

Amendments to Spokane County Code Chapter 8.03A and Ordinance No. 9-0804

The proposed amendments to Spokane County Code (SCC) Chapter 8.03A and Ordinance No. 9-0804, effective November 1, 2020, are set forth below. In amendatory sections, new matter is underlined and deleted matter is ~~lined out~~.

Amending Spokane County Code 8.03A to (a) revise local limits; (b) incorporate language from the 2012 EPA Region 10 Model Pretreatment Ordinance; (c) accomplish administrative changes; and (d) correct typographical errors.

Note: Bracketed enumerations reference the numbering in the EPA Region 10 Model Ordinance of ~~February 28, 2008~~ March 27, 2012.

Sections are amended to read as follows:

Chapter 8.03A - PRETREATMENT

Sections:

ARTICLE 1 - GENERAL PROVISIONS

8.03A.0101 - Purpose and objectives. [1.1]

- A. The purpose of this chapter is to provide for a local pretreatment regulatory program. The program derives from applicable parts of the Federal Water Pollution Control Act, as amended by the Clean Water Act of 1977 (the "Act", 33 United States Code [U.S.C.] section 1251 et seq.) and the General Pretreatment Regulations (Title 40 of the Code of Federal Regulations [CFR], Chapter I, Subchapter N, Part 403), as well as state law requirements in chapter 90.48 RCW and chapter 173-216 WAC. (Reference: 40 CFR §403.1(a))
- B. The objectives of this chapter are:
1. To prevent the introduction of pollutants into the POTW that will interfere with its operation; (Cross reference: "interference", Spokane County Code 8.03A.0103)
 2. To prevent the introduction of ~~P~~pollutants into the POTW that will pass through the POTW inadequately treated into receiving waters or otherwise be incompatible with such works; (Cross reference: "pass through", Spokane County Code 8.03A.0103)
 3. To ensure that the quality of the POTW sludge, a residual from reclaimed Wastewater, is maintained at a level which allows its use or disposal in compliance with any applicable statutes or regulations;
 4. To protect POTW personnel who may be affected by wastewater and sludge in the course of their employment and to protect the general public;
 5. To promote reuse and recycling of wastewater and sludge from the POTW;
 6. To enable the ~~e~~County to comply with its National Pollutant Discharge Elimination System (NPDES) discharge permit conditions, sludge use and disposal requirements, and any other applicable federal or state requirements related to pretreatment; and
 7. To provide for cost recovery. (Cross reference: 40 CFR §403.2 (part))

- C. Pollutants regulated under this chapter are associated with non-domestic sources introduced into the POTW, whether through regular sewer service or any other means (e.g. ~~Pipe~~pipe, truck or rail). The chapter provides for issuance of individual or general discharge permits, and for reporting, monitoring, compliance, and enforcement activities, and establishes administrative review procedures, and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein. (Reference: 40 CFR §403.1 (b) (part) and appendices hereto)

(Res. No. 9-0804, § 1, 9-8-2009)

8.03A.0102 - Administration; ~~r~~Revision; ~~i~~Initiation. [1.2]

- A. Director. The ~~d~~Director of the Spokane ~~e~~County ~~e~~Environmental ~~s~~Services ~~e~~Department ("~~d~~Director") shall administer, implement, and enforce this chapter. The ~~d~~Director may delegate functions to other duly authorized individuals.
- B. Discretion. Exercise of administrative discretion under this chapter is guided by the purpose and objectives, the Act and its implementing pretreatment regulations in 40 CFR, primarily part 403, and chapter 90.48 RCW, chapter 173-216 WAC, chapter 173-240, and Spokane County Code 8.03A.0101 and the ~~d~~Director's knowledge, training and experience.
- C. Decisions in ~~w~~Writing; ~~r~~Revision. Except where expressly noted, all decisions of the ~~d~~Director under this chapter shall be in writing. No decision, action or inaction creates any vested or property rights. Decisions may be revoked or modified consistent with the purpose and objectives, change in law, or otherwise as the ~~d~~Director deems necessary. (Cross reference: Spokane County Code 8.03A.0205)
- D. Permits, ~~a~~Applications may be ordered. Whenever provision is made for a person to apply for a permit, permission, exemption, waiver or other privilege under this chapter, the ~~d~~Director may order such application to be made or exercise any authority as provided on the ~~d~~Director's own initiative, with or without application, and issue any orders to such person as deemed necessary and consistent with such action.
- E. No approval by the ~~d~~Director under this section or chapter or acceptance by the ~~e~~County of any report, information, analysis, sampling or data shall be considered in any way as an endorsement of the results by the ~~e~~County or in any way releases any person required to submit any report, information, analysis, sampling or monitoring under this chapter from full responsibility for compliance with this chapter or related federal or state requirements.

(Res. No. 16-0288, 4-19-2016; Res. No. 9-0804, § 1, 9-8-2009)

8.03A.0103 - Definitions. [1.3]

Unless a provision explicitly states otherwise, the following definitions, terms and phrases, as used in this Chapter, shall have the following meanings.

- A. Act or "the Act." The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. section 1251 et seq.
- B. Applicable ~~p~~Pretreatment ~~s~~Standard. For any specified pollutant, ~~e~~County prohibitive standards, ~~e~~County specific pretreatment standards (local limits), City of Spokane specific standards, State of Washington pretreatment standards or EPA Categorical Pretreatment Standards, (when effective)—whichever standard is most stringent.
- C. Approval ~~a~~Authority. The Washington State ~~e~~Department of ~~e~~Ecology through its authorized representative as delegate agency of the EPA.
- D. Authorized ~~r~~Representative, ~~authorized representative~~ of a the user.
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 operating facilities, provided the manager is authorized to make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for control mechanism requirements; and where authority to sign documents has been assigned or delegated to the manager in writing, 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 ~~d~~Director or highest official appointed or designated to oversee the operation and performance of the activities of the facility, or their designee.
 4. The individuals described in paragraphs 1 through 3 of this section may designate another authorized representative if the authorization: (a) is in writing; (b) 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 user; (c) and is submitted to the eCounty.
- E. Baseline monitoring report or BMR. A specific informational report which may be required under sections of this chapter or ordered by the ~~d~~Director for particular informational needs. The report may relate to industrial processes, flows, sampling information or other data, and may be used as a reference point against which comparisons may be made to measure data or sampling changes. BMR information requirements arise under discharge permit applications, reporting requirements for categorical users, industrial users subject to equivalent mass limits (baseline production rate information) and other areas. (Cross Reference: 40 CFR § 403.6 (c)(5)(ii)(C), 40 CFR 403.12(b))
- F. Best Management Practices or BMPs. Best management practices or BMPs means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in Spokane County Code 8.03A.0201 A and B (or as expressed in 40 CFR § 403.5(a)(1) and (b)) or other provisions of the Chapter as ordered by the Director or required under state or federal regulation. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage. ~~BMPs also include alternative means (i.e., management plans) of complying with, or in place of certain established categorical pretreatment standards and effluent limits.~~ They may be used in individual or general discharge permits or any other circumstances. (Cross reference: 40 CFR § 403.3(e))
- G. Biochemical ~~e~~Oxygen ~~d~~Demand or BOD. The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five (5) days at 20 degrees Celsius, usually expressed as a concentration (e.g., milligrams per liter or mg/L).
- H. Categorical ~~i~~Industrial ~~u~~User or CIU, also sometimes abbreviated to "Categorical User." A user regulated by one of EPA's categorical pretreatment standards.
- I. Categorical ~~p~~Pretreatment ~~s~~Standard or eCategorical ~~s~~Standard. Any regulation containing pollutant discharge limits promulgated by EPA in accordance with sections 307(b) and (c) of the Act (33 U.S.C. section 1317) that applies to a specific category of users and that appear in 40 CFR Chapter I, Subchapter N, Parts 405-471.
- J. Chemical ~~e~~Oxygen ~~d~~Demand or COD. A measure of the oxygen required to oxidize all compounds, both organic and inorganic, in water.

- K. Color. The optical density at the visual wave length of maximum absorption, relative to distilled water. One hundred percent transmittance is equivalent to zero optical density.
- L. Composite sSample. The sample resulting from the combination of individual wastewater samples taken at selected intervals based on an increment of either flow or time.
- M. Control aAuthority. The term "eControl aAuthority" refers to:
- (1) The POTW if the POTW's pretreatment program submission has been approved in accordance with the requirements of § 403.11; or
 - (2) The aApproval aAuthority if the submission has not been approved.
- N. Cooling wWater. See "aNon-eContact eCooling wWater."
- O. County. Spokane County, WA, a political subdivision of the State of Washington, acting by and through its eEnvironmental sServices eDepartment.
- P. Daily mMaximum lLimit (DML) or daily limit. The maximum allowable discharge of a pollutant over a calendar day or equivalent twenty-four (24) hour period. Where DML is expressed in units of mass, compliance is the product of the daily concentration and the flow over the same period.
- Q. Director. The eCounty eDirector of its eEnvironmental sServices eDepartment or the eCounty eDirector's authorized representative.
- R. Discharge pPermit or Wastewater Discharge Permit. A grant of approval by the eDirector to discharge wastewater into the POTW to a person required to hold a discharge permit under this chapter. The permit may contain appropriate pretreatment standards and requirements as set forth in this chapter. Discharge permits may be individual discharge permits, which contain individually developed permit requirements, or general discharge permits, which contain the same or similar requirements developed to cover a group or class of industrial users who have been identified as eligible for general permit status. The contents of either a general or individual discharge permit are similar, as required herein. (See 40 CFR § 403.8 (f)(2))
- S. Domestic uUser (rResidential uUser). Any person who contributes, causes, or allows the contribution of wastewater into the POTW that is of a similar volume and/or chemical make-up to that of a residential dwelling unit. Discharges from a residential dwelling unit typically include up to 100 gallons per capita per day, 0.2 pounds of BOD per capita per day, and 0.17 pounds of TSS per capita per day.
- T. Environmental pProtection aAgency or EPA. The U.S. Environmental Protection Agency, or where appropriate, the eDirector of the Region 10 eOffice of wWater, or other duly authorized official of the agency.
- U. Existing sSource. A categorical industrial user, the construction or operation of whose facility commenced prior to the publication by EPA of proposed categorical pretreatment standards which would be applicable to such source if and when the standard is thereafter promulgated in accordance with section 307 of the Act.
- V. Existing uUser. Any non-categorical user which was discharging wastewater prior to the effective date of this chapter.
- W. Grab sSample. A sample which is taken from a waste stream on a one-time basis without regard to flow in the wastestream and without consideration of time. (Source: 40 CFR § 403.7 (b)(2)(iv))
- X. Indirect eDischarge or eDischarge. The introduction of pollutants into the POTW from any non-domestic source regulated under section 307 (b), (c) or (d) of the Act (33 USC § 1317). The discharge into the POTW is normally by means of pipes, conduits, pumping stations, force mains, constructed drainage ditches, surface water intercepting ditches, and all constructed devices and appliances appurtenant thereto.

- Y. Industrial ~~u~~User (IU) or ~~u~~User. A source of indirect discharge. (Source: 40 CFR § 403.3 (j)) The source shall not include "Domestic User" as defined herein.
- Z. Instantaneous ~~I~~Limit. The maximum or minimum pH or amount of flow of pollutant allowed to be discharged at any point in time, determined by either continuous monitoring or discrete sample analysis.
- AA. Interference. A discharge which, alone or in conjunction with a discharge or discharges from other sources, either:
1. Inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal; or
 2. 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) or of the prevention of sewage sludge use or disposal in compliance with applicable laws and regulations. Such laws and regulations include section 405 of the Clean Water Act (33 USC §1345) and the Solid Waste Disposal Act (SWDA). This further includes Title II, the Resource Conservation and Recovery Act or RCRA, 42 U.S.C. §§ 6901-6992k. Further included are state regulations contained in any state sludge management plan prepared pursuant to subtitle D of the SWDA and sludge regulations in 40 CFR Part 503. Further included are the Clean Air Act (42 USC §§ 7401 et seq.); the Toxic Substances Control Act (15 USC §§ 2601 et seq.); and the Marine Protection, Research and Sanctuaries Act (33 USC §§ 1401-1445 and 16 USC §§ 1431-1445). Further included are any other state or local requirements. (Source: 40 CFR §403.3 (k)) (Cross reference: WAC 173-216-030 (9))
- AB. Local ~~I~~Limit. Effluent limitation developed for Users by the Director to specifically protect the POTW from the potential of Pass Through, Interference, and intended biosolids uses. The limits shall be based on the POTW's site-specific flow and loading capacities, receiving water considerations, and reasonable treatment expectations for non-domestic wastewater.
- AC. Maximum ~~a~~Allowable ~~d~~Discharge ~~I~~Limit. The maximum concentration or loading of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composited sample collected, independent of the industrial flow rate and the duration of the sampling event.
- AD. Medical ~~w~~Waste. Isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.
- AE. Monthly ~~a~~Average. The arithmetic mean of the effluent sample results collected during a calendar month or specified thirty-day period. Where the control authority has taken a sample during the period, it must be included in the monthly average if provided in time. However, where composite samples are required, grab samples taken for process control or by the control authority are not to be included in a monthly average.
- AF. Monthly ~~a~~Average ~~I~~Limit, also sometimes referenced as *average monthly limit*. The limit to be applied to the monthly average to determine compliance with the requirements of this chapter.
- AG. New ~~s~~Source.
1. Any building, structure, facility or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed Categorical Pretreatment Standards under section 307(c) of the Act (33 USC §1317) which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that the:
 - a. Building, structure, facility or installation is constructed at a site at which no other source is located; or
 - b. Building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or

- c. 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.
 - 2. 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 1(b) or (c) of this section, but otherwise alters, replaces, or adds to existing process or production equipment.
 - 3. Construction of a new source as defined under this paragraph has commenced if the owner or operator has:
 - a. Begun, or caused to begin, as part of a continuous onsite construction program:
 - i. Any placement, assembly, or installation of facilities, processes, or equipment; or
 - ii. 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, processes, or equipment; or
 - b. Entered into a binding contractual obligation for the purchase of facilities or equipment which 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 paragraph. (Source: 40 CFR §403.3 (m))
- AH. New ~~u~~User. Any user that is not regulated under federal categorical pretreatment standards but that applies to the ~~e~~County for a new building permit or occupies an existing building and plans to commence discharge of wastewater to the ~~e~~County's collection system after the effective date of this chapter. Any person that buys an existing facility that is discharging non-domestic wastewater will be considered an "existing user" if no significant changes are made in the manufacturing operation.
- AI. Non-~~e~~Contact ~~e~~Cooling ~~w~~Water. Water used for cooling that does not come into direct contact with any raw material, intermediate product, waste product, or finished product. Non-contact cooling water may be generated from any use, such as air conditioning, heat exchangers, cooling, or refrigeration to which the only pollutant added is heat.
- AJ. Pass ~~t~~Through. 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 ~~e~~County's NPDES permit, including an increase in the magnitude or duration of a violation, or which is a violation of a state water quality standard. (Source: 40 CFR §403.3(p))
- AK. Permittee. A person or user issued a discharge permit.
- AL. Person. Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity; or their legal representatives, agents, or assigns. This definition includes federal, state, and local governmental agencies or entities.
- AM. pH. A measure of the acidity or alkalinity of a substance, expressed in standard units.
- AN. Pollutant. Any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt, agricultural and industrial wastes, and the characteristics of wastewater (i.e. pH, temperature, TSS, turbidity, color, BOD, chemical oxygen demand (COD), toxicity or odor).

