Legislation Details (With Text)

File #:	2019-0165 **Version:** 2		
Type:	Ordinance	**Status:**	Passed
File created:	5/1/2019	**In control:**	Budget and Fiscal Management Committee
On agenda:		**Final action:**	6/12/2019
Enactment date:	6/19/2019	**Enactment #:**	18915
Title:	AN ORDINANCE relating to rates and charges for sewage treatment and disposal; amending Ordinance 12353, Section 2, as amended, and K.C.C. 4A.670.100, Ordinance 18745, Section 2, Ordinance 11034, Section 5, as amended, and K.C.C. 28.84.050 and Ordinance 11398, Section 1, as amended, and K.C.C. 28.84.055.		
Sponsors:	Claudia Balducci		
Indexes:	Executive, Fees, Wastewater		
Code sections:	28.84.050 -, 28.84.055 -, 4A.670.100 - .		
Attachments:	1. Ordinance 18915, 2. 2019-0165 legislative review form, 3. A. Wastewater Treatment Division Financial Plan for the 2020 Proposed Sewer Rate, 4. 2019-0165 transmittal letter, 5. 2019-0165 King County Executive's 2020 Monthly Sewer Rate and Capacity Charge Proposal, 6. 2019-0165 Wastewater Treatment Division 2020 Rate Recommendation, 7. 2019-0165 Fiscal Note, 8. 2019-0165_SR_2020 Sewer Rate-Capacity Charge--mr5-11, 9. 2019-0165_SR_dated_05282019_2020 Sewer Rate-Capacity Charge--mr5-22, 10. 2019-0165 Affidavit of Publication		

Date	Ver.	Action By	Action	Result
6/12/2019	1	Metropolitan King County Council	Passed as Amended	Pass
5/28/2019	1	Budget and Fiscal Management Committee	Recommended Do Pass	Pass
5/14/2019	1	Budget and Fiscal Management Committee	Deferred	
5/1/2019	1	Metropolitan King County Council	Introduced and Referred	

Clerk 06/12/2019

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

PREAMBLE:

King County imposes a wastewater connection charge, known as the capacity charge, on users

of the county's wastewater facilities when the user connects, reconnects, or establishes a new service to sewer facilities of a city or special purpose district that discharges into the county's wastewater facilities.

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

RCW 36.94.140 requires that the capacity charge rate be uniform within the same classification of customers and authorizes the county to create separate customer classifications that take into account the nonprofit public benefit status of the land user and provide assistance for low-income persons.

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

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

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

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

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

The current customer classification for low-income housing is limited to units in multifamily structures of not more than four-hundred square feet. Expansion of this customer classification will increase the number of dwelling units which would qualify for the reduced low-income housing capacity charge rate. Such an expansion furthers long-term affordability of those dwelling units as the developer or owner of the units must meet specified requirements, including a long-term covenant to keep the units affordable.

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

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

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

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

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

A reduction in the capacity charge rate will enable low-income housing and emergency shelter projects to become economically viable and produce more low-income housing units.

Accessory dwelling units also increase available housing options.

Accessory dwelling units provide a living unit for one or more persons, are typically located in

dense urban areas as part of infill development, and are usually smaller than the principal single detached dwelling unit based on parcel size and required setbacks.

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

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

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

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

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

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

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

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

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

C. As required for GASB-62 application, amounts are to be placed in the rate stabilization reserve from operating revenues and removed from the calculation of debt service coverage. The reserve balance shall be an amount at least sufficient to maintain a level sewer rate between 2019 and 2020, and shall be used solely for the purposes of: maintaining the level sewer rate in ((~~2019~~)) 2020; and if additional reserve balance is available, moderating future rate increases beyond ((~~2019~~)) 2020. The estimated amount of the reserve, as shown in the financial forecast, Attachment A to ((~~Ordinance 18745~~)) this ordinance, shall be revised in accordance with the 2019-2020 Biennial Budget Ordinance and financial plan. If the reserve needs to be reduced to meet debt service coverage requirements for ((~~2018~~)) 2019, the county executive shall notify the council of the change by providing an updated financial forecast.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4. The certification provisions of this section shall not apply where an extension of or connection to an

interceptor or trunk is required by formal order or directive of a state or federal agency with regulatory powers over the extension, connection or the metropolitan sewer system, or to the following interceptor extensions: that portion of the Phase 1 May Creek Interceptor System, as defined in the Environmental Protection Agency Project No. C-530749 Negative Declaration dated November 29, 1977, which includes the Honeydew Interceptor and a section of the May Creek Interceptor between existing Metro Maintenance Hole B and the confluence of May and Honey creeks; SLW 14 in the Comprehensive Plan, also known as the Madsen Creek Trunk; and GR 25 and GR 26 of the Comprehensive Plan, extending from 11th Avenue in Algona to Main Street in the city of Auburn. Copies of any formal orders or directives as referred to in this subsection C.4. shall be immediately forwarded to every city, county and other local public agencies within the county.

