each 800 cubic feet of water per month of metered water usage. When historical water usage data is not available, 0.6 ERUs will initially be assigned to each unit space within the Manufactured Home Park (Cross Reference: Section 8.03.1247).
- (5) Commercial units shall be charged the GFC for one ERU for each 800 cubic feet of water per month of metered water usage, except as noted in subsection (b) in this Section.
- (6) Additional GFCs shall be charged to properties when improvements are expanded or converted on the subject property and demand on the County's system is thereby increased, for the net increase in ERUs over the number of ERUs previously connected or assigned and for which the property owner was previously charged.
- (b) The Director is responsible for assigning GFCs to all properties served by the County's System of Sewerage. For commercial units, the Director may base the calculation of GFCs on the basis of wastewater flow when disparities exist between metered water usage and actual wastewater flows. A property owner may request adjustment of the GFC assigned to commercial units, based on relevant factors such as wastewater flows and strength characteristics. All such requests for adjustments of the GFC must be made, in writing, to the Director. Upon review of pertinent data including the average peak wastewater flows and strength characteristics of the assigned GFC as well as any information provided by the property owner, the Director may revise or modify the proportionate ERU and revise or modify the GFC, if deemed appropriate.

#### (c) Rate:

(1) Parcels obtaining Sewer Connection Permits shall pay the GFC rate, as detailed in the table below:

General Facilities Charge (GFC) Per ERU	Effective Jan 1, 2005	Effective Jan 1, 2008
Elimination of Subsurface Effluent Discharge	\$1,885	\$1,885
New Development	\$2,510	\$3,635

#### 8.03.8440 Adjustment Of GFCs.

The Board, after appropriate public hearing, may adjust the rates for GFCs based on factors affecting GFC rates.

## 8.03.8460 GFC Payment Procedures.

The GFC will be imposed and payment provisions established for a parcel of property or use according to the rules for specific circumstances as detailed below:

- (1) Original Parcels Within Finalized ULIDs: For uses on parcels included in the finalized roll for a ULID, payment of the GFCs will be in accordance with the provisions of the ULID financing program.
- (2) Original Parcels Within Finalized County Sewer Projects: For original parcels included within a finalized County Sewer Project, payment of the GFCs will be in accordance with the provisions of the Sewer Project financing program. Additional GFCs assigned to original parcels included within a Sewer Project due to a change in use shall be paid in accordance with Section 8.03.8200 of this Chapter.
  - (3) Circumstances Allowing Alternative Payment Schedule:
- (A) Under certain circumstances, the GFCs may be paid over a two-year time frame through an increase in the monthly sewer service charge applicable to the property. These circumstances are listed below:
- (i) Change in use on an original parcel that is connected to the sewer, and is within a finalized ULID.
- (ii) Change in use on a parcel that is connected to the sewer, is outside of finalized ULIDs and Sewer Projects, and are not being paid in accordance with Section 8.03.8280(b).
  - (iii) Elimination of an on-site sewage disposal system.
  - (iv) Connection of any existing "dry" sewer main to the County's regional sewer system.
- (v) Abandonment of an existing community wastewater treatment plant. All existing community wastewater treatment plants with on-site disposal systems shall be abandoned when a public sewer line is within 1,000 feet of the community wastewater treatment plant; or, when such plant requires major improvements or is failing and the Director determines that connection is more reasonable than a repair alternative. Upon notice of intent by the County to abandon the community wastewater treatment plant, the properties served by the existing system will be required to pay GFCs to the County.
- (vi) Connection of new uses on new parcels created within a ULID or Sewer Project after finalization of the ULID or Sewer Project.
  - (vii) Connection of new uses on parcels outside of finalized ULIDs or Sewer Projects.
- (B) In the event this alternative payment plan is selected by the property owner, the GFC portion of the monthly service charge shall be subject to interest and penalties as provided in Section 8.03.9040 of this Chapter should it become delinquent. Further, in the event of a delinquency, the County may render the remaining balance of GFCs immediately due and payable.
- (4) New Manufactured Home Parks: Applicable GFCs for new manufactured home parks shall be collected for each pad prior to the issuance of the first building permit for that pad. However, for new manufactured home parks developed on original parcels within finalized County Sewer Projects, payment of GFCs shall be in accordance with Section 8.03.8200 of this Chapter.