- AO. POTW ~~t~~Treatment ~~p~~Plant. That portion of the POTW which is designed to provide treatment (including recycling and reclamation) of wastewater, including municipal sewage and industrial waste. (Source: 40 CFR 403.3(r))
- AP. Pretreatment. 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, introducing such pollutants into the POTW. This reduction or alteration can be obtained by physical, chemical, or biological processes; by process changes, or by other means, except by diluting the concentration of the pollutants unless allowed by an applicable pretreatment standard. Dilution is not considered pretreatment.
- AQ. Pretreatment ~~r~~Requirements. Any substantive or procedural requirement related to pretreatment imposed on a user, other than a pretreatment standard.
- AR. Pretreatment ~~s~~Standards or ~~s~~Standards. Prohibited discharge standards (Spokane County Code 8.03A.0201), categorical pretreatment standards (Spokane County Code 8.03A.0202), state pretreatment standards (Spokane County Code 8.03A.0203) and local limits (Spokane County Code 8.03A.0204) and/or BMPs established by the POTW. In addition, this definition includes anything encompassed in 40 CFR § 403.3(l) and/or WAC 173-216-030(17). (Cross reference: Spokane County Code 8.03A.0201 through 8.03A.0204)
- AS. Prohibited ~~d~~Discharge ~~s~~Standards or ~~p~~Prohibited ~~d~~Discharges. Absolute prohibitions against the discharge of certain substances, grouped as "general prohibitions" and "specific prohibitions." (Cross reference: Spokane County Code 8.03A.0201)
- AT. Publicly ~~e~~Owned ~~t~~Treatment ~~w~~Works or POTW. A "treatment works", as defined by section 212 of the Act (33 U.S.C. section 1292), which is owned by the ~~e~~County. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any conveyances which convey wastewater to a treatment plant. The term also means the County.
- AU. Septic ~~t~~Tank ~~w~~Waste. Any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks. Sewage and typically associated solids from domestic activities pumped from a septic tank serving one or more private residences. The Director may also consider wastes from other holding tanks such as boat/RV blackwater, bilge water, cesspools, and treatment lagoons to be Septic Tank Waste so long as they are absent chemicals which might inhibit biological activity or adversely affect the POTW.
- AV. Sewage. Human excrement and gray water (household showers, toilets, kitchens, clothes and dishwashing operations, and related domestic activities).
- AW. Sewer. Any pipe, conduit ditch, or other device used to collect and transport sewage from the generating source.
- AX. Shall, ~~m~~May. "Shall" is mandatory, "may" is permissive.
- AY. Significant ~~i~~Industrial ~~u~~User (SIU).
1. A user subject to categorical pretreatment standards, or
 2. A user that:
 - a. Discharges an average of twenty-five thousand gpd or more of process wastewater to the POTW (excluding sanitary, non-contact cooling and boiler blow down wastewater); or
 - b. Contributes a process waste stream which makes up five percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant. As used herein "organic capacity" means the capacity of the treatment plant to treat wastewater as opposed to the "hydraulic capacity" or capability to accept and handle fluids; or

- c. Is designated as such by the ~~e~~Director on the basis that it has a reasonable potential to cause an adverse effect on the POTW's operation, adverse impact on the ~~e~~County's ability to comply with its NPDES permit, cause the POTW to violate any pretreatment standard or requirement or because of other regulatory control needs. (Source: 40 CFR §403.3(v))
 - 3. The ~~e~~Director may determine that a user subject to categorical pretreatment standards is a non-significant categorical industrial user rather than a significant industrial user on a finding that the user never discharges more than one hundred gpd of total categorical wastewater (excluding sanitary, non-contact cooling and boiler blowdown wastewater, unless specifically included in the pretreatment standard) and the following conditions are met:
 - a. The user, prior to the ~~e~~Director's finding, has consistently complied with all applicable categorical pretreatment standards and requirements;
 - b. The user annually submits the certification statement required in 40 CFR Part 403.12(q), together with ~~a~~any additional information necessary to support the certification statement; and
 - c. The user never discharges any untreated concentrated wastewater.
 - 4. Upon a finding that a user meeting the criteria in subsection (2) has no reasonable potential for adversely affecting the POTW's operation or for violating any applicable pretreatment standard or requirement, the ~~e~~County may at any time, on its own initiative or in response to a petition received from a user and in accordance with procedures in 40 CFR Part 403.08(f)(6) determine that the user should not be considered a significant industrial user.
- AZ. Slug ~~e~~Discharge or ~~s~~Slug ~~I~~Load. Any discharge at a flow rate or concentration, which could cause a violation of the prohibited discharge standards, categorical standards, state requirements or local limits, or any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge.
- BA. Standard Industrial Classification (SIC) Code. A classification pursuant to the Standard Industrial Classification Manual issued by the United States Office of Management and Budget. The ~~e~~County uses the North American Industry Classification System if available.
- BB. Stormwater. Any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.
- BC. Total ~~s~~Suspended ~~s~~Solids (TSS). The total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquid, and that is removable by laboratory filtering.
- BD. Treatment ~~f~~Facility ~~e~~Effluent. The discharge from the POTW into the waters of the United States.
- BE. User or ~~i~~Industrial ~~u~~User. A source of indirect discharge. The source shall not include "domestic user" as defined herein.
- BF. Wastewater. Liquid and water-carried industrial wastes and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to the POTW.
- BG. Wastewater ~~t~~Treatment ~~p~~Plant, ~~w~~Water ~~r~~Reclamation ~~p~~Plant, or ~~t~~Treatment ~~p~~Plant. That portion of the POTW which is designed to provide treatment of municipal sewage and industrial waste.

(Res. No. 16-0288, 4-19-2016; Res. No. 12-0368, 5-8-2012; Res. No. 9-0804, § 1, 9-8-2009)

8.03A.0104 - Abbreviations. [1.4]

The following abbreviations, when used in this chapter, have the designated meanings:

AKART	All known, available, and reasonable methods of prevention, control, and treatment (Cross reference: RCW 90.48.010, WAC 173-200-(2)(c)(ii), and WAC 173-216-110 (1)(a))
ASPP	Accidental spill prevention plan
BOD	Biochemical oxygen demand
BMP	Best management practice
BMR	Baseline monitoring report
CWF	Combined wastestream formula
CFR	Code of Federal Regulations
CIU	Categorical industrial user
COD	Chemical oxygen demand
DML	Daily maximum limit
EPA	U.S. Environmental Protection Agency
FIFRA	Federal Insecticide Fungicide Rodenticide Act
gpd	gallons per day
IU	Industrial user
mg/L	milligrams per liter
NAICS	North American Industry Classification System
NPDES	National Pollutant Discharge Elimination System
NSCIU	Non-significant categorical industrial user

POTW	Publicly owned treatment works
RCRA	Resource Conservation and Recovery Act
RCW	Revised Code of Washington
SCC	Spokane County Code
SIU	Significant industrial user
SNC	Significant noncompliance
TSS	Total suspended solids
TTO	Total toxic organics
U.S.C. (USC)	United States Code
WAC	Washington Administrative Code

(Res. No. 2015-1000, 12-15-2015; Res. No. 12-0368, 5-8-2012; Res. No. 9-0804, § 1, 9-8-2009)

8.03A.0105 - Incorporation; ~~h~~Headings; ~~i~~Interpretation.

- A. This chapter is enacted to comply with federal and state pretreatment requirements, principally those in 40 CFR Chapter I, subchapter N, part 403 and WAC 173-216. All federal or state statutes and regulations referenced in this chapter are intended to be incorporated in full by reference where applicable to the eCounty's local pretreatment program, whether or not otherwise expressly stated where referenced. Such incorporation also includes any referenced statutes or regulations referenced internally within the incorporated statutes or regulations, whether or not otherwise specified.
- B. Headings do not limit or restrict the meaning of a section, but may assist in interpretation. In general, capitalized terms are defined, but the presence or absence of capitalization shall not limit the application of defined terms unless indicated by context.
- C. In the event of any conflict or ambiguity within this chapter, between this chapter and applicable federal or state laws or regulations, or otherwise, the following rules of interpretation apply, in the order listed:
 1. Where local authority is preempted by federal or state law, the preemption applies to the extent required by law.
 2. An interpretation to preserve the eCounty's NPDES permit is applied to the extent required.

3. Cost or liability to the eCounty shall be avoided to the maximum extent possible.
4. Normal rules of statutory interpretation apply, considering Spokane County Code 8.03A.0101.
5. The more stringent rule applicable to regulated customers or other members of the public applies.

(Res. No. 9-0804, § 1, 9-8-2009)

8.03A.0106 - Legislative hHistory; eComments.

- A. Adoption of a local pretreatment ordinance approved by state and federal authorities is a requirement for the eCounty to comply with its NPDES permit. The eCounty sanitary sewer code, chapter 8.03 Spokane County Code was originally codified and adopted as such by Resolution No. 96-0752, passed in 1996. Provisions for the eCounty's wastewater pretreatment program were adopted within the sewer code and subsequent amendments. The eCounty's pretreatment program has now been revised in this Chapter Spokane County Code 8.03A which replaces those portions of chapter 8.03 concerning pretreatment.
- B. This chapter seeks to accommodate federal, state and local regulatory policies and the practical and operational needs of the POTW, its customers and the public, supporting the law for the common good. Members of the general public, as well as users and state and federal regulatory officials are encouraged and requested to contact the dDirector, Spokane County, eEnvironmental sServices dDepartment, with any questions or comments for improvement or clarification.

(Res. No. 16-0288, 4-19-2016; Res. No. 9-0804, § 1, 9-8-2009)

8.03A.0107 - No sSpecial dDuty eCreated.

Notwithstanding any other provision, no special duty or liability for the eCounty to any person or class is created by this chapter. Any duty nonetheless deemed created shall be exclusively a duty to the general public as a whole. This provision shall be liberally construed.

(Res. No. 9-0804, § 1, 9-8-2009)

8.03A.0108 - Computation of tTime.

Whenever an action is specified to be done within a stated number of days, the date upon which the time begins to run is not counted and the last day is counted. Whenever a time period is specified of five days or less, weekends and holidays are not included. Time periods over five days shall mean calendar days. If the last day by which an action must be accomplished falls on a weekend or holiday, the time is extended to the next day not a weekend or holiday. Holidays means legal holidays as stated in RCW 1.16.050.

(Res. No. 9-0804, § 1, 9-8-2009)

8.03A.0109 – ~~General~~sSeverability and sSavings Clause.

If any provision of this chapter is invalidated by any court of competent jurisdiction, the remaining provisions shall not be affected and shall continue in full force and effect. All pending enforcement actions are saved. This chapter does not affect any enforcement rights or violations accruing before its effective date.

(Res. No. 9-0804, § 1, 9-8-2009)

ARTICLE 2 - GENERAL REQUIREMENTS

8.03A.0200 – Industrial User Surveys

Spokane County is obligated under federal requirements specified in the General Pretreatment Regulations - 40CFR Part 403, to identify all users potentially subject to the pretreatment program and the character and volume of pollutants discharged by such users. To satisfy this requirement, all sources of non-domestic wastewater which is discharged to the POTW must, upon request by the Director, or its designee, periodically complete an Industrial User Survey form. Users shall fully disclose the information requested and sign the completed form in accordance with Spokane County Code 8.03A.0305. Proper completion of survey requirements is a condition of initial and continued discharge to the public sewer system. Users failing to fully comply with survey requirements shall be subject to all enforcement measures authorized under this chapter including without limitation termination of service. The Director is authorized to prepare several forms for this purpose and require completion of the particular form which the Director determines appropriate to provide the information needed to categorize each user. The Director shall be authorized to categorize each user, provide written notice of a user's categorization and what it means, and revise this categorization at any time.

8.03A.0201 - Prohibited ~~d~~Discharge ~~s~~Standards. [2.1]

- A. General Prohibition. No user shall introduce or cause to be introduced into the POTW any pollutant or wastewater which causes pass through or interference. This requirement applies to all users of the POTW, whether or not they are subject to categorical pretreatment standards or any other federal, state or local pretreatment standards or requirements.
- B. Specific Prohibitions. No user shall introduce or cause to be introduced into the POTW anything listed hereafter. Where two or more items apply, the more stringent governs:
1. Pollutants which either alone or by interaction may create a fire or explosive hazard in the POTW or any part thereof, a public nuisance or hazard to life, or prevent entry into the sewers for maintenance and repair or which are in any way injurious to the operation of the system or operating personnel. This includes wastestreams with a closed-cup flashpoint of less than 140 degrees F (60 degrees C) using the test methods specified in 40 CFR §261.21.
 2. Wastewater having a pH less than 5.0 or more than 11.0, or otherwise having any other corrosive property capable of causing damage or hazard to structures, equipment, or personnel. ~~Discharges outside the pH range of 5.0 to 11.0 may be approved by written authorization of the director pursuant to a finding that the system is specifically designed to accommodate a Discharge of that pH. Authorization is revocable at any time in the director's sole discretion.~~(Cross reference: Spokane County Code 8.03A.0204 A)
 3. Solid or viscous substances in amounts which will cause obstruction of the flow in the POTW. In general, the cutting up or reducing to smaller pieces of any solid materials as a means to enable their introduction into the POTW is prohibited. In addition, in no case shall solids greater than ¼ inch (0.64 cm) in any dimension be discharged;
 4. Pollutants, including oxygen-demanding pollutants (BOD, etc.), released at a flow rate and/or concentration which, either singly or by interaction with other pollutants, will cause interference with the POTW;
 5. Wastewater having a temperature which will inhibit biological activity in the treatment plant resulting in interference, but in no case, wastewater which causes the temperature at the point of introduction into the treatment plant to exceed 104 degrees F (40 degrees C) unless the approval authority, upon request of the ~~d~~Director, approves alternative temperature limits;

6. Wastewater with a temperature at any point of introduction into any part of the public sewer system exceeding 130 degrees F (54 degrees C).
7. Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin, in amounts that will cause obstruction of the POTW, interference, or pass through;
8. Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause risk to worker health and safety, in the ~~the~~ Director's judgment and/or substances identified as toxic pollutants (~~see Spokane County Code 8.03A.0104~~) or any wastewater containing any pollutant, including oxygen demanding pollutants, in sufficient quantity, either singly or by interaction, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, or be in violation of any applicable statute, rule, regulation or ordinance of any public agency, including the EPA;
9. Trucked or hauled pollutants, wastewater or other materials (hauled wastewater), except at discharge points designated by the ~~the~~ Director in accordance with Spokane County Code 8.03A.0212;
10. The following are prohibited unless approved by the ~~the~~ Director under special circumstances, such as lack of direct discharge alternatives due to combined sewer service or need to augment domestic wastewater flows due to septic conditions as required under WAC 173-216-050:
 - a. Non-contact cooling water in volumes deemed significant by the ~~the~~ Director because of adverse effects of consequences.
 - b. Stormwater, or other direct inflow sources.
 - c. Wastewater significantly affecting POTW hydraulic loading, which does not require treatment or would not be afforded a significant degree of treatment by the POTW.
11. Wastewater which imparts color which cannot be removed by the treatment process, such as dye wastes and vegetable tanning solutions, which imparts color to the treatment plant effluent causing violation of the ~~the~~ County's NPDES permit. Color (in combination with turbidity) shall not cause the treatment plant effluent to reduce the depth of the compensation point for photosynthetic activity by more the ten percent from the seasonably established norm for aquatic life, as determined by the ~~the~~ Director.
12. Noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life, or to prevent entry into the sewers for maintenance or repair;
13. Wastewater containing any radioactive wastes or isotopes except in compliance with applicable state or federal regulations and approved by the ~~the~~ Director;
14. Stormwater, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, noncontact cooling water, and unpolluted wastewater, unless specifically authorized by the ~~the~~ Director;
15. Sludges, screenings, or other residues from the pretreatment of industrial wastewaters, or from industrial processes unless authorized by the ~~the~~ Director;
16. Medical wastes, except as specifically authorized by the ~~the~~ Director through a discharge permit issued under article 3;
17. Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail toxicity tests from applicable regulations; (Cross reference: WAC 173-205-020, 40 ~~C.F.R.~~ CFR § 122.21 (5))
18. Detergents, surface-active agents, or other substances that might cause excessive foaming or interfere with effective function of the POTW;
19. Fats, oils, and greases or any other materials of animal (including human) or vegetable origin in quantities which could cause obstruction of the POTW or interference with conveyance or