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

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

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

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

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

b. The director shall review ordinances and resolutions submitted by a local public agency and, within thirty days following receipt thereof, shall notify the local public agency in writing of any

inconsistencies with the department's rules and regulations; and

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

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

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

G. The following provisions shall govern sewerage standards:

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

combined sewer extension; and

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

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

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

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

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

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

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

a. Allowable exfiltration leakage shall be no greater than five-tenths gallon per hour per inch of

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2. Connection of private sewers may be made at the discretion of the director, either by the director or by others subject to inspection and approval by the director. Whenever a local public sewer becomes available, the private sewer shall be disconnected from the metropolitan sewerage system under the inspection of and in a manner approved by the director, and shall be connected to the available local public sewer in accordance with the requirements of the local public agency. All work of making connections, disconnections and reconnections of private sewers to the metropolitan sewerage system shall be at the expense of the owner or developer of the private sewers;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(c) reduce (b) from a monthly to a thirty-minute allowance by the formula:

cubic feet per month divided by [30 days x 24 hrs. x 2] = additional dry weather flow; and

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

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

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

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

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

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

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

f. Amounts due the department as monthly surcharges for excess flows shall be shown as a separate item on the department's normal monthly billing to the local public agency, accompanied by appropriate records

and calculations, and shall include only the surcharges for the previous month.

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

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

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

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

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

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

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

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

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

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

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

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

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

Annual fees shall be payable in advance and permit holders shall renew their permits on or before the

annual expiration date of the permits. Fees for permits issued for less than a full year shall be prorated to the nearest full month. No refund of any permit fee shall be granted for cessation of operations prior to the expiration of the permit;

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

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

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

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

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

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

for revocation of the permit;

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

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

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

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

M. The following practices shall be prohibited:

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

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

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

N. The following provisions shall apply to user charges:

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

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

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

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

be taken from water meter records and may be adjusted to exclude water not entering the sanitary facilities of a customer.

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

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

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

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

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

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

O. The following provisions shall apply regarding capacity charges:

1. All customers of a public or private sewage facility who connect, reconnect or establish a new service that uses metropolitan sewage facilities after February 1, 1990 shall pay a capacity charge in an amount established annually by the council in accordance with state law. Users of metropolitan sewage facilities shall

be subject to the capacity charge upon connection or reconnection to public or private sewage facilities and/or establishment of a new sewer service.

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

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

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

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

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

~~c.~~)) e. "Detached accessory dwelling unit," for the purposes of this subsection, shall mean an accessory dwelling unit located in a separate structure on the same parcel as a single detached dwelling unit.

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

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

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

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

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

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

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

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

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

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

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

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

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

2. The capacity charge shall be a fixed rate per residential customer or residential customer equivalent determined annually by the council. For customers who connect, reconnect or establish new service on or after the effective date of this ordinance, ((~~T~~))the number of residential customer equivalents (RCEs) for ((

~~multifamily~~)) residential structures shall be determined using the following scale:

Single detached dwelling units	1.0 RCEs
Multifamily structures with ((~~T~~))two to four dwelling units per structure	0.8 RCEs per unit
Multifamily structures with ((~~F~~))five or more dwelling units per structure	0.64 RCEs per unit
Senior ((~~citizen~~)) resident, low income and special purpose housing	0.32 RCEs per qualifying dwelling unit

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

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

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

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

(3) For an owner-occupied residential dwelling unit to qualify as low-income housing, the dwelling unit must be owned and occupied by a household, who at the time of initial ownership and occupancy, has a gross annual household income at or below eighty percent of the median income of the county within which the

dwelling unit is located. In addition, to qualify as low-income housing, the unit must meet the definition of principal residence as defined in subsection O.1.j. of this section and the owner of the unit must agree that any transfer of ownership of the unit be restricted to: persons with a gross annual household income at or below eighty percent of the median income of the county within which the dwelling unit is located; meet the definition of principal residence; and be transferred at an affordable price as described in this subsection O.2.b.(3). Any sale of the unit shall be made at an affordable price, thus ensuring the unit remains affordable to households with incomes at or below eighty percent of the median income of the county within which the unit is constructed. The affordable price shall not exceed thirty-five percent of the gross monthly income for the household purchasing the unit, taking into account the cost for mortgage principal, interest, taxes and insurance.