#### 8.03.8480 Additional And/Or Oversized Sewer Stubs.

- (a) Typically, the County will provide one stub for each parcel of land. Considering local zoning and sound engineering practices, the County may install additional stubs to a parcel, which will be initially financed by the County. These costs will be recovered through the subsequent collection of applicable Special Connection or CFR charges.
- (b) To the extent that the County can accommodate such requests within the design of a Sewer Project, the County will provide additional and/or oversized stub(s) as requested by the property owner in conjunction with the construction of the sewer within that Sewer Project. However, the additional and/or oversized stub(s) will not be installed prior to receipt of payment for the stub(s). Payment is due prior to the start of construction of the Sewer Project.
- (c) The charge to be made by the County for each additional stub:

(1) 4-Inch Stub: \$800 per stub.(2) 6-Inch Stub: \$1,000 per stub.

(3) 8-Inch Stub: \$2,500 per stub (includes manhole).

(d) The charge to be made by the County for each oversized stub:

Design	Requested	
Size	Oversize	Charge
4"	6"	\$ 200
6"	8"	\$1,500
4"	8"	\$1,700

#### 8.03.8500 Sewer Connection Permit, Inspection And Administrative Fees.

- (a) Sewer Connection Permit Fees [Cross Reference: Section 8.03.6040]
  - (1) Connection Permit Application: \$15.
  - (2) Connection Permit (includes one 30-minute inspection): \$85.
- (3) Tap into Public Sewer: \$100 per tap (plus hourly inspection rate for inspections exceeding one (1) hour).
- (b) Inspection Fees:
  - (1) Call Back Inspection: \$50 per inspection.
  - (2) Hourly Inspection Rate: \$32 per hour
  - (3) Overtime Hourly Inspection Rate: \$48 per hour
  - (4) Weekend/Holiday Inspections: \$100 per inspection. [Cross Reference: Section 8.03.6020(a)(2)]
- (c) Administrative Fee. An Administrative Fee of \$350 may be assessed under the following conditions:
  - (1) Working without a valid permit.
  - (2) Working without an approved plan.
- (d) The Director may require pre-payment of tapping, inspection and administrative fees.
- (e) The Director may suspend the issuance of Sewer Connection Permits to any contractors/individuals that do not pay their applicable tapping, inspection and administrative fees as invoiced by the County.

#### 8.03.8520 Sewer Service Fees.

- (a) Billing of Sewer Service Fees will commence upon connection of the parcel to the System of Sewerage (including parcels connected to interim sewage facilities) or at the end of the connection period established by the Director for the parcel (in accordance with Section 8.03.3040(e)(2), whichever occurs earlier.
- (b) The following schedule states the monthly Sewer Service Fees:

	Effective	Effective	Effective	Effective	
	Feb 1, 2006	Jan 1, 2008	Jan 1, 2009	Jan 1, 2010	
Reduced Rate Residence *					
Sewer Service Fee		\$18.33	\$19.83	\$20.86	
WTPC		\$8.44	\$8.44	\$8.44	
Total Monthly Bill		\$26.77	\$28.27	\$29.30	
Single Family Residence					
Sewer Service Fee	\$21.00	\$22.91	\$24.79	\$26.08	
WTPC	\$6.68	\$10.55	\$10.55	\$10.55	
Total Monthly Bill	\$27.68	\$33.46	\$35.34	\$36.63	
Duplex					
Sewer Service Fee	\$42.00	\$45.82	\$49.58	\$52.16	
WTPC	\$13.36	\$21.10	\$21.10	\$21.10	
Total Monthly Bill	\$55.36	\$66.92	\$70.68	\$73.26	
Multi-Family Dwellings **					
Sewer Service Fee Per Unit	\$13.16	\$14.06	\$15.21	\$16.00	
WTPC Per Unit	\$4.68	\$7.38	\$7.38	\$7.38	
Account Charge	\$2.20	\$2.83	\$3.06	\$3.22	
Total Monthly Bill	TOTAL DEPENDS ON TOTAL NUMBER OF DWELLING UNITS				
Business/Commercial and					
Manufactured Home Parks ***					
Sewer Service Fee – Base	\$21.00	\$22.91	\$24.79	\$26.08	
Sewer Service Fee - Volume	\$2.10	\$2.51	\$2.71	\$2.86	
WTPC – Base	\$6.68	\$10.55	\$10.55	\$10.55	
WTPC – Volume	\$0.74	\$1.31	\$1.31	\$1.31	
Total Monthly Bill	TOTAL DEPENDS ON VOLUME OF WINTER WATER USAGE				