~~treatment; Or any discharges with total petroleum hydrocarbon concentrations greater than one hundred mg/L; (Cross reference: Spokane County Code 8.03A.0204.A)~~

20. Animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, Ccinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, gas, tar asphalt residues, residues from refining or processing of fuel or lubricating oil, mud or glass grinding or polishing wastes;
 21. Liquids, solids or gas, which by reason of their nature or quantity may be sufficient, alone or by interaction with other materials, to cause fire or explosion, which might cause obstruction or interference or be injurious in any other way to the POTW, its operations, staff or the environment. At no time, shall two successive readings on an explosion hazard meter at the point of discharge into the POTW system, or at any point in the POTW system, exceed five percent or any single reading exceed ten percent of the lower explosive limit based on an explosivity meter reading.
 22. Anything which in the opinion of the ~~d~~Director may cause harm either to the sewers, sewage treatment process, or equipment, have an adverse effect on the receiving waters or outside environment, or otherwise endanger life, limb or property, or constitute a nuisance, unless allowed under special agreement, except that no special waiver shall be given from categorical pretreatment standards;
 23. Any dangerous wastes as defined in WAC 173-216-030 or hazardous wastes as defined in 40 CFR Part 261;
 24. Hazardous waste pharmaceuticals as listed in 40 CFR 261 subparts C, D generated from healthcare facilities or reverse distributors, pursuant to 40 CFR 266.505.
 25. Bulk, expired, outdated, or concentrated prescription or non-prescription drugs.
 246. Persistent pesticides and/or pesticides regulated by FIFRA (Federal Insecticide Fungicide Rodenticide Act);
 27. The contents of any tank or other vessel owned or used by any person in the business of collecting or pumping sewage, effluent, septic tank waste, or other wastewater unless said person has first obtained testing and approval as may be generally required by the County and paid all fees assessed for the privilege of said discharge.
 258. Anything else not authorized by the ~~d~~Director. ~~The director may specify such substances in a specific user permit, considering the appendices hereto.~~
 29. Any substance which will cause the POTW to violate its NPDES and/or other disposal system permits.
- C. Supplementing A and B above, no industrial user shall violate the provisions of 40 CFR § 403.5 (a) and (b) or WAC 173-216-060 or any statute or regulation referenced therein. Such provisions are all fully incorporated herein.
- D. Pollutants, substances, or wastewater prohibited by this section shall not be processed or stored in such a manner that they could be discharged to the POTW.

(Res. No. 2015-1000, 12-15-2015; Res. No. 12-0368, 5-8-2012; Res. No. 09-0998, § 2, 10-27-2009; Res. No. 9-0804, § 1, 9-8-2009)

8.03A.0202 - Federal eCategorical pPretreatment sStandards. [2.2]

The National Categorical Pretreatment Standards, as amended and promulgated by the EPA pursuant to the Act and as found at 40 CFR chapter I, subchapter N, parts 405—471, are incorporated by reference herein as a part of this chapter. All users must comply with these standards.

(Res. No. 9-0804, § 1, 9-8-2009)

8.03A.0203 - State rRequirements. [2.3]

- A. State requirements and limitations on discharges to the POTW shall be met by all users subject to such items whenever they are more stringent than federal or local pretreatment requirements and limitations. Washington State Pretreatment Standards and Requirements, located at Chapter 173-216 WAC, were developed under authority of the State Water Pollution Control Act, Chapter 90.48 RCW. All wastewaters discharged from a commercial or industrial operation as determined by the dDirector into the POTW must satisfy the provisions of Chapter 173—216 WAC.
- B. Any person who constructs, modifies or proposes to construct or modify wastewater treatment facilities must first comply with the regulations for submission of plans and reports for construction of wastewater facilities, Chapter 173-240 WAC. The eCounty is delegated the authority to review and approve such plans and reports under RCW 90.48.110, for sources of non-domestic discharges (industrial wastewater). Said plans and reports must be filed with the dDirector, together with such information as required by the dDirector, signed by an authorized representative and certified as provided in Spokane County Code 8.03A.0305.B, and include the fee as provided in Spokane County Code 8.03A.1401. (Cross reference: WAC 173-216-050(1))
- C. All users shall apply all known, available, and reasonable treatment methods (AKART) to prevent and control wastewater releases into the waters of the state. (Cross reference: WAC 173-216-050(3))
- D. Discharge restrictions of Chapter 173-303 WAC (Dangerous Waste) shall apply to all users.
- E. All required monitoring data shall be analyzed by a laboratory or person accepted by the dDirector as qualified to perform such services, in the dDirector's sole discretion. The dDirector may require that said lab or person be registered or accredited under the provisions of Chapter 173-50 WAC. The dDirector may determine this is not required for flow, temperature, settleable solids, conductivity, pH, turbidity, and internal process control parameters. However, if the laboratory analyzing samples for conductivity, pH, and turbidity must otherwise be accredited, it shall be accredited for these parameters as well.
- F. County shall publish notice for users applying for a new permit or a permit renewal or modification which allows a new or increased pollutant loading, at the user's expense. The notice shall fulfill the requirements of WAC 173-216-090. These requirements include publishing:
 - 1. The name and address of the applicant and facility/activity to be permitted;
 - 2. A brief description of the activities or operations which result in discharge;
 - 3. Whether any tentative determination has been reached with respect to allowing the discharge;
 - 4. The address and phone number of the office of the Director where persons can obtain additional information;
 - 5. The dates of the comment period (which shall be at least thirty days); and

6. How and where to submit comments or have any other input into the permitting process, including requesting a public hearing.

G. The Director may also mail this notice to persons who have expressed an interest in being notified, to state agencies and local governments with a regulatory interest, and to post the notice on the premises. If the Director determines there is sufficient public interest, the County shall hold a public meeting following the rules of WAC 173-216-100. The Director may assume responsibility for public notice requirements for any persons, and may waive this requirement for any user not classified as CIU or SIU by the Director.

(Res. No. 2015-1000, 12-15-2015; Res. No. 9-0804, § 1, 9-8-2009)

8.03A.0204 - Local Limits. [2.4]

A. The following limits are established ~~as local limits to protect against pass through and interference, expressed as a Maximum Allowable Discharge Limits. No user or other person~~ Significant Industrial User may discharge wastewater into any sewer the POTW (which ~~may~~ conveys wastewater to the Spokane County Regional Water Reclamation Facility in excess of the following concentrations:

Arsenic: ~~0.41~~ 0.12 mg/L.

~~Benzene, toluene, ethylbenzene, and xylene (BTEX) = a sum of these four constituents' analytical results not to exceed 1.4~~ <0.5 mg/L. (WAC 173-303-090)

Cadmium: 0.07 mg/L.

Total Chromium: ≤5.0 mg/L. (WAC 173-303-090)

Copper: ~~4.7~~ 0.74 mg/L.

Cyanide: ~~1.901~~ mg/L.

Fats, oils and, grease: See Spokane County Code 8.03A.0201 B 19.

Lead: 0.32 mg/L.

Mercury: ~~0.0512~~ mg/L.

Molybdenum: ~~4.50~~ 0.66 mg/L.

Nickel: ~~3.98~~ 1.74 mg/L.

~~Nonpolar material (or total petroleum hydrocarbons): Not to exceed 100~~ mg/L.

Selenium: ~~4.00~~ 0.40 mg/L.

Silver: ~~4.700~~ 0.46 mg/L.

Zinc: ~~5.62~~ 0.59 mg/L.

The pH limit set in Spokane County Code 8.03A.0201 B(2) may also be enforced as a local limit.

The above limits apply at the point where the wastewater is discharged to the POTW (end of pipe), any point of introduction into any sewer or portion of the POTW (which may convey wastewater to the Spokane County Regional Water Reclamation Facility).

B. ~~The following limits are established as local limits, expressed as maximum allowable discharge limits. No users or other person may that discharge wastewater into any sewer the POTW (which conveys wastewater solely to the City of Spokane Riverside Park Water Reclamation Facility) must comply with the limits set forth in Spokane Municipal Code 13.03A.0204. in excess of the following concentrations:~~

~~Arsenic: 0.41 mg/L~~

~~Benzene, toluene, ethylbenzene, and xylene (bTEX) — a sum of these four constituents' analytical results — Not to exceed 1.4 mg/L~~

~~Cadmium: 1.00 mg/L~~

~~Total Chromium: 5.0 mg/L~~

~~Copper: 1.9 mg/L~~

~~Cyanide: 1.9 mg/L~~

~~Fats, oils and grease: See Spokane Municipal Code 8.03A.0201 B 19~~

~~Lead: 0.32 mg/L~~

~~Mercury: 0.05 mg/L~~

~~Nickel: 3.98 mg/L~~

~~Non polar material (or total petroleum hydrocarbons): Not to exceed 100 mg/L~~

~~Silver: 1.7 mg/L~~

~~Zinc: 5.6 mg/L~~

~~The pH limit set in Spokane Municipal Code 8.03A.0201 B(2) may also be enforced as a local limit~~

~~Molybdenum: 1.5 mg/L~~

~~Selenium: 1.0 mg/L~~

~~The above limits apply at any point of introduction into any sewer or portion of the POTW (which conveys wastewater solely to the Riverside Park Water Reclamation Facility)~~

C. All concentrations for metallic substances are for "total" metal unless indicated otherwise. The ~~e~~Director may impose mass limitations in addition to or in place of the concentration-based limitations shown in subsections (A) and (B) of this section. Where a user is subject to a categorical pretreatment standard and a local limit for a given pollutant, the more stringent limit or applicable pretreatment standard shall apply~~applies as the applicable pretreatment standard.~~

D. 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. The ~~e~~Director may set limits as instantaneous maximums or for other durations (e.g., daily maximum or monthly average limits) where deemed proper.

E. Whenever determined appropriate, the ~~e~~Director may develop best management practices (BMPs) for general application, in individual discharge permits or general discharge permits, to implement local limits and the requirements of Article 2 of this chapter and require documentation of compliance. Failure to follow such requirements is a violation of this chapter.

(Res. No. 2015-1000, 12-15-2015; Res. No. 13-1196, 12-17-2013; Res. No. 12-0368, 5-8-2012; Res. No. 9-0804, § 1, 9-8-2009)

8.03A.0205 - Right of ~~r~~Revision. [2.5]

This chapter and any permits or approvals granted pursuant to its authority create no vested or property rights and the ~~e~~County at times reserves the right to revise any provision at any time, with or without showing of cause or need. (Cross reference: Spokane County Code 8.03A.0102 C)

(Res. No. 9-0804, § 1, 9-8-2009)

8.03A.0206 - Special ~~handling~~ Agreement. [2.6]

- A. The ~~e~~County reserves the right to enter into ~~specific~~ special agreements with customers or users setting out specific terms for discharge into the POTW. All such agreements must be in writing and approved by the ~~d~~Director. This function is not subject to delegation by the ~~d~~Director. In no case will any categorical pretreatment standard or federal pretreatment requirement be waived.
- B. A user may request a net/gross adjustment to a categorical standard under the provisions of 40 CFR §403.15 by filing a written application therefore with such information as required by the ~~d~~Director. The application must be certified as provided in Spokane County Code 8.03A.0305 B and include the fee provided in Spokane County Code 8.03A.1401.
- C. A user may also request a variance from the categorical pretreatment standard from the approval authority under 40 CFR §403.13 by filing a written application therefore with such information as required by the ~~d~~Director. The application must be certified as provided in Spokane County Code 8.03A.0305 B and include the fee provided in Spokane County Code 8.03A.1401.

(Res. No. 9-0804, § 1, 9-8-2009)

8.03A.0207 - Dilution. [2.7]

No user shall ever increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with an applicable pretreatment standard or requirement unless expressly authorized by the pretreatment standard or requirement. The ~~d~~Director may impose mass limitations on users who are using dilution to meet applicable pretreatment standards or requirements or in other cases when the ~~d~~Director deems that imposition of mass limitations is appropriate.

(Res. No. 9-0804, § 1, 9-8-2009)

8.03A.0208 - Pretreatment ~~f~~Facilities. [2.8]

- A. Users are responsible for all cost and liability to provide wastewater pretreatment to comply with this chapter and shall achieve compliance with all applicable pretreatment standards and requirements contained or referenced in this chapter as specified by the EPA, state, ~~e~~County or ~~d~~Director as may be most stringent. Any facilities required to pretreat wastewater to acceptable levels must be provided, operated and well maintained at the user's sole expense and liability. Engineering reports, detailed plans and specifications, and an operations and maintenance manual acceptable to the ~~d~~Director showing pretreatment facilities and operating procedures, together with any other information required by the ~~d~~Director shall be submitted to the ~~d~~Director for review and approval before construction. Review and/or approval of plans, operating procedures or other submittals never relieves the user or submitting party from full compliance. Facilities must be maintained by the user in accordance with approved reports, plans, operating procedures, and other submittals.

- B. Application for plan approvals must be ~~made on forms acceptable to the director~~, signed in accord with Spokane County Code 8.03A.0305 B. Fees will be assessed in accordance with fees as provided in Spokane County Code 8.03A.1401.

(Res. No. 9-0804, § 1, 9-8-2009)

8.03A.0209 - Deadline for ~~c~~Compliance with ~~a~~Applicable ~~p~~Pretreatment ~~s~~Standards. [2.9]

- A. Compliance by existing sources covered by categorical pretreatment standards shall be within three years of the date the standard is effective unless a shorter compliance time is specified in the applicable standard, other provision, or ~~d~~Director order. The ~~d~~Director establishes a final compliance deadline for any existing user not covered by categorical pretreatment standards or any categorical user where state requirements or local limits are more restrictive.
- B. New sources and new users are required to comply with applicable pretreatment standards within the shortest feasible time, not to exceed ninety days from beginning of discharge. New sources and new users shall install, have in good operating condition, and shall start up all pollution control equipment (including sampling equipment) required to meet applicable pretreatment standards before beginning to discharge.
- C. Any discharge permit to a CIU shall not contain a compliance date beyond the deadline established in EPA categorical pretreatment standards. Not by way of limitation, other existing users or CIUs who must comply with more stringent state requirements or local limits shall be provided with a compliance deadline in their permit to insure compliance in the shortest feasible time, in the ~~d~~Director's opinion.

(Res. No. 9-0804, § 1, 9-8-2009)

8.03A.0210 - Additional ~~p~~Pretreatment. [2.10]

- A. Whenever deemed necessary, the ~~d~~Director may require users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage (domestic wastewater) from industrial wastestreams (industrial wastewater), and such other conditions deemed necessary to protect the POTW and determine a user's compliance with this chapter.
- B. Each user discharging greater than one hundred thousand (100,000) gallons per day, or lower volumes where determined by the ~~d~~Director, shall install and maintain, on its property and at its expense, a suitable storage and flow-control facility to insure equalization of flows over a twenty-four-hour period. The facility shall have a capacity for at least twenty-five percent of the daily discharge volume of the user and shall be equipped with alarms and a rate of discharge controller, subject to ~~d~~Director approval and regulation. A wastewater discharge permit may be issue solely for flow equalization.
- C. Grease, oil and sand interceptors (interception units) shall be provided whenever determined necessary by the ~~d~~Director for proper handling of wastewater containing excessive amounts of such substances, except that such interceptors shall not be required for residential users. Interception units are subject to the control and regulation of the ~~d~~Director and must be inspected, cleaned and kept in good repair by the user.
- D. Users with a potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.
- E. All users are required to adhere to the Spokane County Industrial Pretreatment Program Mercury Control and Abatement Plan (MCAP).

