



**KING COUNTY**

1200 King County Courthouse  
516 Third Avenue  
Seattle, WA 98104

**Signature Report**

**March 24, 2009**

**Ordinance 16414**

**Proposed No.** 2009-0061.3

**Sponsors** Constantine

1 AN ORDINANCE revising administrative provisions of the  
2 wastewater capacity charge in accordance with RCW  
3 35.58.570; and amending Ordinance 11034, Section 5, as  
4 amended, and K.C.C. 28.84.050.

5

6 STATEMENT OF FACTS:

7 1. In 1989, the Washington state legislature authorized Metro to levy a  
8 monthly capacity charge which was limited to seven dollars per single  
9 family residence, or equivalent, for fifteen years.

10 2. Metro began collecting a capacity charge from customers who  
11 connected, reconnected or established new service after February 1, 1990,  
12 to cover the capital costs of the new capacity that was being added to the  
13 wastewater treatment system.

14 3. Ordinance 11034, enacted in 1993, established the current King County  
15 Code relating to the administration of the capacity charge. Ordinance  
16 11034 essentially transferred to the county governing legislation for the  
17 utility, in carrying out the merger of Metro with King County.

- 18           4. With the adoption of the Regional Wastewater Services Plan in 1999,  
19           King County identified the need and sought to amend state law to allow  
20           the rate to be set annually by King County without a state imposed limit so  
21           that the charge was equal to the estimated capital costs. This authority  
22           was secured in the 2000 legislative session, under RCW 35.58.570.
- 23           5. In 2001, King County amended the Regional Wastewater Services Plan  
24           policies to include financial policies regarding the methodology and  
25           calculation of the capacity charge to be established annually by the King  
26           County council.
- 27           6. In 1993, when Ordinance 11034 was enacted, the capacity charge was  
28           relatively new and administrative practices to implement the charge had  
29           not been fully developed. Since that time, the capacity charge program  
30           has become well established and the wastewater treatment division now  
31           has over fifteen years of experience in its implementation.
- 32           7. The wastewater treatment division developed practices consistent with  
33           current code, but the existing code language would be improved by  
34           revisions to more clearly articulate how the capacity charge is  
35           administered.
- 36           8. Proposed revisions to the code were thoroughly reviewed with the  
37           Metropolitan Water Pollution Abatement Advisory Committee in 2008, and  
38           additional revisions were incorporated into proposed legislation based input from  
39           representatives from the committee.
- 40           BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

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

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

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

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

55            1. A request by a local public agency, person or state or federal agency for an  
56 extension to an existing department interceptor or trunk shall not be considered by the  
57 department for funding of planning, design or construction, and agreements therefor shall  
58 not be considered for approval by the council unless the director has received written  
59 certification from the legislative bodies of all cities and counties that have zoning  
60 jurisdiction over any portion of the area proposed by the requesting party to be served, or  
61 determined by the director as being capable of being served by such extension; and any  
62 other area in or through which the facility is proposed to be constructed. The certification  
63 shall state that such service and construction are consistent with the adopted land use

64 plans and policies of such local governments. If a city or county cannot so certify, it shall  
65 issue a written statement to the director that the service or construction is not consistent  
66 with its adopted plans and policies, or that action on the application for certification must  
67 be deferred pending receipt by the city or county of such additional, specified information  
68 and data as may be reasonably required for the consideration of the application;

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

76           3. The certification may be made by either the legislative body of the city or  
77 county or by such department or division thereof as the legislative body may designate.  
78 The issuance of the certification may be preceded by a reasonable analysis and  
79 consideration, by a city or county having zoning authority, of alternatives to the proposed  
80 connection or extension.

81           a. If the director has not received a certification or other statement from a city  
82 or county as described herein within ninety days of receipt by a city or county of a  
83 written application for certification, the city or county shall be deemed, for purposes of  
84 this section only, to have certified the proposal as consistent with adopted land use plans  
85 and policies; provided, that if the certification has not been received by the director  
86 within sixty days of receipt by a city or county of a written application for certification,

87 the director shall notify the chief executive and chair of the legislative body of the city or  
88 county of the certification deadline.

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

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

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

109 C.4. shall be immediately forwarded to every city, county and other local public agencies  
110 within the county.

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

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

116 2. Two copies of any such documents that are in effect on the date of adoption  
117 of this section and that have not previously been submitted to the department shall be  
118 submitted to the director within six months following such date. Two copies of any of  
119 such documents adopted or placed in use after the date of this section, including any  
120 changes in or amendments of documents previously in effect, shall be submitted to the  
121 director within sixty days of their adoption; and

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

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

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

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

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

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

155 specifications, it shall be deemed that the director has approved the plans and  
156 specifications.