## Notes:

- (1) Base Fees (Sewer Service & WTPC) Charge for the first ERU (see Section 8.03.1247).
- (2) Volume Fees (Sewer Service & WTPC) Charge per each 100 CF of water consumed over the first ERU.

<sup>\*</sup> Reduced rate for a qualifying low-income senior or disabled homeowner's primary residence (see Sections 8.03.1760 and 8.03.8525).

<sup>\*\*</sup> For multi-family dwellings, the sewer service fee is calculated by reducing the single-family residence sewer service fee by the "account charge" (for account maintenance) and applying a factor of 0.7 (see Section 8.03.1247) to the balance. The account charge is then added to each sewer billing account.

<sup>\*\*\*</sup> For business/commercial and manufactured home parks, the sewer service and WTPC fees are based upon the Customer's volume of non-irrigation water consumption, and is calculated as follows:

# 8.03.8525 Sewer Service Fees for Reduced Rate Residence – Low-Income Senior and Disabled Property Owners.

- (a) A property owner may request that the Sewer Service Fees for his/her primary residence be billed as a Reduced Rate Residence if:
- (1) The property owner's primary residence is a single-family dwelling unit or a duplex dwelling unit; and
- (2) The property owner has an active Property Tax Exemption (submitted and approved in accordance with RCW 84.36) on file at the Spokane County Assessor's Office for that residence.
- (b) Qualifying property owners may request that their primary residence be billed as a Reduced Rate Residence by submitting a written request with the Division of Utilities, using the form prescribed and supplied by the Division. If a property owner is unable to make his/her own request, it may be made by a duly authorized agent, guardian or other person charged with the care of the person or property of such person.
- (c) The effective date for the Reduced Residence Rate billing shall be the month following the submission of an accurate, complete and signed request. Any sewer service charges, along with any associated late penalties and interest, that may have accrued for the residence prior to the effective date for the Reduced Residence Rate billing will still be due, as previously billed, and subject to collection in accordance with this Chapter.
- (d) The property owner is responsible for requesting the transfer of his/her Reduced Rate Residence billing to a replacement primary residence (upon the transfer of an active Property Tax Exemption to a replacement primary residence), as applicable, within 30 days, else the replacement residence will be billed the Sewer Service Fees applicable to that type of residence. The Reduced Rate Residence billing may be re-established by submitting a request in accordance with paragraph (b) of this Section.
- (e) In the event of death of the qualifying property owner, a surviving spouse may continue to receive the Reduced Rate Residence billings for their primary residence if:
- (1) the surviving spouse submits a request for Property Tax Exemption to the Spokane County Assessor's Office and is approved for an active Property Tax Exemption; and
- (2) the surviving spouse submits a request in accordance with paragraph (b) of this Section within 90 days of the death of their spouse.

If a request is not received from the surviving spouse within 90 days, the residence will be billed the Sewer Service Fees applicable to that type of residence.

- (f) Property owners must maintain an active Property Tax Exemption on file at the Spokane County Assessor's Office for their primary residence to continue to qualify for the Reduced Residence Rate for that residence.
- (g) The property owner is responsible for reporting any change (e.g., change of residence, change from "active" Tax Exemption status, death of qualifying spouse, etc) that may affect his/her qualifying for the Reduced Residence Rate. If the property owner fails to report any such change, the Division of Utilities shall have the right to pursue the billing and collection of any additional fees (the difference between the applicable Sewer Service Fee and the Reduced Residence Rate for the applicable number of months) that may be due the County.