(Res. No. 12-0368, 5-8-2012; Res. No. 9-0804, § 1, 9-8-2009)

8.03A.0211 - Accidental ~~s~~Spill Prevention Plans/~~s~~Slug discharge ~~c~~Control ~~p~~Plans. [2.11]

- A. ~~The dDirector may require any user to develop and implement an accidental spill prevention plan (ASPP) and/or slug control plan, including any facilities or procedures ordered to support the same all at the user's expense. Such plans must be submitted for approval within such time limits as ordered by the director, generally not to exceed ninety days. The user must implement the plans as approved by the director. These requirements are cumulative with other requirements and not in the alternative. Where deemed necessary by the County, facilities to prevent accidental discharge or slug discharges of pollutants shall be provided and maintained at the user's cost and expense. An accidental spill prevention plan or slug control plan showing facilities and operating procedures to provide this protection shall be submitted to the County for review and approval before implementation. The County shall determine which user is required to develop a plan and require said plan to be submitted within 90 days after notification by the County. Each user shall implement its ASPP as submitted or as modified after such plan has been reviewed and approved by the County. Review and approval of such plans and operating procedures by the County shall not relieve the user from the responsibility to modify its facility as necessary to meet the requirements of this chapter.~~
- B. An ASPP ~~and/or slug discharge~~ control plan shall address, at a minimum, the following:
1. Description of discharge practices, including non-routine batch discharges;
 2. Description of stored chemicals;
 3. Procedures for immediately notifying the dDirector of any accidental spill or slug discharge which would violate Spokane County Code 8.03A.0201 through Spokane County Code 8.03A.0204;
 4. Procedures to prevent adverse impact from an accidental spill ~~and/or~~ slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response. (Cross reference: 40 CFR §403.8(f)(2)(vi). See also EPA Region 10 Accidental Spill Prevention and Guidance Manual for POTWs and non-domestic Users)
 5. ~~Applications for ASPP and/or slug discharge~~ control plan ~~approvals~~ must be filed with the dDirector, upon such forms and with such information as required by the dDirector, signed by an authorized representative and certified as provided in Spokane County Code 8.03A.0305 B, and ~~may include the a~~ may include a fee as provided in Spokane County Code 8.03A.1401.
- C. The requirements for A an ASPP or slug discharge control plan may be incorporated into a discharge permit. Updates and renewals must be filed with any request for permit transfer, modification or renewal, change at the user facility, and whenever the user knows or reasonably should know of information affecting the plan or facts upon with which the plan was based. In addition, the dDirector evaluates the sufficiency of any ASPP ~~and/or slug discharge~~ control plan or other action to control spills or slug discharges and may order changes or updates as deemed necessary, including analysis or reports by a qualified engineer or other professional certification. If determined to be insufficient, the dDirector may develop such a plan at the user's expense. (Cross reference: Spokane County Code 8.03A.0407)

(Res. No. 9-0804, § 1, 9-8-2009)

8.03A.0212 - Hauled wastewater. [2.12]

- A. Hauled wastewater, including septic tank waste or industrial wastewater, may not be introduced into the POTW except at locations and with such conditions as directed by the dDirector. Such waste shall not violate this chapter or any other requirements established or adopted by the County,

Wastewater Discharge Permits for individual vehicles to use such facilities shall be issued by the Director.

- B. All such wastewater is required to be tested and sampled as ordered by the ~~d~~Director, consistent with the purpose and objectives of this chapter and applicable federal, state or local requirements.
- C. The ~~d~~Director may decline to accept any hauled wastewater or may require wastewater haulers or generators as designated by the ~~d~~Director to apply for discharge permit coverage.
- D. Wastewater haulers must provide a tracking form as required and approved by the ~~d~~Director for every load. This form shall include, at a minimum, the name and address of the industrial wastewater hauler, discharge permit number, truck identification, names and addresses of sources of waste, and volume and characteristics of waste. ~~The form shall identify the type of industry, known or suspected waste constituents, and whether any wastes are RCRA hazardous wastes.~~
- E. Forms under this section must be filed with the ~~d~~Director, with such information as required by the ~~d~~Director, signed by an authorized representative and certified as provided in Spokane County Code 8.03A.0305 A. ~~and include the fee as provided in Spokane County Code 8.03A.1401.~~ Failure to submit a report form as required or apply for permit coverage when required is a violation of this chapter. (Cross reference: Spokane County Code 8.03A.0201 B(9))
- F. Fees for dumping hauled wastes will be established as part of the user fee system as authorized in Spokane County Code 8.03.

(Res. No. 9-0804, § 1, 9-8-2009)

8.03A.0213 - Causing, ~~e~~Contributing to ~~s~~Sewer ~~e~~Overflow ~~d~~Events. ~~[2.13]~~

- A. No ~~customer user~~ or member of the public or other governmental entity may cause or contribute to causing a sewer overflow event, either during wet or dry weather, such that a portion of the ~~e~~County sewer system becomes blocked or impaired with the result that sewage flows out of the sewer system directly into the Spokane River or any place else besides remaining in the ~~e~~County sewer system. Where it appears that someone may be creating this kind of problem, the ~~d~~Director may notify such person and require additional monitoring or screening equipment or inspections at such person's expense. Examples of problems are ~~customer user~~ created or enhanced blockages from grease, industrial or commercial processes or from nursing homes flushing large diapers, rags or other materials inserted into the system which are too large for the ~~e~~County sewer system to accommodate, which then may become lodged so to block flows.
- B. Anyone determined to have caused or contributed to an overflow or blockage event is responsible for all damage, loss or liability created thereby, including environmental damage in addition to other applicable penalties.

(Res. No. 9-0804, § 1, 9-8-2009)

ARTICLE 3 - WASTEWATER DISCHARGE PERMIT

8.03A.0300 - Permit ~~r~~Requirement; ~~i~~Individual, ~~g~~General ~~p~~Permits. ~~[3.0]~~

- A. No significant industrial user (SIU) shall discharge wastewater into the POTW without first obtaining a discharge permit from the ~~d~~Director. Such permit must be enforceable and contain all the elements as required by 40 CFR 403.8(f)(1)(iii)(B). Failure to obtain a permit or permit violations are violations of this chapter. All applicable federal, state and local pretreatment requirements and standards apply to permittees, whether or not stated in the permit.
- B. A discharge permit may be designed for an individual user (individual permit) or an identified class of users (general permit). A general permit is issued where a given class of users:

1. Involve the same or substantially similar types of operations;
2. Involve applicant classes as established by the dDirector discharging the same types of wastes;
3. Require the same effluent limitations;
4. Require the same or similar monitoring; and
5. In the opinion of the dDirector, are more appropriately controlled under a general discharge permit than under individual discharge permits. (Cross reference: 40 CFR §403.8(f)(2))

(Res. No. 9-0804, § 1, 9-8-2009)

8.03A.0301 - Permits as to eExisting sSources, eExisting uUsers. [3.1]

Any existing source or existing user SIU not already permitted shall apply for a permit under this chapter. The dDirector may notify such persons of the requirement and allow up to sixty days for existing users and such time as required by federal law for existing sources, but this shall not exceed sixty days unless an applicant demonstrates it is entitled to additional time. This requirement also applies to existing permittees subject to new requirements under this chapter. Regardless of notification or other requirements, in no event shall an SIU subject to categorical standards fail to submit a baseline report within the one hundred eighty day deadline in 40 CFR §403.12(b). Baseline reports must be signed as provided in Spokane County Code 8.03A.0305 A and ~~accompanied by a fees will be assessed in accordance with as provided in~~ Spokane County Code 8.03A.1401.

(Res. No. 9-0804, § 1, 9-8-2009)

8.03A.0302 - Permits as to nNew sSources, nNew uUsers. [3.2]

At least ninety days prior to the anticipated start-up, any new source and any new user determined by the dDirector to be an SIU shall apply for a discharge permit and submit to the dDirector at a minimum, the information in Spokane County Code 8.03A.0304 A—E as well as any applicable engineering reports (reference Spokane County Code 8.03A.0203 B and 8.03A.0208 A). A new source or a new user cannot discharge without first obtaining a discharge permit. New sources and new users must include in their application the method of pretreatment they will use to meet applicable pretreatment standards and requirements as well as estimates of information in paragraphs D and E of Spokane County Code 8.03A.0304.

(Res. No. 9-0804, § 1, 9-8-2009)

8.03A.0303 – ~~Reserved~~ Discharge Permit - Extrajurisdictional Users [3.3]

Any Existing User located in the unincorporated areas of Spokane County must comply with this Chapter or a similar local pretreatment ordinance or program approved by the EPA and/or the State of Washington, specifically including existing user requirements under Spokane County Code 8.03A.0301 and new source/new user requirements under Spokane County Code 8.03A.0302, as a condition of any discharge permit. Compliance is a condition of continuing discharge into the POTW or the County continuing to accept discharge from any system flowing into the County POTW, and violators shall be subject to any and all penalties as may lawfully apply hereunder or the jurisdictional local government's approved pretreatment program.

8.03A.0304 - Discharge pPermit aApplication eContents. [3.4]

- A. 1. The dDirector approves the permit application form. All users required to obtain a discharge permit must submit to the dDirector, at a minimum, the information stated in this section and any

other information requested by the eDirector. Categorical users must further comply with 40 CFR 403.12(b). ~~Applications must include the permit application fee in~~ Permit fees will be assessed in accordance with Spokane County Code 8.03A.1401. Incomplete, inaccurate or unsigned applications or applications without payment may be returned or conditionally processed will not be processed and will be returned to the user for revision.

2. Identifying information: The application must state the name and address of the facility, operator and owners.
- B. Permits. The applicant must furnish a list of any environmental control discharge permits held by or for the facility.
- C. Description of Operations: The application must state a brief description of the nature, average rate of production, and the applicable North American Industry Classification System (2007 or latest version) of the operation(s) carried out by such user, including a list of all raw materials and chemicals stored or used at the facility which are or could be accidentally or intentionally discharged into the POTW. The applicant shall further state the number and type of employees, hours of operation, each product produced by type, process(es) and rate of production. The applicant shall state type and amount of raw materials processed (average and maximum per day) and the time and duration of discharges. The application must include a schematic process diagram which indicates points of discharge to the POTW from the regulated or manufacturing processes, site plans, floor plans, mechanical and plumbing plans and details to show all sewers, sewer connections, inspection manholes, sampling chambers and appurtenances by size and location, floor drains, and appurtenances by size, location, and elevation.
- D. Flow measurement application information:
1. Categorical User: Average information showing the measured average daily and daily maximum flow, in gallons per day, to the POTW from each of the following:
 - a. Regulated or manufacturing process streams, and
 - b. Other streams, as necessary, to allow use of the combined wastestream formula. (Cross reference: 40 CFR 403.6(e))
 2. Non-Categorical User: information showing the measured daily average and daily maximum flows, in gallons per day to the POTW from each of the following: total process flow, wastewater treatment plant flow, total plant flow or individual manufacturing process flow as required by the eDirector.

County may allow for verifiable estimates of these flows where justified by cost of feasibility considerations.

- E. Measurement of Pollutants:
1. Categorical User:
 - a. Shall identify the applicable pretreatment standards for each regulated or manufacturing process.
 - b. Shall submit the results of sampling and analysis identifying the nature and concentration (or mass, where required by the categorical pretreatment standard or the eDirector) of regulated pollutants, including those encompassed in the standards in Spokane County Code 8.03A.0201 through Spokane County Code, 8.03A.0204 as appropriate in the discharge from each regulated or manufacturing process. Both the daily maximum and average concentration (or mass, where required) shall be reported. The sample shall be representative of daily operations and conform to the sampling and analytical procedures in Article 5 of this chapter.
 - c. The user shall take a minimum of one representative sample to compile data necessary to comply with this paragraph E.

- d. Where an alternate concentration or mass limit has been calculated in accord with 40 CFR 403.6(e) for a categorical user, this adjusted limit, together with supporting data shall be submitted as part of the application.
2. Non-categorical user:
- a. The user shall identify the applicable pretreatment standards for its discharge.
 - b. In addition, the user shall submit the results of sampling and analysis identifying the nature and concentration in the discharge (or mass, where required by the eDirector) of regulated pollutants encompassed in the standards in Spokane County Code 8.03A.0201 through Spokane County Code 8.03A.0204 as applicable. Both the daily maximum and average concentration (or mass, where required) shall be reported. The sample shall be representative of daily operations and conform to the sampling and analytical procedures in Article 5 of this chapter.
 - c. The user shall take a minimum of one representative sample to compile data necessary to comply with this paragraph E.
 - d. Where the eDirector has developed an alternate concentration or mass limit because of dilution or other reasons, this limit, together with supporting data shall be submitted as part of the application.
- F. Certification; Qualified professional statement: The application certification required in Spokane County Code 8.03A.0305 A must also include a statement certified by a qualified professional, indicating whether the applicable 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, including AKART.
- G. Compliance Schedule. If additional pretreatment/O&M are required to meet the applicable pretreatment standards, the user must include the shortest schedule by which it will provide such additional pretreatment/O&M remediation, conforming with Spokane County Code 8.03A.0404 but not later than the deadlines in Spokane County Code 8.03A.0209.

(Res. No. 9 0804, § 1, 9, 8, 2009)

~~8.03A.03042-Combined wastestream formula, fundamentally different factors modifications. [3.4 part]~~

- ~~A.~~ 1. Where a user's applicable categorical standard is modified because of a removal allowance under 40 CFR §403.7, combined wastestream formula eligibility under 40 CFR §403.6(e) or fundamentally different factors variance under 40 CFR §403.13 at the time of submission of information required under Spokane County Code 8.03A.0304 G, the information required under Spokane County Code 8.03A.0304 F and G apply to the modified limits. It is the ~~submitter's~~ user's responsibility to identify and disclose the modification conditions stated.
- ~~B.~~ 2. Where an applicable categorical standard is modified because of a removal allowance under 40 CFR §403.7, combined wastestream formula eligibility under 40 CFR §403.6(e), or fundamentally different factors under 40 CFR §403.13 after submission of information required under Spokane County Code 8.03A.0304 F and G, a report containing information pertaining to such modification shall be submitted within sixty days after the new limit is approved, signed as required in Spokane County Code 8.03A.0305 A with a report review fee specified in Spokane County Code 8.03A.1401.
- ~~C.~~ 3. The user must obtain eDirector approval for combined wastestream formula or fundamentally different factors variations if not submitted as part of a permit application. This may also be done through permit modification where applicable. However accomplished, the user must make an application therefore on forms supplied or approved by the eDirector, sign the form as provided in SCM 8.03A.0305 B and pay the fee for review specified in Spokane County Code 8.03A.1401 to the extent documents needed by the eDirector have not been otherwise submitted and a review fee otherwise paid.

H. The user shall submit any other information as may be deemed necessary by the Director to evaluate the discharge permit application.

(Res. No. 9-0804, § 1, 9-8-2009)

8.03A.0305 - Signatory and Certification Requirement. [3.5]

A. All discharge permit applications and user reports under this chapter must be signed by an authorized representative as defined in Spokane County Code 8.03A.0103. The signatory must further included the following certification:

I certify under penalty of perjury of the laws of the State of Washington (or state of execution):

1. That I am authorized to sign this statement on behalf of the person or entity for which it is submitted.
 2. That this document and all attachments are reliable and were prepared based upon my personal knowledge or under my direction or supervision, after diligent inquiry in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted.
 3. Based on my knowledge or inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting inaccurate or false information, including the possibility of fine and imprisonment. ~~(NOTE: Spokane County Code 10.08.085 provides that negligent or careless submission of false or inaccurate statements is a misdemeanor and gross negligence or a knowing or willful submission of false or inaccurate statements is a gross misdemeanor.)~~
- B. Anything other than the documents noted in a paragraph A must be signed by an authorized representative of the person submitting such item, and include a statement that the signatory is authorized to make the submission, has made diligent inquiry to verify any information. The submittal must be made and state that it is made under penalty of perjury of the laws of the state of the signing person, together with any proof of authority or authorization to execute and any statements required in this section or ordered by the Director.
- C. The person submitting any item is under a continuous duty and obligation to update in writing, under the same formalities, in a prompt and complete manner, any information provided whenever there is a material change. NOTE: designations of authorized representative must be kept updated at all times.

