



# King County Industrial Waste Program Newsletter - Fall 2022

## Updated EPA guidelines for metal finishers and landfill operators

On September 14, 2021, EPA published its *Preliminary Effluent Guidelines Program Plan 15* in the [Federal Register 51155](#). The Plan is published every two years to outline EPA's planned studies and rulemakings related to effluent limitation guidelines (ELGs) and pretreatment standards for industrial dischargers. The Plan, an FAQ, and other documents are available on EPA's [website](#).



In the Preliminary Plan, EPA announced rulemakings to control discharges of per- and polyfluoroalkyl substances (PFAS) from two industrial categories. The ELGs will be revised for the Organic Chemicals, Plastics, and Synthetic Fibers (OCPSF) category for facilities manufacturing PFAS, and for the Metal Finishing category to address discharges from chromium electroplating facilities. EPA also stated that it will continue its Multi-Industry PFAS Study, and that detailed studies would be initiated to examine PFAS discharges for landfills and for textile and carpet manufacturers.

## Industrial Users: you can appeal enforcement actions but not Notices of Violations

If you receive a Notice of Violation (NOV) from the King County Industrial Waste program (KCIW), this means that we have found you to be in violation of your permit conditions or discharge authorization. A NOV is not appealable. But an enforcement action that follows the NOV is appealable.

KCIW's [enforcement response plan \(ERP\)](#) outlines how KCIW investigates and responds to instances of industrial user noncompliance (violations). Generally, KCIW's first step in response to a violation is to inform the industrial user of the violation and issue a written Notice of Violation (NOV). The NOV includes a description of the violation and requires that the industrial user respond within 14 calendar days with a written explanation (14-Day Report) for the violation and corrective actions taken. NOV's are the first step in the violation fact-finding process.

NOV's are not decisions and therefore not subject to appeal. That is not to say that industrial users have no recourse should they disagree with KCIW's determination that a violation occurred. Industrial users can include comments in the 14-Day report or other forms of communication with KCIW to substantiate any disagreement with KCIW's violation determination. Upon receipt, KCIW

will evaluate the industrial users' comments and take them into account when making the final enforcement decision, which is subject to the appeal process described in King County Code (KCC) 28.84.100.

### Can I appeal final decisions made by KCIW?

In the case of enforcement actions, KCIW's final decisions are subject to appeal. A final decision can include issuance of a Compliance Order, monetary penalty, Final Notice, post violation charges or a decision that no further action is required at that time.

### How to appeal decisions made by KCIW

King County Code (KCC) Chapter 28.84. Section 100, titled *Appeal Procedures*, describes how industrial users can appeal decisions made by KCIW. Such decisions may include the terms and conditions of waste discharge permits or discharge authorizations issued by KCIW as well as enforcement decisions made by KCIW in response to violations, such as discharge, permit, KCC or reporting violations. The *Appeal Procedures* Section can be found on page 36 of [this document](#), which includes sections of King County Code relevant to KCIW rules and regulations, as well as the appeal procedures.

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## Ask an Investigator or Specialist

What are you curious about? Is there something you've always wanted to know about our Industrial Waste Program but have never asked?

Ask a KCIW specialist!

Send an email with your question to [info.KCIW@kingcounty.gov](mailto:info.KCIW@kingcounty.gov) and we'll try to answer it in the next newsletter.



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## Continuing to partner with industries to prevent pollution



We're a remote workforce now but we're still performing in-person inspections, conducting follow-up visits for enforcement actions, doing on-site sampling events, and other work outside the office as needed.

To set up a meeting with a staff member virtually or in-person during regular working hours: 8 a.m. - 5:00 p.m. Monday - Friday.

- **Call KCIW at 206-477-5300 or TTY: 711**
  - **View [staff phone list](#)**
  - **Email your assigned Investigator directly**
  - **Email our main mailbox: [info.kciw@kingcounty.gov](mailto:info.kciw@kingcounty.gov)**
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## King County is updating the look and feel of its website

King County residents, businesses, and visitors are a diverse and ever-changing community. We strive to provide a website that contains:




- Information that is accessible to and reflective of everyone we serve.
- Meaningful and up-to-date content that is easy to use and helps you find what you are looking for quickly.

To help achieve these goals, King County is slowly updating all of its webpages. In 2023, after we launch our newly designed website, you will still be able to find the same information on the Industrial Waste program, it will just look a little different.

In the meantime, you can get a preview of King County's new web design at <https://kingcounty.gov/en/>.

### Sign up to receive this newsletter by email

Questions about the industrial Waste Program? Contact us by phone 206-477-5300 , email [info.KCIW@kingcounty.gov](mailto:info.KCIW@kingcounty.gov) or on the web: <http://www.kingcounty.gov/industrialwaste>.



This newsletter is sent to the designated representative of any organization with a permit or authorization from King County Industrial Waste Program. Others in your organization can subscribe to this newsletter, update preferences or unsubscribe from messages. [Click here](#) and select "Industrial Waste Pretreatment Program Newsletter" under subscriber preferences.