#### 8.03.8530 Sewer Service Fee Credit For Residences With Documented Vacancies.

- (a) A residential customer whose water service has been shut-off during a period of vacancy, may request, upon re-establishment of the water service, a credit for the variable portion of their sewer service fees for that property.
- (b) Upon re-establishment of water service to the residence, the property owner may submit a written request for credit along with documentation from their water purveyor reflecting the period of time that the water meter was removed or locked out of service. It is the responsibility of the property owner to secure the required documentation showing that the meter was removed or locked out of service.
- (c) To request a credit for a duplex unit, the unit must have a separate water meter or separate electric meter.
- (1) If there is a separate water meter for each duplex unit, the water meter must be removed or locked out of service to be eligible for a credit;
- (2) If there is an electric meter for each duplex unit, but only one water meter, the electric meter must be removed or locked out of service to be eligible;
- (d) Upon receipt of a written request and the required documentation, a credit, less a \$10 administrative fee, will be applied to the sewer service account for that property. The \$10 administrative fee is charged by the County for documentation, filing and account adjustment. The credit will be calculated as follows:

Calculation of Total Numbers of Months For Credit: A ÷ B = C

where; A = Total number of days water service was shut-off.

B = 30 day/month calculation.

C = Total number of months water service was shut-off.

Calculation of Variable Costs:

 $D \times 40\% = E$ 

where; D = Sewer Service Fee (excluding WTPC) in effect during vacancy period. 40% = Percentage of variable costs as of January 2003.

E = Monthly Variable Cost

Calculation of Total Credit:

C x E - \$10 Administrative Fee = Credit

- (e) Requests shall be submitted within 6 months of the re-establishment of water or electric service to the residence.
- (f) To be eligible for this credit, the property owner must agree to allow the County access to inspect the inside of the dwelling or duplex unit, at any time during business hours, with one-day of advance notice.

#### 8.03.8533 Termination Of Sewer Service Fees When Building(s) Is Demolished/Removed

- (a) A customer's sewer service fees may be terminated if all buildings on a parcel, connected to public sewer, have been demolished or removed and the sewer service line(s) has been abandoned [Cross References: Sections 8.03.6040 and 8.03.8500].
- (b) The sewer service fee will be terminated the month following the County's inspection of the abandonment of the sewer service line(s).

## 8.03.8540 Advance Payments Of Sewer Bills.

Owners of property located within a Sewer Project, and owners of property connected to the System of Sewerage but not located within any Sewer Project, may pay the County money in advance of receiving monthly bills. Such payments will be credited (unless the property owner has prior monthly sewer bills that are unpaid) to the property owner's future sewer bills. Such advanced payments will not be considered a "prepayment" of the CFR within the meaning of Spokane County Code Section 8.03.8180, and will not be credited to any specific component of the property owner's future sewer bills. The County will not credit the property owner with any interest that may be earned on such money prior to the due date(s) on the future bill(s) to which the advance payment is to be applied. The County will not refund any portion of such advance payment to the property owner. The property owner will not be excused from paying a monthly sewer bill in full to the extent the advance payment is not sufficient to pay the entire amount of such bill.

## 8.03.8560 Administrative Fees For Sewer Extension Agreements With Reimbursement Provisions.

- (a) Sewer Extension Agreements executed pursuant to Section 8.03.7140(a)(1)(A) of this Chapter:
- (1) The administrative fee is \$200 or 0.5% of the estimated construction cost, as approved by the Director, whichever is greater. The fee shall be payable upon execution of the Sewer Extension Agreement.
- (2) Within 30 days of the completion of construction, the administrative fee shall be adjusted (increased/decreased) based on any actual increases/decreases in the cost of construction greater than 10% of the original estimate.
- (b) Sewer Extension Agreements executed pursuant to Section 8.03.7140(a)(1)(B) and (a)(1)(C) of this Chapter:
- (1) An administrative fee of five percent (5%) of the estimated construction cost, as approved by the Director, payable upon execution of the Sewer Extension Agreement.
- (2) Within 30 days of the completion of construction, the administrative fee shall be adjusted (increased/decreased) based on any actual increases/decreases in the cost of construction greater than 10% of the original estimate.