157 G. The following provisions shall govern sewerage standards:

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

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

167 H. The following provisions shall apply regarding inspection of new  
168 construction:

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

176 a. The letter shall include the name of the organization responsible for contract



177 administration and the name of the individual the director should contact during  
178 construction.

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

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

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

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

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

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

204           d. Side sewers shall also be tested for their entire length from the public sewer  
205 in the street to the connection with the building plumbing. The method of testing side  
206 sewers shall be determined by the local public agency, but in no case shall it be less  
207 thorough than filling the pipe with water before backfill and visually inspecting the  
208 exterior for leakage; and

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

212           I. The following provisions shall govern connections to the metropolitan sewer  
213 system:

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

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

221           With the written approval of the director, the special manhole or chamber and  
222           intervening connection from the manhole or chamber to the department trunk may be  
223           designed and constructed by the local public agency at the expense of the department but  
224           subject to inspection and approval by the director. It shall be the responsibility of the  
225           local public agency to connect local public sewers to the manhole or chamber at its  
226           expense and in a manner approved by the director;

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

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

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

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

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

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

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

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

259 Whenever a local public sewer becomes available, the private sewer shall be  
260 disconnected from the metropolitan sewerage system under the inspection of and in a  
261 manner approved by the director, and shall be connected to the available local public  
262 sewer in accordance with the requirements of the local public agency. All work of  
263 making connections, disconnections and reconnections of private sewers to the  
264 metropolitan sewerage system shall be at the expense of the owner or developer of the  
265 private sewers;

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

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

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

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

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

284           3. An additional charge will be made for quantities of water other than sewage  
285 and industrial waste hereafter entering those sewers constructed after January 1, 1961, in  
286 excess of the volume established for design purposes in this section. Any charge made in  
287 addition to the regular charge shall be based on metered records of flow taken and  
288 compiled by the department. If the director, elects to meter and record flow from such

289 sewers, the local public agency will be given at least five days notice in advance of such  
290 metering. Metering periods shall continue until excessive flow conditions are corrected.

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

294 (1) maximum dry-weather wastewater flow as measured in the preceding  
295 August-September period. The flow shall be determined as follows:

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

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

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

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

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

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

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

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

311 and

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

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

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

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

320 c. Since excess flow is based upon a thirty-minute period, the volume so  
321 measured will be small. In order that the surcharge for excess flow will more nearly  
322 approach the cost of providing additional capacity in the metropolitan sewerage system,  
323 excess flow will be adjusted as though it were occurring for a twenty-four hour period.  
324 The flow will be called adjusted excess flow.  $\text{Adjusted excess flow} = \text{Excess flow} \times 24 \times$   
325 2.

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

331 e. If the new excess flow does not exceed the former excess flow, the former  
332 will be used for ten days from time of its measurement, at which time the new excess  
333 flow will be used for as many days as will complete ten days from the time of  
334 measurement of the new excess flow.

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

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

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

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



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

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

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

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

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

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

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

379 a. A separate permit shall be obtained for each vehicle so used, which permit  
380 shall thereafter be carried in the vehicle at all times. No permit may be transferred from

381 one vehicle to another except in the event of loss, destruction or replacement of the  
382 original vehicle, and then only with the approval of the director.

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

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

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

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

404           a. The director may waive the gallonage fee to permit holders dumping septic  
405 tank sludge from residences and businesses paying the department sewerage charges to  
406 local agencies. Claims for exemption of gallonage fees shall be made on forms provided  
407 by the department and shall be accomplished in the manner described thereon. The  
408 department shall bill each permit holder for the accumulated gallonage fee monthly. This  
409 billing shall provide for the subtraction of all volumes declared on valid gallonage fee  
410 exemption claims. Payment of gallonage fees shall be made within thirty days from the  
411 date of invoice by the department.

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

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

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

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

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

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

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

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

443           M. The following practices shall be prohibited:

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

447           2. No unauthorized person shall enter any department sewer, manhole, pumping  
448 station, treatment plant or appurtenant facility. No person shall maliciously, willfully or

449 negligently break, damage, destroy, deface or tamper with any structure, appurtenance or  
450 equipment that is part of the metropolitan sewerage system.