(Res. No. 9-0804, § 1, 9-8-2009)

8.03A.0306 - Discharge Permit Decisions. [3.6]

- A. ~~The Director evaluates the permit application and determines whether to grant the application within thirty days of receipt of a complete application and full responses to any questions the director may have. The director may extend this time an additional thirty days. After sixty days, if no action has been taken, the application is deemed denied, the sixty first day being the date of issuance for appeal purposes.~~ will evaluate the data furnished by the user and may require additional information. Within 30 days of receipt of a complete wastewater discharge permit application, the Director will determine whether or not to issue a wastewater discharge permit. Upon a determination to issue, the permit shall be issued within 180 days of full evaluation and acceptance of the data furnished. The Director may deny any application for a wastewater discharge permit.
- B. Except where otherwise noted, the Director acts by issuing a written decision to the applicant. When a decision is issued, the date of issuance for purposes of appeal by the applicant is three days

from mailing, if mailed, the date of electronic delivery, if delivered electronically (e.g. email), or date of personal delivery, whichever first occurs. As to persons other than the applicant, when a decision is issued, the date of issuance is the date of delivery of the decision to persons requesting delivery.

- C. The ~~d~~Director may require any user, as a condition of permit issuance, renewal or otherwise, to pay any outstanding fines, penalties, service charges or other applicable outstanding fees relating to its discharge, enjoyment of ~~municipal~~ utility services or any enforcement order.

(Res. No. 9-0804, § 1, 9-8-2009)

8.03A.0307 - Discharge ~~p~~Permit ~~e~~Contents. [3.7]

- A. Discharge permits include such conditions determined appropriate by the ~~d~~Director to prevent pass through or interference, protect the quality of the water body receiving the treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal, protect against damage to the POTW or otherwise deemed necessary under the ~~e~~County's pretreatment regulatory program. All discharge permits must further specifically include all the elements as required by 40 CFR §403.8(f)(1)(iii)(B). Not by way of limitation, these include:
1. The issuance date, effective date (if different) and expiration date. The expiration date may not exceed five years from the effective date;
 2. Provision for annual inspection and any applicable arrangements therefore. Payment of the annual inspection fee is required as specified in Spokane County Code 8.03A.1401;
 3. A statement that the discharge Permit is nontransferable except upon written ~~d~~Director approval and acceptance by the transferee/owner/operator of all permit (control mechanism) conditions, together with any additional requirements of transfer approval;
 4. Effluent limits, including best management practices, based on applicable pretreatment standards and requirements, including any special state requirements;
 5. Self-monitoring, sampling, reporting, notification, submittal of technical reports, compliance schedules, and record-keeping requirements, including an identification of pollutants to be monitored, BMPs, sampling location, sampling frequency, and sample type, based upon federal, state and local requirements;
 6. Requirement for immediate notification to the ~~e~~County whenever self-monitoring or other information indicates non-compliance;
 7. Requirement to report bypass or upset of a pretreatment facility;
 8. Requirement to report immediately to the ~~e~~County all discharges, including slug loadings, that could cause problems to the POTW;
 9. Requirements for the SIU reporting non-compliance to repeat sampling and analysis and submit results to the ~~d~~Director within thirty days of becoming aware, or from the time the SIU should reasonably have become aware of a violation;
 10. A statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule, which shall not exceed that required by law;
 11. Requirements to control accidental spill/slug discharge, which may be included in an accidental spill prevention/slug discharge control plan. The ~~d~~Director orders such a plan whenever determined necessary as provided in Spokane County Code 8.03A.0211.
- B. Discharge permits may include, but need not be limited to, the following conditions:
1. Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization;

2. Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the POTW;
 3. Requirements for the development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or nonroutine discharges;
 4. Development and implementation of wastewater minimization plans to reduce the amount of pollutants discharged to the POTW;
 5. The unit charge or schedule of user charges and fees for the management of the wastewater discharged to the POTW, but any charges or fees remain subject to adjustment;
 6. Requirements for installation and maintenance of inspection and sampling facilities and equipment, including flow measurement devices;
 7. A statement that compliance with the individual discharge permit or the general discharge permit does not relieve the permittee of responsibility for compliance with all applicable federal and state or local pretreatment Standards, including those which become effective during the term of the individual discharge permit or the general discharge permit;
 8. Any special terms and/or agreements the eDirector chooses to continue or develop between the eCounty and user; and
 9. Other BMPs or conditions as deemed appropriate by the eDirector to assist compliance with this chapter, and applicable federal and state requirements.
- C. The eDirector may require any user to submit an onsite stormwater management plan or other provisions deemed necessary to meet the purpose and intent of this chapter and include such requirements in the discharge permit. The eDirector may require provisions for handling, monitoring and sampling of stormwater to be included in the plan or permit. The eDirector may require other information, including an analysis, report or certification by an engineer or other qualified professional to support permit or plan requirements, signed as required in Spokane County Code 8.03A.0305 A and submitted with a fee required in Spokane County Code 8.03A.1401.
- D. An incomplete or inaccurate permit is no defense for noncompliance with applicable pretreatment standards and requirements. The eCounty relies upon regulated users and persons to proactively identify and disclose compliance problems and permit inaccuracies or deficiencies, as specialists in those particular industries and occupations they may pursue. Notwithstanding, the eDirector's exercise of discretion and judgment consistent with this chapter shall always be granted full deferential consideration of enforcing agency expertise, in case of dispute with any regulated user or person.

(Res. No. 12-0368, 5-8-2012; Res. No. 9-0804, § 1, 9-8-2009)

8.03A.0308 - Permit aAppeals.

See Spokane County Code 8.03A.09044.

(Res. No. 9-0804, § 1, 9-8-2009)

8.03A.0309 - Reserved.

8.03A.0310 - Permit mModification. [3.10]

- A. The eDirector may modify a discharge permit with or without a request to do so:

1. To incorporate any new or revised federal, state, or local pretreatment standards or requirements;
 2. To address significant alterations or additions to the user's operation, processes, or wastewater volume or character since the time of the discharge Permit issuance in the opinion of the eDirector;
 3. Where there is a change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge in the opinion of the eDirector;
 4. Where there is information indicating that the discharge poses a threat to the POTW, eCounty personnel, any beneficial sludge use, or the receiving waters in the opinion of the eDirector;
 5. Because of violation of any terms or conditions of the individual discharge Permit;
 6. Because of misrepresentations or failure to fully disclose all relevant facts in the permit application or in any required reporting;
 7. Because of a revision of or a grant of variance from categorical pretreatment standards pursuant to 40 CFR 403.13;
 8. To correct typographical or other errors in the individual discharge permit;
 9. To reflect a transfer of the facility ownership or operation to a new owner or operator where requested; or
 10. For any other reason deemed due and sufficient.
- B. Modification Requests. Permit modification requests must be verified, signed by an authorized representative as provided in Spokane County Code 8.03A.0305 B and include a fee as specified in Spokane County Code 8.03A.1401. Submitting a permit modification request does not stay the running of the time within which an administrative appeal from a permit decision must be filed with the eCounty hearings examiner. A permit modification is not required if there is no substantial change in a discharge, no increased pollutants or other conditions upon which modifications may be based, all in the opinion of the eDirector. Permit modification requests must address changes in slug control plans.
- C. Notice. If the eDirector deems the modification significant, notice is issued in like manner as an original permit decision and may be appealed in the same manner as for a permit decision.

(Res. No. 12-0368, 5-8-2012; Res. No. 9-0804, § 1, 9-8-2009)

8.03A.0311 - Permit tTransfer. [3.11]

- A. Upon written approval of the eDirector, discharge permits may be transferred to a new owner or operator. An applicant must give at least thirty days advance notice to the eDirector. Applications must be filed with the eDirector, upon such forms and with such information as required by the eDirector, signed by an authorized representative and certified as provided in Spokane County Code 8.03A.0305 B, and include the fee as provided in Spokane County Code 8.03A.1401.
- B. Applications must include a written statement by an authorized representative of the transferee, signed under penalty of perjury of the laws of the State of Washington or the State or residence of the signatory which:
 1. States that the transferee applicant has no plans to change the facility's operations and processes;
 2. Acknowledges the obligation to apply for a discharge permit modification in writing should any such change be planned prior to implementing such change;
 3. Identifies the specific date on which the transfer is requested to occur; and
 4. Acknowledges full responsibility for complying with the existing discharge permit.

5. Permit modification requests must address changes in slug control plans.
- C. If there are no changes in the facility, operation or discharge and proper advanced notice was given, the ~~d~~Director may consider the transferee as an existing user upon satisfaction of the conditions of this section. If a transfer request is not submitted as required, the Permit expires and a new application must be made. The ~~d~~Director may impose any temporary conditions on continuing discharge of permit expiring under this provision until a new permit is obtained.

(Res. No. 9-0804, § 1, 9-8-2009)

8.03A.0312 - Discharge ~~p~~Permit ~~r~~Revocation, ~~s~~Suspension. [3.12]

- A. The ~~d~~Director may suspend or revoke any discharge permit because of:
1. Failure to notify the ~~d~~Director of significant changes to the wastewater in advance. A "significant change" is one which affects compliance with applicable pretreatment standards or requirements.
 2. Failure to provide prior written notification to the ~~d~~Director of changed conditions;
 3. Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;
 4. Late filing or significant or repeated errors or falsifying self-monitoring reports, certification statements or any other disclosures;
 5. Tampering with monitoring equipment;
 6. Refusing to allow the ~~d~~Director timely access to the facility premises and records;
 7. Failure to meet discharge/effluent limitations;
 8. Failure to pay discharge permit fees or other charges assessed under the authority of this chapter, including fines or penalties;
 9. Failure to pay application, sewer or other applicable charges;
 10. Failure to meet compliance schedules;
 11. Failure to complete a wastewater survey or discharge permit application;
 12. Failure to provide advanced notice apply for of a permit transfer or modification where needed;
 13. If County has to invoke its emergency provisions as cited in Spokane County Code 8.03A.0903.A;
 - ~~13~~4. Violation of any pretreatment standard or requirement, or any terms or conditions of an applicable discharge permit or this chapter; or
 - ~~14~~5. Any other reason stated in this chapter or otherwise deemed due and sufficient.
- B. Discharge permits shall be voidable upon cessation of operations or transfer of business ownership. All discharge permits issued to a particular user are void upon the issuance of a new discharge permit to that user.

(Res. No. 9-0804, § 1, 9-8-2009)

8.03A.0313 - Discharge ~~p~~Permit ~~r~~Renewal. [3.13]

A user with an expiring discharge permit desiring to continue to discharge must apply for a renewal, updating all information required in the original application. Applications must be filed with the ~~d~~Director,

upon such forms and with such information as required by the ~~d~~Director, signed by an authorized representative and certified as provided in Spokane County Code 8.03A.0305 B, ~~and include the fee as provided in~~ Permit fees will be assessed in accordance with Spokane County Code 8.03A.1401. The renewal application must be received as required no later than one hundred eighty calendar days prior to the expiration of the user's existing discharge permit. If a renewal is timely submitted in complete form, signed and with appropriate fees, the expiring permit may be deemed to continue until the permit is renewed, a new permit issued, the permit is denied or other action is taken. A user whose existing discharge permit has expired and who failed to submit its re-application in the time period specified herein will be deemed to be discharging without a discharge permit.

(Res. No. 9-0804, § 1, 9-8-2009)

ARTICLE 4 - REPORTING REQUIREMENTS

8.03A.0401 - Baseline ~~m~~Monitoring ~~r~~Reports. [4.1]

- A. 1. Existing Source. Within either one hundred eighty days after the effective date of a categorical pretreatment standard, or the final EPA administrative decision on a category determination under 40 CFR 403.6(a)(4), whichever is later, existing sources shall submit to the ~~d~~Director a report as required in this section, also called a baseline monitoring report or BMR. BMRs must be signed as provided in Spokane County Code 8.03A.0305 A and ~~accompanied by a fee will be assessed as provided in~~ Spokane County Code 8.03A.1401.
2. New Source. No more than ninety days ~~after~~ prior to commencement of their discharge, new sources, and sources that become CIUs subsequent to the promulgation of an applicable categorical standard, shall submit to the ~~d~~Director a report as required in this section. A new source shall additionally report the method of pretreatment it intends to use to meet applicable categorical standards. A new source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged. Reports must be signed as provided in Spokane County Code 8.03A.0305 A, ~~and accompanied by a f~~ Fees will be assessed as provided in accordance with Spokane County Code 8.03A.1401. (Cross reference: 40 CFR §403.12(b)(1)-(7))
- B. Users identified in A. must submit the following information:
1. Identifying Information: the name and address of the facility, operator and owners.
 2. Permits: a list of any environmental control discharge permits held by or for the facility.
 3. Description of Operations: a brief description of the nature, average rate of production, and the North American Industry Classification of the operation(s) carried out by such user. This must include a schematic process diagram which indicates points of discharge to the POTW from the regulated or manufacturing processes.
 4. Flow Measurement ~~Application Information~~: information showing the measured average daily and daily maximum flow, in gallons per day, to the POTW from each of the regulated or manufacturing process streams and other streams, as necessary, to allow use of the combined wastestream formula set out in 40 CFR 403.6(e). (See also definition in Spokane County Code 8.03A.0103)
 5. Measurement of Pollutants:
 - a. The categorical pretreatment standards for each regulated or manufacturing process.
 - b. The results of sampling and analysis identifying the nature and concentration (and/or mass, where required by the categorical pretreatment standard or the ~~d~~Director) in the discharge from each regulated or manufacturing process. Instantaneous, daily maximum and long term average concentrations (or mass, where required) shall be reported on forms signed as required under Spokane County Code 8.03A.0305 A, ~~with a review fee as provided in~~ Fees will be assessed in accordance with Spokane County Code 8.03A.1401

The sample shall be representative of daily operations and conform to the sampling and analytical procedures in Article 5 of this chapter.

6. Statement by Qualified Professional: The user must submit a statement reviewed by an authorized representative and certified by a qualified professional signed as provided in Spokane County Code 8.03A.0305 A, ~~and with the fee provided~~ Fees will be assessed in accordance with ~~in~~ Spokane County Code 8.03A.1401. The statement must indicate whether the applicable 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, to include without limitations AKART.
7. Compliance Schedule: If additional pretreatment/O&M are required to meet the applicable pretreatment standards, the user must include the shortest schedule by which it will provide such additional pretreatment and/or O&M remediation. The compliance schedule must meet the requirements in Spokane County Code 8.03A.0404. It must be signed as provided in Spokane County Code 8.03A.0305 A, ~~and be submitted with the fee provided in~~ Fees will be assessed in accordance with Spokane County Code 8.03A.1401.

(Res. No. 9-0804, § 1, 9-8-2009)

8.03A.0402 - Compliance ~~R~~Report ~~d~~Deadlines, ~~i~~Initial ~~r~~Reports. [4.2]

A. Deadlines.

1. Within the earliest applicable date of ninety days following: the date for final compliance of an existing ~~s~~Significant ~~i~~Industrial ~~u~~User with applicable pretreatment standards and requirements, the date for final compliance in federal categorical standards, or the date for final compliance set in a discharge permit, or
 2. In the case of a new source or a new user determined by the ~~d~~Director to fit the definition of a significant industrial user, within ninety days following the commencement of discharge;
 3. The affected user must submit to the ~~d~~Director a report as outlined in Spokane County Code 8.03A.0304 D through F inclusive, certified as provided in Spokane County Code 8.03A.0305 A, ~~with fee paid as provided in~~ Fees will be assessed in accordance with Spokane County Code 8.03A.1401 ~~if not already paid.~~
- B. For users subject to equivalent mass or concentration limits established by the ~~e~~County in accord with 40 CFR 403.6(c), the report in paragraph A. 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), this report shall include the user's actual production during the appropriate sampling period, signed as provided in 8.03A.0305 A, ~~with review fee provided in~~ Fees will be assessed in accordance with Spokane County Code 8.03A.1401.