## 8.03.8580 Authority To Fix Schedule Of Charges.

The Board of County Commissioners has the authority to fix a schedule of charges for items and services not otherwise provided for.

#### **ARTICLE 9000 - ADMINISTRATIVE PROVISIONS**

8.03.9020 [Reserved]

8.03.9040 Payment-Delinquency-Lien.

- (a) Charges for sewer service shall be billed on a monthly basis, during the first five (5) business days of the month. Payment of all charges on the sewer bill shall be due and payable on or before the 25th of the month billed, or the next business day following the 25th, if that date falls on a weekend or holiday. When the charges on a monthly sewer bill are not received by the due date, such charges shall become delinquent.
- (b) All sewer charges, fees, penalties, and interest shall be paid by the property owner, or by a tenant or agent whom the property owner has authorized in writing, on forms provided by the Utilities Division, for the Utilities Division to bill. Each property owner shall remain fully responsible for all sewer charges, fees, penalties, and interest with respect to his/her property, whether such charges were incurred by or on account of him/herself, or by or on account of some other person or business. Failure to receive sewer bills will not relieve the property owner from the obligation to pay under this Section.
- (c) If the charges on a monthly sewer bill are not paid when due, there then shall be added to the charges a one-time late payment penalty of ten percent (10%) of the latest billed amount, and interest shall then be attached and accrue on unpaid charges computed at a rate of eight percent (8%) per annum starting on the next day after the billing due date until paid. Interest shall be computed on the entire unpaid balance, excluding lien certification costs.
- (d) A partial payment on any delinquent charges shall first be applied to the oldest unpaid bills.
- (e) A \$25.00 Return Check Fee shall be imposed for each payment returned to Spokane County for non-sufficient funds.
- (f) Spokane County shall have a lien with the Spokane County Auditor for all delinquent rates, fees and/or charges due in accordance with this Chapter, when such charges have been delinquent for 60-days. The lien certification shall be for all charges, penalties, and interest from the date due until paid, and shall attach to the premises to which the services were furnished. The lien shall be superior to all other liens and encumbrances, except general taxes and local special assessments of the county. Said lien shall attach and foreclose pursuant to RCW 36.94.150. The Division of Utilities may periodically amend these lien certifications.
- (g) All costs associated with filing and releasing of a lien, such as filing fees and administrative costs, together with the lien certification amounts, shall be paid to the Division of Utilities prior to release of the lien filed with the Spokane County Auditor.
- (h) This Section shall not apply to GFCs assigned to properties as part of a ULID assessment, which GFCs shall be paid, become delinquent and accrue interest and penalties in accordance with statutory requirements applicable to the payment of ULID assessments.
- (i) All additional lien and enforcement rights by statute and at common law are reserved by the county.

## 8.03.9050 Sewer Charges And Service Fees – Adjustments And Appeals.

- (a) Any person receiving a billing statement for sewer capital facilities rate, general facilities charges, and/or service fees as set forth in Section 8.03.8000 of this Chapter et al, and making a timely payment thereof, may file an application for a rate/charge adjustment if there is an alleged excess payment or an alleged error in billing. This request shall be filed with the Spokane County Division of Utilities on forms provided by the Director.
- (b) The burden of proof shall be on the applicant to show that the rate/charge adjustment sought should be granted. The applicant may submit with the application any information that he/she considers relevant to support their position.
- (c) Decisions on rate/charge adjustments shall be made by the Director within 30 days of the adjustment request, except when additional information is needed to render a decision. The applicant shall be notified in writing of the Director's decision.
- (d) A rate/charge adjustment, if granted, shall be effective retroactively for the previous 12 months, as well as for subsequent billing periods; provided that, in exceptional circumstances, the Director, at his or her discretion, may apply the adjustment retroactively up to the previous 36 months and refund any amounts paid exceeding the adjusted rate/charge applicable to that time period.
- (e) Rate/charge adjustments or refunds may be granted only when:
- (1) The property has been improperly classified under the fee schedule set forth in Section 8.03.8000 of this Chapter et al;
- (2) The recipient of the billing statement is not the owner or responsible party of the property charged;
  - (3) A computational error was made in calculating the amount charged; or
  - (4) An overpayment has been made.
- (f) The minimum amount considered for refund shall be \$25.00. If the amount of the refund is less than \$25.00, the balance shall remain on the account as a credit.
- (g) The Director's decision regarding a rate adjustment application shall be final and conclusive, unless appealed pursuant to Section 8.03.9185 of this Chapter.
- (h) In the event that the Division of Utilities independently discovers an overpayment or an error in billing as defined in subsection (e) of this Section, the Director shall have the authority to make an appropriate refund or to apply an appropriate credit to an account.