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

d. In the case of privately owned senior ((~~citizen~~)) resident, low income or special purpose ((~~multifamily~~)) housing, the requirements of subsection O.2.a., b. and c. of this section shall be contained in a ((~~permit, agreement,~~)) covenant or deed restriction in a form approved by the director with a duration of at least forty years in which the county, a local government, an agency of state government or the United States government is granted enforcement authority.

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

f. If use of a ((~~multifamily~~)) structure that initially qualifies as senior ((~~citizen~~)) resident, low income

or special purpose housing changes so that it no longer meets the criteria in subsection O.2.a., b., c., d. and e. of this section or the use of shelter housing owned by a government or nonprofit corporation changes no longer meets the criteria in subsection O.2.a., b., c. and e. of this section, the residential customer equivalents shall then be recalculated in the same manner as ((~~multifamily~~)) all other structures and the department will collect the incremental difference due for all payments from the time of disqualification until paid off.

g. The number of residential customer equivalents for nonresidential structures and for certain alternative housing structures such as adult family homes, student dormitories, extended stay hotels and shelter housing shall be determined by the department based on values of plumbing fixtures ((~~and~~/))or estimates of wastewater flow from sources other than plumbing fixtures and acceptable to the department. An appropriate schedule of hydraulic capacity or loading values equating to residential customers shall be determined by the director.

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

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

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

a. For zero discharge structures, the number of residential customer equivalents shall be projected in

accordance with subsection O.2.((~~g.~~)) of this section; however, fixtures and sources that are engineered to function without discharging into to the metropolitan sewage facilities shall be given the value of zero for purposes of calculating the residential customer equivalents. These calculations will be determined by review of applicant-submitted engineering plans and specifications, site inspections and other materials deemed necessary by the department and such calculations shall be subject to approval by the department;

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

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

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

Each customer subject to the charge shall be billed by the department semi-annually or at such frequency as may be determined by the director. The total amount of the charge, hereinafter the "total amount due," may be paid at any time. The total amount due shall be the sum of all remaining payments discounted by

an index reflecting fifteen-year mortgage and ten- and twenty-year investment rates that will be updated in December of each year;

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

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

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

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

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

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

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

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

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

of the total amount due actually paid;

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

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

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

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

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

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

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

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

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

8. The following apply to capacity charge billing:

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

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

9. The following apply to delinquent capacity charge accounts:

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

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

The department is authorized to request the prosecuting attorney to bring suit for foreclosure civil action in the superior court of the county in which the real property is located and to request payment of its costs and

disbursements as provided by statute, as well as reasonable attorneys' fees. Each account that has been submitted to the prosecuting attorney for foreclosure shall be charged for legal fees incurred in connection with the foreclosure, even when court proceedings are unnecessary;

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

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

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

d. For properties which qualify for assistance under subsection O.10.b. of this section, when the capacity charge is delinquent for more than thirty days, the property owner may request that the department defer collection of the remaining fifteen-year amount of the capacity charge by placing a lien or other security interest document in a form acceptable to the director, for the entire amount due, against the property with the recorder's office of the county. A charge to cover the cost of preparing and filing the lien or other security interest document will be added to this amount on the date of certification of the lien or security amount to the recorder's office of the county. The lien or security interest will be released when the full amount of the remaining fifteen-year charge plus the lien or security interest document fees and interest of five percent annually per invoice have been paid;

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

((~~11.~~)) 12. The director is authorized to develop and implement such additional policies and

requirements and to take such actions as may be necessary and appropriate for collection of the capacity charge and administration of the capacity charge program as described in this subsection O.; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2. In accordance with adopted policy FP- 6 in the Regional Wastewater Services Plan, K.C.C. 28.86.160.C., the council hereby approves the cash balance and reserves as contained in the attached financial plan for ((~~2019~~)) 2020, which is Attachment A to this ((~~O~~))ordinance ((~~18745~~)).

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

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