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

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

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

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

470           2. Each local public agency shall charge each recipient of waste treatment  
471 services within its jurisdiction, in addition to any surcharge to be assessed by the local

472 public agency against an industrial user in an amount to be determined by the director to  
473 be necessary under federal regulations and separate from and in addition to any sums paid  
474 by industry pursuant to this section, a sum to be paid to the department for its waste  
475 treatment services to be determined as follows:

476 a. The local public agency shall determine, on a quarterly basis: the number of  
477 residential customers billed by the local public agency for local sewage charges; the total  
478 number of all customers so billed; and the total water consumption billed other than  
479 residential customers. The quarterly water consumption report shall be taken from water  
480 meter records and may be adjusted to exclude water not entering the sanitary facilities of  
481 a customer.

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

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

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

493 3. Each local public agency shall charge each industrial recipient of waste  
494 treatment services within its jurisdiction as required by the department, in addition to the

495 user charge, a surcharge in an amount to be determined by the director based on the  
496 average annual strength and volume of discharge by the industry. For the purpose of  
497 computing average annual strength, all wastes shall be assumed to have a minimum  
498 strength equivalent to that of domestic sewage.

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

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

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

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

510 a. "Connection," for purposes of this subsection, shall mean physical  
511 connection of any structure, or an addition to a non-single family residential structure, to  
512 a sanitary sewer.

513 b. "Reconnection," for purposes of this subsection, shall mean reconnection of  
514 an existing structure following physical disconnection and abandonment of prior sewer  
515 service.

516 ((b-)) c. "Establishment of a new service," for purposes of this subsection, shall  
517 mean:

518 (i) change of property use from single family residential to other than single  
519 family residential~~((, or))~~;

520 (ii) change of property use following connection or reconnection to a sanitary  
521 sewer;

522 (iii) reuse of an existing sewer connection by a new structure following  
523 demolition of an existing structure ~~((and))~~ or abandonment of sewer service; or

524 (iv) expanded or increased industrial or commercial use of a sanitary sewer  
525 connection;

526 2. The capacity charge shall be a fixed rate per residential customer or  
527 residential customer equivalent determined annually by the council. The number of  
528 residential customer equivalents (RCEs) for multifamily customers shall be determined  
529 using the following scale:

530 two to four units per structure 0.8 RCEs per unit

531 five or more units per structure 0.64 RCEs per unit

532 Senior citizen, low income and 0.32 RCEs per unit

533 special purpose housing

534 Mobile home ~~((space))~~ 1.0 RCE ~~((per space))~~

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



540 ~~permit, covenant or deed restriction in which the county or a local government is granted~~  
541 ~~enforcement authority.))~~

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

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

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

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

561           ~~((3))~~ f. If use of a multifamily structure that initially qualifies as senior  
562 citizen, low income or special purpose housing changes so that it no longer meets the

563 criteria in subsection O.2.a., b., ~~((and e.(1)))~~ c., d. and ~~((2))~~ e. of this section, residential  
564 customer equivalents shall then be calculated in the same manner as ~~((multi-family))~~  
565 multifamily customers and the department will collect the incremental difference then  
566 due.

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

573 3. The capacity charge shall be collected by the department directly from the  
574 customer. The charge ~~((may))~~ shall be ~~((established as))~~ a monthly charge for fifteen  
575 years. ~~((The total amount of the charge shall be due and payable at the time of the initial~~  
576 ~~billing. The customer may, however, elect to pay the charge over the fifteen-year~~  
577 ~~period.))~~

578 Each customer subject to the charge shall be billed by the department semi-  
579 annually or at such frequency as may be determined by the director. The total amount of  
580 the charge, hereinafter the "total amount due", may be paid at any time. The total amount  
581 due shall be the sum of all remaining payments discounted at the rate of five and one-half  
582 percent annually;

583 ~~((4. The following shall apply to capacity charge billing:~~

584 ~~a. The executive shall file a report with the clerk of the council on or before~~  
585 ~~October 1, 2004 for distribution to the council, including members of regional water~~

586 ~~quality committee, regarding options to reduce or eliminate administrative barriers to~~  
587 ~~notifying new ratepayers regarding their option to made a single payment of the capacity~~  
588 ~~charge:~~

589 ~~(1) at the time of connection or before purchase and closing on a home or~~  
590 ~~business; and~~

591 ~~(2) at the time of connection or before purchase and closing on a home or~~  
592 ~~business on those occasions when the developer of the real estate has already paid an~~  
593 ~~initial capacity charge within six months of the connection, but the remainder of the~~  
594 ~~charge is still due and payable to King County;~~

595 ~~b. Capacity charge billing to a customer shall commence as soon as possible~~  
596 ~~and practical after the effective date of the sewer service provided by a local public~~  
597 ~~agency served by the department in accordance with the billing frequency determined by~~  
598 ~~the director; and~~