## 8.03.9060 Persons And Property Subject To Charges.

Every person and property to whom service is furnished by the POTW, and every person and property to whom such service is available by said POTW, shall be charged for such service.

#### 8.03.9080 Abatement Of Public Nuisance.

(a) Notwithstanding any other provision of this Chapter and in addition thereto, the maintenance of any condition contrary to the public health and safety, or creating or tending to create a risk to the public health or safety, specifically including accumulations of raw or treated sewage or sludge of any nature, or danger or possibility thereof, or contamination of any public or domestic water supply system or well, or a danger or possibility thereof, shall constitute a public nuisance and, in the discretion of the Director or Health Officer,

shall be person's	subject to immediat expense and liability	e abatement by th	ne County at th	he premises ow	/ner's and/or oth	ner responsible

- (b) Abatement of any nuisance as defined above may be billable as a utility service furnished to the premises wherein the condition arose or exists.
- (c) This Section shall not limit the premises owner's or other party's rights to seek recovery against other responsible persons.
- (d) Specifically, any violation of the County's Wastewater Pretreatment Program, including the regulations and orders made pursuant to its authority, is a public nuisance and is subject to abatement, including summary abatement, by the Director, the Health Officer, or the Washington State Department of Ecology, all at the expense of the responsible party. [Cross Reference: RCW Section 35.67.200 et seq.]

#### 8.03.9100 Suspension Of Service.

- (a) In the case of emergency, equipment failure, inaccessibility or for other reasons, as directed by the Director in the interests of the public health and safety, sewer services, may be temporarily or permanently suspended to one or more premises or locations within the County, with or without notice.
- (b) Service to any premises may be suspended for non-payment of accounts. Such suspension shall not relieve the person owing such account from the duty of complying with the provisions of this title. Such suspension shall render the premises where such service is suspended subject to condemnation for sanitary reasons and/or exercise of the police power to abate a public nuisance at the risk and expense of the owner of the premises and/or other responsible persons.

## 8.03.9120 Equipment – Projects – Minor Expenditures.

- (a) To the maximum extent permitted by state law, the Director may acquire such equipment, engage in projects, enter into contracts, and perform such functions as may enable the Division of Utilities to carry out its wastewater collection and treatment responsibilities and such other purposes as the Board of County Commissioners may direct and authorize. These powers shall be broadly construed to accomplish their intended purpose.
- (b) The Board of County Commissioners has authority to approve departmental expenditures of funds for equipment and projects, which may be funded by the respective department fund, by grant, or by appropriation from Federal, State, or local resources as the Board of County Commissioners deems appropriate.

#### 8.03.9140 Responsibility For Sewers – No Duty.

- (a) The County assumes no responsibility whatsoever for any side sewers, special side sewers, private sewers, other non-public sewers or other such pipes, fixtures, appurtenances or location of utilities. The County's absence of responsibility includes costs of construction, repair and/or maintenance and liability for losses, claims, damages or injuries arising directly or indirectly from the use or existence of all such non-public pipes and fixtures.
- (b) Except as required by the general laws of this State, the County assumes no responsibilities for sewer service or wastewater disposal or treatment or for the construction, repair or maintenance of public sewers. This Chapter shall not be construed to expand the County's responsibilities. This Chapter shall not be construed to add to or expand any public duty to any particular person, class or entity. Any duty nonetheless deemed created shall be strictly construed as a duty to the general public.