(Res. No. 9-0804, § 1, 9-8-2009)

8.03A.0403 - Periodic ~~e~~Compliance ~~r~~Reports. [4.3]

- A. Any user that is required to have a discharge permit and performs self-monitoring must comply with 40 CFR § 403.12 and submit to the ~~d~~Director by June fifteenth and December fifteenth of each year, unless required on other dates or more ~~often~~ frequently if ordered by the ~~d~~Director, a report on the nature of its effluent (discharge) over the previous reporting period. The frequency of monitoring is stated in the discharge permit, but no less than two samples per year at least five months apart.
- B. The report must include a record of the nature and concentration (and mass if specified in the discharge permit) of pollutants listed in the discharge permit and a record of all flow measurements

(average and maximum) taken at the designated sampling locations as well as any other information required in this chapter or the permit for the reporting period. Production data must be reported if required by the permit. Both daily maximum (maximum daily) and average concentration (or mass, where required) must be reported. If a user sampled and analyzed more frequently than required using methodologies in 40 CFR Part 136 during the reporting period, those results must also be submitted.

- C. If a user subject to the reporting requirement in this section monitors any regulated pollutant at the appropriate sampling location more frequently than required by the ~~e~~Director, using the procedures prescribed in article 5 of this chapter, the results of the monitoring shall be included in the report. (See 40 CFR 403.12(g)(6).
- D. In cases where the pretreatment standard requires compliance with a BMP or pollution prevention alternative, the user must submit documentation required by the ~~e~~Director or the pretreatment standard necessary to determine the compliance status of the user.
- E. Any user subject to equivalent mass or concentration limits established by the ~~e~~Director or by unit production limits in an applicable categorical pretreatment standard must report production data as stated in Spokane County Code 8.03A.0402 B.
- F. If the ~~e~~Director calculated limits to factor out dilution flows or non-regulated flows, the user is responsible to provide flows from regulated process flows, dilution flows and non-regulated process flows.
- G. Flows must be reported on the basis of actual measurement, provided however, that the ~~e~~Director may accept reports of average and maximum flows estimated by verifiable techniques if the ~~e~~Director determines that actual measurement is not feasible.
- H. All wastewater samples must be representative of the user's ~~discharge~~ daily operations and shall be taken in accordance with the requirements specified in Article 5 of this chapter. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a user to keep its monitoring facility in good working order shall not be grounds for the user to claim that sample results are unrepresentative of its discharge.
- I. The ~~e~~Director may require reporting by users that are not required to have a discharge permit if information or data is needed to establish a sewer rate, determine the treatability of the user's effluent (discharge), or any other factor related to the operations or maintenance of the POTW.
- J. The ~~e~~Director may require self-monitoring by the user, or if requested by the user, may but need not agree to perform compliance monitoring needed to prepare compliance reports required under this section. If the ~~e~~Director performs such service, the user must pay all charges as specified by the ~~e~~Director as an additional cost of utility service. The County is under no obligation to perform periodic compliance monitoring for a user.
- K. All submittals under this section must be signed as provided in Spokane County Code 8.03A.0305 A~~2~~ and accompanied by a review ~~Fees will be assessed in accordance with as provided in Spokane County Code 8.03A.1401.~~

(Res. No. 12-0368, 5-8-2012; Res. No. 9-0804, § 1, 9-8-2009)

8.03A.0404 - Compliance ~~s~~Schedules to ~~m~~Meet ~~a~~Applicable ~~p~~Pretreatment ~~f~~Requirements. [4.4]

- A. Whenever a compliance schedule is set up under this chapter, it must include increments of progress or milestones with dates for accomplishment of each milestone. The milestones are major events leading to construction and operation of pretreatment required for the user to meet applicable pretreatment standards (e.g. hiring an engineer, completing preliminary plans, final plans, signing contracts, commencing construction, completing construction, by way of examples).
- B. No milestone time increment in paragraph A. ~~may~~ shall exceed nine months;

- C. Not later than fourteen days following each milestone date, and the final date for compliance the user must submit a progress report to the ~~d~~Director specifying whether it has complied with the schedule and if not, when it expects to comply, reasons for delay and steps taken to avoid further delays. Not more than nine months ~~may~~ shall elapse between milestone reports. All submittals under this section must be signed as provided in Spokane County Code 8.03A.0305 A. ~~and accompanied by a review fee~~ Fees will be assessed in accordance with as provided in Spokane County Code 8.03A.1401.

(Res. No. 9-0804, § 1, 9-8-2009)

8.03A.0405 - Notification of ~~s~~Significant ~~p~~Production ~~e~~Changes. [4.5]

- A. Any user operating under a discharge permit incorporating equivalent mass or concentration limits shall notify the ~~d~~Director in writing within two business days after the user knows or has a reasonable basis to know that production levels will significantly change in the ensuing calendar month and request approval. A user failing to give such notice and obtain approval in writing is required to comply with existing limits in the permit. A significant production level change is one as has been specified by the ~~d~~Director as significant, or in absence of this, a change of twenty percent or greater. All submittals under this section must be signed as provided in Spokane County Code 8.03A.0305 A and accompanied by a review fee as provided in Spokane County Code 8.03A.1401.
- B. Additionally, the user must submit a permit modification application as provided in Spokane County Code 8.03A.0310, which must include an engineering report detailing the features of the change, including pertinent data and analysis.

(Res. No. 9-0804, § 1, 9-8-2009)

8.03A.0406 - Reserved.

Editor's note— Res. No. 2015-1000, adopted December 15, 2015, amended the Code by repealing former § 8.03A.0406 in its entirety. Former § 8.03A.0406 pertained to hazardous waste notification, and derived from Res. No. 9-0804, adopted September 8, 2009.

8.03A.0407 - Notice of ~~p~~Potential ~~p~~Problems, ~~a~~Accidental ~~s~~Spills, ~~s~~Slug ~~l~~oads. [4.7]

- A. In the case of an accidental spill or slug ~~discharge load~~, the user shall immediately telephone and notify the ~~d~~Director of the incident. This notification shall include the location of the discharge, date and time thereof, type of waste, concentration and volume, and corrective actions taken by the user. The user must pay any costs incurred by the ~~e~~County to remediate the spill or discharge, including out of pocket and in-house time and expense costs, fish kills, environmental remediation, other damages to person or property, as well as any applicable fines and penalties from any regulatory agency. Service charges or costs incurred by the ~~e~~County shall be ~~added to the service bill~~ invoiced to the customer from which the accidental spill or slug ~~discharge load~~ originated. This shall not limit any right of recovery of such damages, expenses, fines and penalties against any other responsible party.
- B. Within five days following an accidental spill or slug ~~discharge load~~, the user shall, unless waived by the ~~d~~Director, submit a detailed written report describing the cause(s) of the accidental spill or slug ~~discharge load~~ and the measures to be taken by the user to prevent similar future occurrences. All submittals under this section must be signed as provided in Spokane County Code 8.03A.0305 A and accompanied by a review fee as provided in Spokane County Code 8.03A.1401.
- C. A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees who to call in the event of an accidental spill or slug ~~discharge load~~. Employers shall ensure that all employees who could cause or might be aware of an accidental spill or slug ~~discharge~~

load occurring are advised of the emergency notification procedure. (Cross reference: Spokane County Code 8.03A.0211)

- D. Significant ~~i~~Industrial ~~u~~Users are required to notify the ~~d~~Director immediately of any changes at its facility affecting the potential for a slug ~~discharge load~~.
- E. Failure to pay any fees, costs or assessments associated with potential problems, accidental spills and/or slug loads may result in revocation of permit or termination of service.

(Res. No. 12-0368, 5-8-2012; Res. No. 9-0804, § 1, 9-8-2009)

8.03A.0408 - Non-compliance ~~t~~Reporting. [4.8 modified]

If sampling performed by a user indicates a violation, the user must notify the ~~d~~Director within twenty-four hours of becoming aware of the violation. Within five (5) days following such discharge, the user shall submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which might be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the user of any fines, penalties, or other liability which may be imposed pursuant to this chapter. The user shall also repeat the sampling and analysis and submit the results of a repeat analysis to the ~~d~~Director within thirty days after becoming aware of the violation. Where the County has performed the sampling and analysis in lieu of the industrial user, the County must perform the repeat sampling and analysis unless it notifies the user of the violation and requires the user to perform the repeat analysis. Resampling ~~by the industrial user~~ is not required if the ~~e~~County performs sampling at the user's facility at least once a month, or if the ~~e~~County performs sampling at the user's facility between the time when the initial sampling was conducted and the time when the user or the ~~e~~County received the results of this sampling, ~~or if the county has performed the sampling and analysis in lieu of the industrial user~~ (See 40 CFR 403.12(g)(2)).

(Res. No. 2015-1000, 12-15-2015; Res. No. 12-0368, 5-8-2012; Res. No. 9-0804, § 1, 9-8-2009)

8.03A.0409 - Notice of ~~e~~Changed ~~d~~Discharge. [4.9]

- A. Users must notify the ~~d~~Director in writing at least ninety days (preliminary notice), followed by a confirming notice at least thirty days before any substantial change in volume or character of pollutants in their discharge, and any significant manufacturing process changes and pretreatment modifications which could be reasonably expected to result in such a pollutant change. As used herein, a substantial or significant change is a change of twenty percent or more in production levels or levels of any pollutant or other parameter specified by the ~~d~~Director. Where advance notice is not possible or has not been given, notice shall be given as required in Spokane County Code 8.03A.0407, but that does not excuse compliance with this Section. All submittals under this section must be signed as provided in Spokane County Code 8.03A.0305.A. Fees will be assessed in accordance with ~~and accompanied by a review fee as provided in~~ Spokane County Code 8.03A.1401.
- B. Additionally, the user must submit a permit modification application as provided in Spokane County Code 8.03A.0310, which must include an engineering report detailing the features of the change, including pertinent data and analysis.

(Res. No. 2015-1000, 12-15-2015; Res. No. 9-0804, § 1, 9-8-2009)

8.03A.0410 - Notice from ~~u~~Users ~~w~~Without ~~p~~Permits. [4.10]

The ~~d~~Director may order users not subject to permits to submit any reports, information or sampling as deemed necessary, or require said users to permit ~~e~~County inspection of any records or inspection and sampling of their premises and facilities at their expense. This is a condition of continued utility service, in addition to any other applicable remedies. All submittals under this section must be signed as provided in Spokane County Code 8.03A.0305 A and accompanied by a review fee as provided in Spokane County Code 8.03A.1401.

(Res. No. 9-0804, § 1, 9-8-2009)

8.03A.0411. - Record ~~k~~Keeping. [4.11]

All users must maintain records of any information relating to any reporting or disclosure requirements under this chapter and the same shall be readily available for inspection and copying by the ~~d~~Director in Spokane County upon request. Such records shall further include any monitoring results, whether or not required under this chapter. Sampling records must include the date, exact place, method and time of sampling, name of the person taking the sample, dates analyses were performed, who performed them, analytical techniques or methods used, and the results, including documentation under best management practices. All such records must be maintained for at least three years, unless a longer time is ordered by the ~~d~~Director. If any enforcement action or litigation arises in relation to this chapter, the retention period is automatically extended to an additional one year after final disposition by the last court of resort.

(Res. No. 9-0804, § 1, 9-8-2009)

ARTICLE 5 - SAMPLING AND ANALYTICAL REQUIREMENTS

8.03A.0501 - Sampling ~~r~~Requirements for ~~u~~Users. [5.1]

- A. 1. Grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds. For all other pollutants, 24-hour composite samples must be obtained through ~~flow~~time-proportional composite sampling techniques, unless ~~time~~flow-proportional composite sampling or grab sampling is authorized~~required~~ by the ~~d~~Director. The samples must be representative of the discharge and the decision to allow the alternative sampling must be documented in the industrial user file for the facility or facilities.
- 2. Using protocols (including appropriate preservation) specified in 40 CFR Part 136 and applicable EPA guidance, multiple grab samples collected during a twenty-four-hour period may be composited prior to the analysis as follows: for cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field. For volatile organics and oil and grease, the samples may be composited in the laboratory.
- 3. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the ~~d~~Director, as appropriate. In addition, grab samples may be required to show compliance with instantaneous limits. Samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.
- B. For sampling required in support of baseline monitoring and ninety-day compliance reports, a minimum of four grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities or processes for which historical sampling data do not exist. For facilities for which historical sampling data are available, the ~~d~~Director may authorize a lower minimum. For the reports required by 40 CFR 403.12(e) and (h), the industrial user is required to collect the number of grab samples necessary to assess and assure compliance with applicable

pretreatment standards and requirements. (Cross reference: ninety-day report, see Spokane County Code 8.03A.0402 and 40 CFR 403.12(b) and (d))

- C. Samples shall be taken immediately downstream from pretreatment facilities if such exist, or immediately downstream from the regulated or manufacturing process if no pretreatment facilities exist. The location shall be specified in the discharge permit. For categorical users, when wastewater subject to a categorical pretreatment standard is mixed with other wastewater, the user shall measure the flows and concentrations necessary to allow use of a combined wastestream formula (CWF) in accordance with 40 CFR 403.6(e) to evaluate compliance with applicable categorical standards. For other SIUs, wastewater for which the eCounty has adjusted its local limits to factor out dilution flows, the user shall measure the flows and concentrations necessary to evaluate compliance with the adjusted pretreatment standards.
- D. All sample results shall indicate the time, date and place of sampling, and methods of analysis and shall certify that the wastestream sampled is representative of normal work cycles and expected pollutant discharges from the user. If a user sampled and analyzed more frequently than what was required in its wastewater discharge permit, using methodologies in 40 CFR Part 136, it must submit all results of sampling and analysis of the discharge as part of its self-monitoring report.

(Res. No. 9-0804, § 1, 9-8-2009)

8.03A.0502 - Analytical rRequirements. [5.2]

All pollutant analyses, including sampling techniques, must be performed by a laboratory accredited by the Washington State Department of Ecology in accordance with the techniques prescribed in 40 CFR Part 136 unless otherwise specified in an applicable categorical pretreatment standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, sampling and analyses must be performed in accord with procedures approved by the EPA.

(Res. No. 2015-1000, 12-15-2015; Res. No. 12-0368, 5-8-2012; Res. No. 9-0804, § 1, 9-8-2009)

8.03A.0503 - County mMonitoring of uUser wWastewater. [5.3]

The eCounty uses the procedures in Spokane County Code 8.03A.0501 and 8.03A.0502 to monitor user wastewater.

(Res. No. 9-0804, § 1, 9-8-2009)

ARTICLE 6 - COMPLIANCE MONITORING

8.03A.0601 - Inspection and sSampling. [6.1]

As a condition of continued utility service and requirement of this chapter, the dDirector, or contractor authorized by the eCounty, has a right of entry on any premises to determine whether a user is complying with all requirements of this chapter and any discharge permit or order issued hereunder. All users must fully cooperate to allow the dDirector, or contractor authorized by the eCounty, ready access to all parts of any premises within their ownership or control for the purposes of inspection, sampling, records examination and copying, or other needs the dDirector may require. User must make necessary arrangements for prompt access on request of an authorized representative of the dDirector, contractor authorized by the eCounty, or the city of Spokane.

- A. Where a user has security measures in force which require proper identification and clearance before entry into its premises, the user shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the Director or contractor authorized by the

County will be permitted to enter without delay for the purposes of performing specific responsibilities.