599 ~~c. Late notice to the department of commencement of sewer service to a~~  
600 ~~customer or failure of a customer to receive a capacity charge bill does not relieve a~~  
601 ~~property owner of the responsibility for payment of charges and interest;~~

602 ~~5. Delinquent capacity charge accounts.~~

603 ~~a. If a customer elects to pay over time and fails to make a payment when due,~~  
604 ~~all remaining payments shall become due and owing. An interest charge computed at an~~  
605 ~~annual rate of twelve percent of the delinquent amount and a one-time penalty not more~~  
606 ~~than ten percent of the remainder due shall be added to the account balance; and~~

607 ~~b. Whenever the capacity charge for an account plus interest charges are~~  
608 ~~delinquent for more than thirty days, the department shall send a notice of intention to file~~

609     ~~lien to the property owner, or representative and the mortgagee, directing the property~~  
610     ~~owner or representative to pay the total amount due, as described in this section, no later~~  
611     ~~than fifteen days from the date of the letter or to make suitable arrangements to bring the~~  
612     ~~account current. If the payment is not made within fifteen days or suitable arrangements~~  
613     ~~have not been made, the total amount due will be certified as delinquent and a lien will be~~  
614     ~~filed against the property with the treasurer of the county. A lien charge to cover the cost~~  
615     ~~of preparing and filing the lien in the amount of one hundred fifty dollars will be added to~~  
616     ~~the delinquent amount on the date of certification of the lien to the treasurer of the~~  
617     ~~county. Action may be taken by the department to enforce collection of the delinquent~~  
618     ~~amount at any time after the charges have been delinquent for a period of sixty days.~~

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

625             ~~6. Local public agencies shall, at the director's request, provide such information~~  
626     ~~regarding new residential customers and residential customer equivalents as may be~~  
627     ~~reasonable and appropriate for purposes of implementing the capacity charge; and~~

628             ~~7. The director is authorized to develop and implement such additional policies~~  
629     ~~and requirements and to take such actions as may be necessary and appropriate for~~  
630     ~~collection of the capacity charge and administration of the capacity charge program as~~  
631     ~~described in this section))~~

632           4. When determining capacity charges applicable to a new connection, the  
633           charges may be reduced or eliminated to reflect a prior sewer connection and prior sewer  
634           service at the property to be served by the new connection.

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

638                   (1) the property to be served by the new connection was either connected to  
639                   sewers prior to February 1, 1990, and was paying full sewer charges, or, if not connected  
640                   to sewers, was paying full sewer charges before February 1, 1990; and

641                   (2) structures on the property were subsequently demolished and sewer  
642                   service abandoned and the time between abandonment of service and reconnection of the  
643                   property to sewers was less than five years.

644           b. In the event the new connection replaces a connection made after February  
645           1, 1990, the charges may be reduced to reflect past capacity charge payments. This credit  
646           against charges otherwise due shall be applied under the following circumstances:

647                   (1) the property to be served by the new connection was connected to sewers  
648                   after February 1, 1990, and was reported to King County by the local sewer agency; and

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

651                   (3) structures on the property were subsequently demolished and sewer  
652                   service abandoned and the time between abandonment of service and reconnection of the  
653                   property to sewers is less than five years.

654           c. Credits permitted in accordance with subsection O.4.b. (1), (2) and (3) of  
655 this section will be determined using the county's accounts receivable record of capacity  
656 charge invoices paid on the subject property. Credit may be applied only from the  
657 property of the demolished structures and will be applied only to a replacement structure  
658 proximate to the demolished structure. The amount of the credit will be expressed as  
659 whole or fractional residential customers or equivalents and shall reflect the percentage of  
660 the total amount due actually paid.

661           5. Credits authorized under subsection O.4. of this section shall be applied only  
662 when appropriate documentation for the demolished structure is provided to the  
663 department. Documentation shall be one of the following:

664           a. a demolition permit for a structure at the same property address as the new  
665 structure that contains a description of the structure demolished:

666           b. sewer service invoices for full sewer charges dated before demolition of the  
667 previously existing building that includes the service address and number of units if the  
668 building was a multifamily structure; or

669           c. A dated permit issued by the local sewer agency authorizing capping of the  
670 side sewer that includes the same property address as the new structure and a description  
671 of the prior structure;

672           6. Credits permitted under subsection O.4. of this section shall be applied only  
673 from the property with the demolished structures. The credits shall be applied in the  
674 following manner:

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

677           b. When a structure is demolished and the lot, parcel or property is subdivided,  
678 the credit will be applied to the new structure or structures most proximate to the  
679 demolished structure. Alternatively, the property owner at the time of demolition may  
680 file with the department a plan for allocation of credits within the subdivided lot, parcel  
681 or property, and the plan as approved by the department will then guide the allocation of  
682 credits. If the owner does not submit a plan, credits will be applied in the manner  
683 described in subsection O.6.c. and d. of this section;

684           c. When multifamily residential structures are demolished, credits will be  
685 allocated to new structures built at the location proximate to the building demolished on  
686 the same property; and

687           d. When a nonresidential structure is demolished, credit will be applied to the  
688 new building or buildings constructed proximate to where the demolished building or  
689 buildings was located on the property;

690           7. The following apply to capacity charge billing:

691           a. Capacity charge billing to a customer shall commence as soon as possible  
692 and practical after the date of the sanitary sewer connection provided by a local public  
693 agency served by the department in accordance with the filing frequency determined by  
694 the director; and

695           b. Late notice to the department of commencement of sewer service to a  
696 customer or failure of a customer to receive a capacity charge bill does not relieve a  
697 property owner of the responsibility for payment of charges and interest;

698           8. The following apply to delinquent capacity charge accounts:

699           a. If a customer fails to make a payment when due, an interest charge shall be  
700           computed on the delinquent amount at an annual rate of not more than the prime lending  
701           rate of the county's bank plus four percentage points. This interest charge and a one-time  
702           penalty of not more than ten percent of the past due amount shall be added to the account  
703           balance; and

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

717           The department is authorized to request the prosecuting attorney to bring suit for  
718           foreclosure civil action in the superior court of the county in which the real property is  
719           located and to request payment of its costs and disbursements as provided by statute, as  
720           well as reasonable attorneys' fees. Each account that has been submitted to the



721 prosecuting attorney for foreclosure shall be charged for legal fees incurred in connection  
722 with the foreclosure, even when court proceedings are unnecessary;

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

726 10. The director is authorized to develop and implement such additional  
727 policies and requirements and to take such actions as may be necessary and appropriate  
728 for collection of the capacity charge and administration of the capacity charge program as  
729 described in this subsection O.; and

730 11. As part of its rate-making authority, the council elects that capacity charges  
731 shall accrue as monthly fees recorded as operating revenues in accordance with Financial  
732 Accounting Standards Board Statement No. 71.

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

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

743 2. Other penalties.

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

748           b. The director may order the owner of any property from which prohibited  
749 discharges are entering any sewer to correct the condition, provided that if the property of  
750 the owner lies within a local public agency, the director shall first give written notice of  
751 the prohibited discharge to the local public agency, and only if the local public agency  
752 fails to correct the condition within ninety days after receipt of the notice, may the  
753 director directly order the owner to correct the condition.

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

759           c. Any person who shall damage, destroy or deface any structure,  
760 appurtenance, equipment or property of the metropolitan sewerage system shall be fined  
761

**Ordinance 16414**

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762 in an amount not exceeding three hundred dollars, and shall be liable for double the  
763 actual cost of restoration or repair or double the actual amount of any irreparable damage.  
764

Ordinance 16414 was introduced on 1/26/2009 and passed as amended by the Metropolitan King County Council on 3/23/2009, by the following vote:

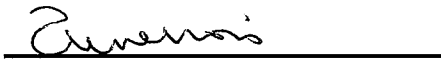
Yes: 9 - Mr. Constantine, Mr. Ferguson, Ms. Hague, Ms. Lambert, Mr. von Reichbauer, Mr. Gossett, Mr. Phillips, Ms. Patterson and Mr. Dunn  
No: 0  
Excused: 0

KING COUNTY COUNCIL  
KING COUNTY, WASHINGTON



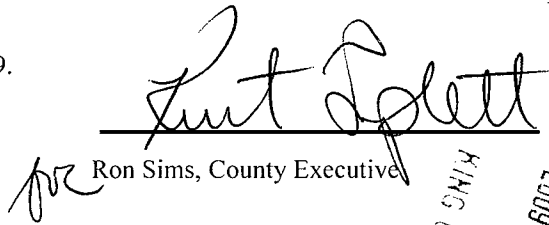
Dow Constantine, Chair

ATTEST:



Anne Noris, Clerk of the Council

APPROVED this 3<sup>rd</sup> day of April, 2009.



for Ron Sims, County Executive

Attachments None

RECEIVED  
2009 APR -3 PM 3:41  
KING COUNTY CLERK  
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