## 8.03.9160 Penalty.

- (a) Any person who violates or fails to comply with any of the provisions of this Chapter, or who counsels, aids or abets any such violation or failure to comply, shall be subject to a civil penalty of \$1,000.
- (b) Non-compliance after the expiration of the time specified in any notice authorized in this Chapter shall be a separate violation for each notice. Each day of a continuing violation shall constitute a separate and additional violation.
- (c) [Reserved] [See: Section 8.03.4860, 40 Code of Federal Regulations 403.8(f)(2)(vii)]
- (d) Wilful violations of Sections 8.03.3020, 8.03.3040, 8.03.3060, 8.03.3180, 8.03.3200, 8.03.3220, 8.03.3240, 8.03.3260, 8.03.3280, and 8.03.3300 of this Chapter or of the terms and conditions of a Wastewater Discharge Permit or applicable pretreatment standard shall constitute a misdemeanor, punishable by such fine and/or imprisonment as is provided for misdemeanors in Chapter 9A of the Revised Code of Washington.
- (e) In all cases of violation of the Wastewater Pretreatment Program, whether civil or criminal, restitution of damages, costs and expenses will be required. (Cross Reference: Section 8.03.4820)
- (f) The County may also pursue the administrative enforcement remedies outlined in Section. 8.03.4820 against any person who violates or fails to comply with any of the provisions of this Chapter

## 8.03.9180 Search Warrants – Administrative, Criminal.

- (a) Supplemental to and not by way of limitation of any other provisions in this Chapter, the Director, on his/her initiative or application of any County official or inspector may obtain an administrative search warrant or order, requesting the presence of law enforcement officials to assist County employees in the performance of any inspection or administrative duties, but no such warrant or order shall be a necessary precondition or any request for law enforcement officer assistance to any other public employee in the performance of his/her duties under this Chapter.
- (b) Where deemed appropriate, to enforce provisions of this Chapter subject to criminal penalties, the Director may work with local law enforcement officers in obtaining criminal search warrants, subject to generally applicable requirements (probable cause) for such warrants.

#### 8.03.9185 Appeals.

- (a) This Chapter grants certain authority to the Director to make decisions and determinations relative to implementing this Chapter. Except as specifically provided elsewhere in this Chapter (e.g., Section 8.03.4540), such decisions shall be subject to the following appeals process:
- (1) An appeal from the Director's decision shall be filed, in writing, with the Board of County Commissioners, with a copy to the Director. Any such appeal shall be filed within 10 days of the Director's decision.
  - (2) An appeal shall specify/include:
    - (A) The identity and interest of the party appealing;
- (B) The decision or parts of the decision to which the appeal is directed, the reasons for the appeal, including a summary of facts and legal authorities, and any alternatives to the decision desired to be considered;
- (C) Contain copies of any relevant documentation or clearly reference all documents or other information to support the appeal; and

- (D) Contain the signature of the appellant.
- (3) Untimely, incomplete or unsigned appeals shall be returned by the Board.
- (b) Failure to file and serve a timely appeal in proper form waives the right to seek further administrative review, and the applicant shall be deemed to have accepted the Director's decision.
- (c) The Director's decision shall not be stayed or superseded pending further appeals or review of his/her decision, unless so ordered by the Director or the Board, conditioned upon the posting of such security or other actions as the Director or Board may require.
- (d) Appeals to the Board of the Director's decisions and determinations shall be de novo.

#### 8.03.9187 Statute Of Limitations.

Any suit challenging the validity of this Chapter must be commenced by a person having lawful standing in a court having lawful jurisdiction within 30 days after the date of the adoption of the Ordinance codified in this Chapter.

## 8.03.9190 Repeal And Savings.

Any amendment, repeal, modification or revision of this Chapter shall not be construed to affect any existing right acquired under provisions amended, repealed, modified, revised, or acquired under any rules, regulations or orders issued or adopted pursuant to the authority of this Chapter, or as affecting any proceedings instituted thereunder.

## 8.03.9200 Severability.

If any section, subdivision, part or word of this Chapter or any regulation, rule or order adopted pursuant to the authority thereof be determined invalid, it shall not affect the remainder, but be confined to the section, subdivision, part or word directly involved in the controversy.