- B. The dDirector may set up or install such devices he may deem necessary to conduct sampling and/or metering of the user's operations at any location needed, or may require the user to install and maintain monitoring equipment as he deems necessary. The user must protect such equipment and promptly report any problems or comply with any other dDirector instructions relating to said equipment. All devices used to measure wastewater flow and quality shall be calibrated on such schedule as ordered by the dDirector to ensure accuracy. Any expenses related to cost or use of equipment and testing or access thereto must be paid by the user within thirty days of billing by the dDirector.
- C. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the user at the written or verbal request of the Director and shall not be replaced. The costs of clearing such access shall be borne by the user.
- D. Unreasonable delays in allowing the dDirector access to the user's premises shall be a violation of this chapter.
- GE. All costs incurred by the eCounty shall be billed in accord with applicable rates or on a time and materials basis, as ordered by the dDirector and paid by the party billed or otherwise responsible.

(Res. No. 12-0368, 5-8-2012; Res. No. 9-0804, § 1, 9-8-2009)

8.03A.0602 - Monitoring fFacilities. [6.2]

- A. Each user must provide and operate at its own expense and liability a good and sufficient monitoring facility to allow inspections, sampling, and flow measurement of all discharges to the POTW or for other needs identified by the dDirector. The monitoring facility must be located on the user's premises unless otherwise authorized by the dDirector. No facilities may be located in the public right of way without permission of the dDirector. All such facilities must further comply with all eCounty and City of Spokane Valley right-of-way obstruction and use permitting requirements and such authorization is subject to revocation at any time. In addition, as a condition of location in the right of way, a user must participate in the one-call underground locator requirements consistent with applicable provisions of chapter 19.122 RCW and must fully indemnify and hold harmless the eCounty and City of Spokane Valley from all loss or liability connected with right of way use. A user must move its facilities at its expense and liability whenever requested by the dDirector because of other eCounty needs.
- B. A user must always maintain adequate space for sampling access. The monitoring facility and any sampling or measuring equipment must be well maintained by the user at all times. All devices used to measure wastewater flows and quality must be properly calibrated to ensure accuracy, with records of such calibration maintained by the user.
- C. The dDirector may require the user to install additional monitoring facilities and equipment as deemed necessary. All monitoring facility facilities shall be constructed and maintained in accordance with all applicable local construction standards and specifications. All devices used to measure wastewater flow and quality shall be calibrated to ensure their accuracy. In default of user action, the eCounty may proceed to accomplish any requirements and the cost thereof will be billed to the user.

(Res. No. 12-0368, 5-8-2012; Res. No. 9-0804, § 1, 9-8-2009)

8.03A.0603 - Search wWarrants. [6.3]

If the dDirector has been refused access to a building, structure, or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of this chapter or any other

laws relative to the dDirector's authority, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the eCounty designed to verify compliance with this chapter or any discharge permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, the dDirector may seek issuance of a search and/or seizure warrant from any court of competent jurisdiction. At the request of the Director, such warrant shall be served at reasonable hours by a commissioned law enforcement officer, who shall accompany the Director in the inspection of the premises. Upon completion of the inspection of the premises, the Director shall file with the court issuing the warrant, a complete and duly executed inventory and return of warrant for entry.

(Res. No. 9-0804, § 1, 9-8-2009)

8.03A.0604 - Vandalism, tampering, disturbing equipment or property. [6.4]

It is a violation of this chapter for anyone to vandalize, damage, disturb, tamper with, or injure any facility, equipment or property used in connection with fulfilling the requirements of this chapter or any part or appurtenance of the POTW.

(Res. No. 9-0804, § 1, 9-8-2009)

ARTICLE 7 - CONFIDENTIAL INFORMATION

8.03A.0701 - Confidential information. [7.1]

Generally, information submitted to demonstrate compliance with pretreatment standards and requirements will be freely available to the public (see 40 CFR §2.302). Users may request confidentiality however in accord with this section.

- A. When users submit information to the dDirector or provide information to inspectors, users may request that specific information be maintained as confidential. Users must identify the specific information in writing at the time of submittal and describe why it is entitled to confidentiality under 40 CFR § 403.14 as information submitted to a POTW or any other applicable law. (Cross reference: 40 CFR Part 2, including 40 CFR §2.302.)
- B. Blanket requests for confidentiality will not be honored. Specific information requested to be held confidential shall be separately submitted, which each page prominently marked "Confidentiality requested by [name, address and telephone of requesting party]".
- C. The dDirector shall review and approve or deny such requests. When approved, the information shall be separately held in a confidential file by the dDirector. If a public records request is made, the dDirector shall seek to notify the party requesting confidentiality prior to release of the time by which the party must commence legal action to protect confidentiality. If legal action is not immediately commenced by a person seeking to protect confidentiality, the records will be released unless otherwise protected by applicable law.
- D. Notwithstanding any other provision and under no circumstances is the dDirector obliged to honor any request for confidentiality if doing so would expose the eCounty to any risk of loss or liability for damages for penalties and attorneys' fees under the Washington State Public Records Act or any other applicable laws. It is not the eCounty's function to expose itself to mandatory penalties and attorney's fees under Washington State Public Records Act, RCW 42.56.550. This exposure does not apply to non-governmental persons seeking to protect confidentiality, so it is the affirmative burden of such persons to establish entitlement to confidentiality, not the eCounty's.
- E. Except as provided, all other information submitted to the dDirector and obtained from the dDirector's oversight shall be available to the public subject to the eCounty records review

policy. Federal rules prevent wastewater constituents and characteristics and other effluent data, as defined by 40 CFR 2.302 from being recognized as confidential information.

- F. Information held as confidential may not be withheld from governmental agencies for uses related to the NPDES program or pretreatment program, or in enforcement proceedings involving the person furnishing the report.

(Res. No. 9-0804, § 1, 9-8-2009)

ARTICLE 8 - PUBLICATION OF USERS IN SIGNIFICANT NON-COMPLIANCE

8.03A.0801 - Annual Publication of Violators. [8.1]

- A. Publishing: The ~~e~~D~~i~~rector publishes annually a list of the users which, at any time during the previous calendar year, were in significant noncompliance with applicable pretreatment standards and requirements. The list is published in a newspaper of general circulation in Spokane County. Costs of publication will be billed to the users.
- B. The term "significant noncompliance" means:
 - 1. Any violation of a pretreatment standard or requirement, including numerical limits, narrative standards, and prohibitions, that the ~~e~~D~~i~~rector determines has caused, alone or in combination with other causes, interference or pass through, or otherwise endangered the health of POTW personnel or the general public.
 - 2. Any discharge of a pollutant that has caused imminent endangerment to the public or to the environment, or has resulted in the ~~e~~D~~i~~rector's exercise of emergency authority to halt or prevent such a discharge.
 - 3. Any violation(s), including of BMPs, which the ~~e~~D~~i~~rector determines will adversely affect the operation or implementation of the local pretreatment program.
 - 4. Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent or more of all of the measurements taken for the same pollutant parameter taken during a rolling six-month period exceed, by any magnitude, a numeric pretreatment standard or requirement, including instantaneous limits.
 - 5. Technical review criteria (TRC) violations, defined here as those in which thirty-three percent or more of wastewater measurements taken for each pollutant parameter during a rolling six-month period equal or exceed the product of the numeric pretreatment standard or requirement, (including instantaneous limits, as referenced in Article 2, multiplied by the applicable criteria. Applicable criteria are 1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH. ["1.4" and "1.2" as used herein mean 140% or 120% respectively of applicable permit limits].
 - 6. Failure to meet, within ninety days of the scheduled date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance.
 - 7. Failure to provide any required report within thirty calendar days after the due date. This includes initial and periodic monitoring reports, and reports on initial compliance and on meeting compliance schedules.
 - 8. Failure to accurately report noncompliance.
- C. Applicability: The criteria in subsections one through three above are applicable to all users, whereas the criteria in subsections four through eight are only applicable to SIUs.

(Res. No. 9-0804, § 1, 9-8-2009)

ARTICLE 9 - ADMINISTRATIVE ENFORCEMENT REMEDIES

8.03A.0901 - Administrative eEnforcement pProcess. [9.1]

Not by way of limitation of other enforcement remedies:

- A. Enforcement Function; Administrative Standards: The eDirector enforces this chapter. The administrative standards for the exercise of administrative authority are stated in Spokane County Code 8.03A.0102 B.
- B. Notice of Violation: When the eDirector finds a violation or violations of any provisions of this chapter, a discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the eDirector may send a notice of violation to a user identified as responsible by first class mail and certified letter, return receipt requested. Within thirty days of the receipt of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention, to include specific required actions, shall be submitted by the user to the eDirector. Submission of this plan in no way relieves the user of liability for any violations occurring before or after receipt of the notice of violation. Nothing in this section shall limit the authority of the eCounty to take any action, including emergency actions or any other enforcement action, without first issuing a notice of violation. Alternatively, the matter may be referred to the eCounty prosecutor for further enforcement action.
- C. Response: Where there is a response to a notice and undertaking to correct a violation, if a respondent thereafter fails to abide by correction arrangements, the failure is considered an invalid response to the notice of violation.
- D. Remediation: After thirty days, or such other time as specified by the eDirector, the eCounty may proceed to remedy the violation at the user's sole expense and liability. Costs of remediation are billed to the user. After sixty days past due, the matter is referred for legal collection action. All sums billed accrue interest at twelve percent per annum on any unpaid balance. Remediation costs include all County out of pocket costs paid to third parties for labor or materials as well as any staff time or materials contributed by the eCounty and administrative penalties if applicable. The eDirector shall maintain a file documenting these costs and periodically issue billings to a respondent therefore. Nothing in this section limits the authority of the eDirector to take any other action, including emergency actions or any other enforcement action, without first issuing a notice of violation.

(Res. No. 12-0368, 5-8-2012; Res. No. 9-0804, § 1, 9-8-2009)

8.03A.0902 - Other aAdministrative eOptions. [9.2, 9.3, 9.4, 9.5]

Not by way of limitation of other enforcement remedies:

- A. Consent Order. The eDirector may enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with any user responsible for noncompliance or as deemed appropriate. Such documents shall include specific action to be taken by the user to correct the problem or noncompliance within a time period specified by the document. Such documents shall have the same force and effect as other administrative orders of this chapter and shall be judicially enforceable. Use of a consent order shall not be a bar against, or prerequisite for, taking any other action against the user.
- B. Show Cause Hearing. The eDirector may order a user which has violated, or continues to violate, any provision of this chapter, a discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, to appear before the eDirector and show cause why the proposed enforcement action should not be taken. Notice shall be served on the user specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the user show cause why the proposed enforcement action should not be taken. The notice of the meeting shall be served or delivered personally or by registered or certified mail (return receipt requested) at least ten calendar days prior to the hearing. Such notice may be served on any

authorized representative of the user. A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the user.

- C. Compliance Order. When the ~~e~~Director finds that a user has violated, or continues to violate, any provision of this chapter, a permit or order issued hereunder, or any other pretreatment standard or requirement, the ~~e~~Director may issue an order to the user responsible for the discharge directing that the user come into compliance within a specified time. If the user does not come into compliance within the time specified in the order, sewer service may be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders also may contain other requirements to address the noncompliance, including additional self monitoring and management practices designed to minimize the amount of pollutants discharged to the sewer. A compliance order may not extend the deadline for compliance established for a pretreatment standard or requirement, nor does a compliance order relieve the user of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the user.
- D. Cease and Desist Order. When the ~~e~~Director finds that a user has violated, or continues to violate, any provision of this chapter, a discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, or that the user's past violations are likely to recur, the Director may issue an order to the user directing it to cease and desist all such violations and directing the user to:
1. Immediately comply with all requirements; and
 2. Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminate the discharge. Issuance of a cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the user.

(Res. No. 12-0368, 5-8-2012; Res. No. 9-0804, § 1, 9-8-2009)

8.03A.0903 - Suspension, ~~t~~Termination of ~~s~~Service ~~e~~Orders. [9.7, 9.8]

Not by way of limitation of other enforcement remedies:

A. Emergency Suspensions.

1. The ~~e~~Director may immediately suspend a user's discharge, after informal notice to the user, whenever the suspension is necessary to stop an actual or threatened discharge which reasonably appears to present or cause an imminent or substantial endangerment to the health or welfare of persons. The ~~e~~Director may also immediately suspend a user's discharge, after notice and an opportunity to respond, that threatens to interfere with the operation of the POTW or which presents or may present an endangerment to the environment. Nothing in this section shall be interpreted as requiring a hearing prior to an emergency suspension under this section.
 - a. Any user notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a user's failure to immediately comply voluntarily with the suspension order, the ~~e~~Director shall take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The ~~e~~Director shall allow the user to recommence its discharge when the user has demonstrated to the satisfaction of the ~~e~~County that the period of endangerment has passed, unless the termination proceedings as outlined in this chapter are initiated against the user.
 - b. A user that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution and the measures taken to prevent any future occurrence, to the

eDirector prior to the date of any show cause or termination hearing under this chapter.

- B. Termination of Discharge (Non-Emergency). In addition to Spokane County Code 8.03A.0312, any user who violates a following condition is subject to discharge termination:
1. Violation of discharge permit conditions, or other requirements of this chapter;
 2. Failure to apply for a discharge permit as required;
 3. Failure to accurately report the wastewater constituents and characteristics of its discharge;
 4. Failure to report significant changes in operations or wastewater volume, constituents, and characteristics prior to discharge;
 5. Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring, or sampling;
 6. Violation of the pretreatment standards in article 2 of this chapter; or
 7. Failure to comply with any administrative order.

The user will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under Spokane County Code 8.03A.0902 why the proposed action should not be taken. Exercise of this option by the eCounty shall not be a bar to, or a prerequisite for, taking any other action against the user.

- C. User Remains Fully Liable. Users are fully responsible for any loss or liability to the eCounty because of the quality or quantity of a discharge or for any other reason relating to requirements of this chapter and must pay all costs to the eCounty as a condition of continued eCounty utility service. Such costs include out of pocket expenses as well as in house staff time and materials costs, as well as professional services costs either in house or out of pocket.

(Res. No. 12-0368, 5-8-2012; Res. No. 9-0804, § 1, 9-8-2009)

8.03A.0904 - Administrative ~~a~~Appeals. ~~[9-4]~~

- A. Except where the eDirector elects to initiate action to seek immediate judicial relief, any eDirector decision, including without limitation permit decisions, assessment of costs, finer or fees, or other administrative decisions may be administratively appealed by an interested party with standing by filing a written appeal in proper form with the eCounty hearings examiner within ten calendar days of the date of determination or in the case of permits, the date of issuance as provided in Spokane County Code 8.03A.0306. Copies of the appeal must also be provided within such time to the eCounty prosecutor's civil division and the eDirector. If the appealing party is not the permittee, a copy of the appeal must also be provided to the permittee in the same time frame. The date of determination is the date reflected therein or, if mailed, three days from the date of mailing, whichever is later. "Filing" requires actual receipt. As a further condition of appeal, the appealing party must tender, pending the outcome of the appeal, the full amount of any costs, billings, charges, penalties or fees assessed and a fee as specified in Spokane County Code 8.03A.1401.
- B. To be accepted, in proper form, as timely, appeals must show:
1. The appealing party's name, telephone number and business address;
 2. Proof of service of the appeal on the eCounty prosecutor's civil division and eDirector;
 3. A copy of the decision being appealed;
 4. A receipt or other proof from the eCounty showing payment of any amounts as required, subject to reimbursement if the payments are involved in the appeal and the appeal is upheld;

5. The basis of the appeal and reasons why it should be granted, together with supporting information as well as the names and contact information of persons with knowledge supporting the appeal;
 6. The best way to contact the appealing party, which must include telephone and mail address, and email if available;
 7. The appeal must be signed, verified under oath and dated by an authorized representative of the appealing party per Spokane County Code 8.03A.0305 B.
- C. The hearing examiner may require any party to the appeal to testify under oath and upon personal knowledge and to produce documents or records deemed relevant or necessary. The examiner shall conduct the hearing within thirty days of the appeal being filed and decide the issue within thirty days of the hearing.
 - D. At the hearing, the burden of proof is on the initially appealing party, based upon substantial evidence. The examiner may affirm, reverse or modify a ~~e~~Director decision if the examiner determines it violates this chapter or is arbitrary and capricious. The decision of the hearing examiner is final, subject to review by either party under the provisions of RCW 7.16.040, so long as the examiner decision appealing party files and serves upon all necessary parties its petition for granting a writ of review within twenty days of the date of issuance of the examiner's decision. The appealing party is responsible to order the record from the hearings examiner and make payment arrangements. The appeal is limited to the record. The hearing examiner preserves a record of the hearing in such form and manner as the examiner deems proper for at least two years.
 - E. Filing of an appeal does not stay the effectiveness of the ~~e~~Director's decision unless agreed by the ~~e~~Director, and subject to such additional conditions as the ~~e~~Director may require.

(Res. No. 9-0804, § 1, 9-8-2009)

8.03A.0906 - Administrative ~~f~~Fines. [9.6]

- A. When the ~~e~~Director finds that a user has violated or continues to violate any provision of this chapter, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the ~~e~~Director may fine the user in an amount not to exceed ten thousand dollars. ~~The fines shall be assessed~~ on a per violation, per day basis. In the case of monthly or other long term average discharge limits, fines shall be assessed for each day during the period of violation.
- B. Unpaid charges, fines, and penalties shall after thirty calendar days, be assessed a one-time late payment penalty of ten percent of the latest billed amount, and interest shall then be attached and accrued on unpaid charges computed at a rate of eight percent 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. A lien against the user's property will be sought for unpaid charges, fines, and penalties, when such charges have been delinquent for sixty days.
- C. Users desiring to dispute such fines must file a written request for reconsideration of the fine along with the full payment of the fine amount within fifteen days of being notified of the fine. Where a request has merit, the ~~e~~Director shall convene a hearing on the matter within thirty days of receiving the request from the user. In the event the user's appeal is successful, the payment, together with any interest accruing thereto, shall be returned to the user. The ~~e~~County may add the costs of preparing administrative enforcement actions, such as notices and orders, to the fine.
- D. Issuance of an administrative fine shall not be a bar against, or a prerequisite for, taking any other action against the user.

(Res. No. 12-0368, 5-8-2012)

ARTICLE 10 - JUDICIAL REMEDIES

8.03A.1001 - Civil Penalties. [10.2]

- A. A user which has violated or continues to violate any provision of this chapter, a discharge permit, or order issued hereunder, or any other pretreatment standard or requirement shall be liable to the County for a maximum civil penalty of ten thousand dollars, but not less than one thousand dollars per violation, per day. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation.
- B. The Director may recover reasonable attorneys' fees, courts costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the County, as well as environmental remediation deemed necessary.
- C. In determining the amount of civil liability, the court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the user's violation, corrective actions by the user, the compliance history of the user, and any other factor as justice requires.
- D. Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against a user.

(Res. No. 12-0368, 5-8-2012; Res. No. 9-0804, § 1, 9-8-2009)

8.03A.1002 - Injunctive Relief. [10.1]

When the Director finds that a user has violated, or continues to violate, any provision of this chapter, a discharge permit, order issued hereunder, or any other pretreatment standard or requirement, the Director may petition any court of competent jurisdiction to seek a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of a discharge permit, order, or other requirement imposed by this chapter on activities of the user. The Director may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the user to conduct environmental remediation under applicable local, state, or federal laws. A petition for injunctive relief shall not be a bar against, or prerequisite for, taking any other action against a user.

(Res. No. 12-0368, 5-8-2012; Res. No. 9-0804, § 1, 9-8-2009)

8.03A.1003 - Criminal Prosecution. [10.3]

- A. A user which has willfully or negligently violated any provision of this chapter, a discharge permit, or order issued hereunder, or any other pretreatment standard or requirement shall, upon conviction, be guilty of a misdemeanor, punishable as provided in chapter 9A.20 of the Revised Code of Washington. Each day of a continuing violation shall constitute a separate offense.
- B. A user which has willfully or negligently introduced any substance into the POTW which causes personal injury or property damage shall, upon conviction, be guilty of a misdemeanor, punishable as provided in chapter 9A.20 of the Revised Code of Washington. Each day of a continuing violation shall constitute a separate offense. This penalty shall be in addition to any other cause of action for personal injury or property damage available under state law.
- C. A user which knowingly made any false statements, representation, or certification in any application, record, report, plan, or other documentation filed, or required to be maintained, pursuant to this chapter, discharge permit, or order issued hereunder, or who falsified, tampered with, or knowingly rendered inaccurate any monitoring device or method required under this chapter shall, upon conviction, be guilty of a misdemeanor, punishable as provided in chapter 9A.20 of the Revised Code of Washington. Each day of a continuing violation shall constitute a separate offense.

(Res. No. 12-0368, 5-8-2012; Res. No. 9-0804, § 1, 9-8-2009)

8.03A.1004 - Remedies ~~n~~Nonexclusive. [10.4]

The provisions of Spokane County Code 8.03A.0801 through Spokane County Code 8.03A.1105 of this chapter are not exclusive remedies. The eCounty reserves the right to take any, all, or any combination of these actions against a non-compliant user. Enforcement in response to pretreatment violations will generally be in accordance with the eCounty's enforcement response plan. However the eCounty reserves the right to take other action against any user when the circumstances warrant. Further, the eCounty is empowered to take more than one enforcement action against any non-compliant user. These actions may be taken concurrently.

(Res. No. 12-0368, 5-8-2012; Res. No. 9-0804, § 1, 9-8-2009)

8.03A.1005 - Violation of this eChapter. [~~10.5~~]

A violation of this chapter is the failure to take any action required by this chapter or order of the eDirector or taking of any action prohibited by this chapter or the eDirector. Violations include, but are not limited to, items expressly stated to be violations in a given section, failure to obtain permits, give notice, or submit reports as required, failure to properly sign and certify documents submitted as required, and failure to pay required fees.

(Res. No. 9-0804, § 1, 9-8-2009)

ARTICLE 11 - SUPPLEMENTAL ENFORCEMENT MEASURES

8.03A.1101 - Bond, eSecurity for ~~p~~Performance. [11.1]

The eDirector may require any user, as a condition of permit issuance, renewal or otherwise, who has failed to comply with any provision of this chapter, a previous discharge permit, or enforcement order, or any other pretreatment standard or requirement, or for other cause, to procure a bond, letter of credit, or other good and sufficient security acceptable to the eDirector conditioned upon compliance with this chapter, in a sum not to exceed a value reasonably determined by the eDirector to be necessary to achieve consistent compliance.

(Res. No. 9-0804, § 1, 9-8-2009)

8.03A.1102 - Liability ~~i~~Insurance. [11.2]

The eDirector may require any user, as a condition of permit issuance, renewal or otherwise, who has failed to comply with any provision of this chapter, a previous discharge permit, or enforcement order, or any other pretreatment standard or requirement, or for other cause, to procure good and sufficient liability insurance, with the eCounty as an additional named insured, or other security acceptable to the eDirector, with coverage limits not to exceed a value reasonably determined by the eDirector with the advice of the risk manager sufficient to restore or repair damage to the POTW or other public property caused by its discharge and/or any other damage, loss or liability to which the eCounty may be reasonably exposed because of the users actions or failures to act.

(Res. No. 9-0804, § 1, 9-8-2009)

8.03A.1103 - Reserved.

8.03A.1104 - Public Nuisance. [11.4]

Any premises, processes or facilities maintained or operated in violation of any provisions of this chapter, a discharge permit or dDirector order issued hereunder, or any other pretreatment standard or requirement are hereby declared a public nuisance, subject to abatement by any lawful means, including summary abatement or other correction or abatement as ordered by the dDirector, including chapter 7.48 RCW or any other remedy in contract or law.

(Res. No. 9-0804, § 1, 9-8-2009)

8.03A.1106 – Contractor Listing [11.6]

Users which have not achieved compliance with applicable pretreatment standards and requirements are not eligible to receive a contractual award for the sale of goods or services to the County. Existing contracts for the sale of goods or services to the County held by a user found to be in significant non-compliance with pretreatment standards or requirements may be terminated at the discretion of the County.

(Res. No. 9-0804, § 1, 9-8-2009)

ARTICLE 12 - AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATIONS

8.03A.1201 - Upset. [12.1]

- A. For the purposes of this section, "upset" means an exceptional incident in which there is unintentional and temporary noncompliance with applicable pretreatment standards because of factors beyond the reasonable control of the user. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
- B. An upset shall constitute an affirmative defense to punitive actions in response to noncompliance with applicable pretreatment standards if the requirements of paragraph C., below, are met.
- C. A user who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
 - 1. An upset occurred and the user can identify the cause(s) of the upset;
 - 2. The facility was at the time being operated in a prudent and workman-like manner and in compliance with applicable operation and maintenance procedures; and
 - 3. The user has submitted the following information to the dDirector within twenty-four hours of becoming aware of the upset. If this information is provided orally, a written submission must be provided within five days:
 - a. A description of the discharge and cause of noncompliance;
 - b. The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and
 - c. Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance.
- D. In any enforcement proceeding, the user seeking to establish the occurrence of an upset shall have the burden of proof.

- E. Users shall have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with applicable pretreatment standards unless otherwise required by law. Such opportunity may be conditioned on other requirements such as exhaustion of administrative remedies or other applicable conditions.
- F. Users shall control production of all discharges to the extent necessary to maintain compliance with categorical pretreatment standards upon reduction, loss, or failure of 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.

(Res. No. 9-0804, § 1, 9-8-2009)

8.03A.1202 - Prohibited ~~d~~Discharge ~~s~~Standards ~~a~~Affirmative ~~d~~Defenses. [12.2]

A user shall have an affirmative defense to an enforcement action brought against it for non-compliance with the general prohibitions in Spokane County Code 8.03A.0201 A or the specific prohibitions in Spokane County Code 8.03A.0201 B(3) through (7) if it can prove that it did not know, or have reason to know in the exercise of reasonable prudence and caution, that its discharge, alone or in conjunction with discharges from other sources, would cause pass through or interference and that either:

- A. A local limit exists for each pollutant discharged and the user was in compliance with each limit directly prior to, and during, the pass through or interference; or
- B. No local limit exists, but the discharge did not change substantially in nature or constituents from the user's prior discharge when the ~~e~~County was regularly in compliance with its NPDES permit, and in the case of interference, the ~~e~~County was in compliance with applicable sludge use or disposal requirements.

(Res. No. 9-0804, § 1, 9-8-2009)

8.03A.1203 - Bypass ~~a~~Affirmative ~~d~~Defenses. [12.3]

- A. For the purposes of this section,
 - 1. "Bypass" means the intentional diversion of wastewaters from any portion of a user's treatment facility.
 - 2. "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.
- B. A user may allow any bypass to occur which does not cause applicable pretreatment standards or requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to paragraphs C. and D. of this section although the user must still promptly report the event to the ~~e~~Director unless excused by the ~~e~~Director, together with any information requested.
- C. Notice of Bypass:
 - 1. If a user knows, or should know in the exercise of reasonable prudence and caution, in advance of the need for a bypass, it shall submit prior notice to the ~~e~~Director, at least ten days before the date of the bypass, wherever possible.
 - 2. A user shall submit oral notice to the ~~e~~Director of an unanticipated bypass that exceeds applicable pretreatment standards within twenty-four hours from the time the user becomes aware or reasonably should have known of the bypass. The notice must include the information

required for the written submission below. A written submission shall also be provided within five days of the time the user becomes aware of the bypass. Unless waived by the ~~e~~Director on a case-by-case basis, after oral notice has been received within the time required, the written report must contain:

- a. A description of the bypass (volume, pollutants, etc.);
- b. What caused the bypass;
- c. When, specifically, the bypass started and ended;
- d. When the bypass is expected to stop (if ongoing); and
- e. What steps the user has taken or plans to take to reduce, eliminate, and prevent the bypass from reoccurring.

D. Bypass—Further Prohibitions, Approval:

1. Bypass is prohibited, and the ~~e~~Director may take an enforcement action against a user for a bypass, unless:
 - a. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
 - b. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
 - c. The user submitted notices as required under paragraph C. of this section.
2. The ~~e~~Director may approve an anticipated bypass, after considering its adverse effects, if the ~~e~~Director determines that it will meet the three conditions listed in paragraph D.1. of this section.

(Res. No. 9-0804, § 1, 9-8-2009)

8.03A.1204 - Burden of ~~p~~Proof. [~~12.4~~]

It shall always be the burden of proof, based on substantial evidence, of the party asserting any affirmative defense to establish the same.

(Res. No. 9-0804, § 1, 9-8-2009)

ARTICLE 14 - ~~FEES~~MISCELLANEOUS PROVISIONS

8.03A.1401 - Pretreatment ~~f~~Fees. [14.1]

- A. Fees are administrative cost recovery charges. They may be estimates or approximations with a final statement of charges submitted after costs are incurred. All fees are payable at the time of filing any application or request or as directed by the ~~e~~Director. Upon approval by the ~~e~~Director, fees may be billed and are payable ~~in that case~~ within thirty days of billing. Fees are in addition to any rates for sewer utility service or other expenses or costs not covered by the fees. Fees are subject to change at any time without notice.
- B. The listing of fees in this section is not by way of limitation, and the ~~e~~County reserves the right to charge any other fees for applicable services or benefits provided to or burdens created by the person identified as responsible for the fee. Where the ~~e~~Director determines that additional costs, materials, staff time, or other expenses are incurred in processing any permit or application for

permission or approval, plan review or other service which are not reasonably covered by a fee assessed, the eDirector may prepare a supplemental charges billing, to be paid as a condition of further processing an item. In addition, the eDirector may waive or reduce any fee for good cause shown. All fees and charges are non-refundable and non-proratable.

C. Schedule of standard fees:

1. Spokane County Code 8.03A.0304 A1, permit application fee— ~~five hundred dollars~~ fifteen hundred dollars for the first 25 hours of staff time to process the permit application. Additional hours will be charged at sixty dollars per hour. Total fee shall not exceed four thousand dollars per permit application.
2. Spokane County Code 8.03A.0307 A2, annual inspection fee—two hundred fifty dollars
3. Spokane County Code 8.03A.0313, permit renewal application fee— ~~two hundred fifty dollars~~ nine hundred dollars for the first 15 hours of staff time to process the permit renewal application. Additional hours will be charged at sixty dollars per hour. Total fee shall not exceed two thousand dollars per permit renewal application.
4. Spokane County Code 8.03A.0904 A, administrative appeal—two hundred fifty dollars
5. Spokane County Code 8.03A.0801, publication of significant non-compliance notice—costs as billed
6. Monitoring, inspection, surveillance, sampling fees—costs as determined and billed by the eDirector
7. Processing fee for NSF checks—as set by eCounty treasurer
8. Administrative penalty—five hundred dollars
9. Any other review or approval by the eDirector not otherwise specified above—hourly basis based on staff time at sixty dollars per hour as billed.

D. Upon failure of the user to comply with any requirement of this chapter or order of the eDirector, the user may be billed costs incurred by the eCounty on a time and materials basis.

Section 8.03A.1403 Conflicts [14.3]

All other chapters and parts of other chapters inconsistent or conflicting with any part of this chapter are hereby repealed to the extent of the inconsistency or conflict.

(Res. No. 9-0804, § 1, 9-8-2009)

ARTICLE 15 — APPENDICES

~~8.03A.1501 — Appendix A to 40 Code of Federal Regulations Part 423 — 126 Priority Pollutants.~~

(Res. No. 9-0804, § 1, 9-8-2009)

~~8.03A.1502 — Apprndix D TO 40 Code of Federal Regulations Part 122 — NPDES Permit Application Testing Requirements (§ 122.21)~~