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**Sponsoring Agency:** Department of Natural Resources and Parks,  
Wastewater Treatment Division



**King County**

**Signature:** \_\_\_\_\_

**Date signed:** \_\_\_\_\_

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**I. Purpose**

This rule implements the provisions of King County Code (K.C.C.) Chapter 28.84 regarding the assessment of fees and charges to industrial users of the King County sanitary sewer system. This new rule promotes government efficiency and affords industrial users fair notice and an appeal process.

**Applicability and Audience** This rule applies to any person, as that term is defined in K.C.C. Section 28.82.600, discharging industrial wastewater directly or indirectly into any public sewer, private sewer, or side sewer tributary to the King County sanitary sewer system.

**II. Definitions**

The terms, words and phrases when used in this rule shall mean the following:

"BOD" shall mean biochemical oxygen demand as defined in K.C.C. Section 28.82.070.

"Categorical facilities" shall mean industrial users governed under the categorical pretreatment standards as promulgated by the U.S. Environmental Protection Agency.

"Compliance monitoring and administration fee" shall mean the charge that covers the cost of managing the control document. The cost includes information management (data entry, processing, or review), routine communication and correspondence, engineering, inspections, sampling, and laboratory analyses.

"Construction facilities" shall mean industrial users with control documents for construction sites.

"Control document" shall mean a permit or other type of authorization issued to an industrial user for disposal of industrial waste into the King County sanitary sewer system.

"High strength wastewater" shall mean wastewater that contains one or more conventional wastewater treatment parameters when the concentration is above that of domestic wastewater. This term typically applies to BOD and total suspended solids, but it does not specifically exclude the use of other wastewater treatment parameters.

"Issuance fee" shall mean the charge that covers the cost of issuing a control document. The fee covers the review of the application, communication with applicant to clarify and complete the request, site inspection (as required), draft and review of the document by appropriate personnel, and general administrative and mailing costs.

"Non-categorical facilities" shall mean industrial users governed under the local discharge limitations as published by King County and that are not classified as a categorical, construction, or surcharge facilities.

"Parameter" shall mean a municipal wastewater chemical constituent or unit of measurement as defined by a standard analytical method for wastewater treatment process control.

"Post-violation fee" shall mean the charge that covers the cost of activities following a violation. The cost includes, but is not limited to, inspections, sampling and analysis, and enforcement documentation.

"Surcharge facilities" shall mean industrial users that discharge high strength waste with waste strength higher than that of domestic waste as defined by the Wastewater Treatment Division (WTD) Director.

"Tier" shall mean the level assigned by the WTD Director to an industrial user for the purpose of determining that user's issuance fee as described in Section III.B and the compliance monitoring and administration fee as described in Section III.C.

"TSS" shall mean suspended solids as defined in K.C.C. Section 28.82.870.

"Wastewater Treatment Division Director" means the Director of the Wastewater Treatment Division and is the same as the title "Wastewater Treatment Division Manager" as referenced in Chapter 28.84

"Zero discharge facilities" shall mean categorical facilities that do not have the potential to discharge regulated process wastewater to the publicly owned treatment works.

### **III. Policy**

WTD recovers the costs associated with its industrial waste pretreatment program. Industrial waste program costs include, but are not limited to, the costs associated with issuing control documents, performing compliance monitoring and administration tasks (inspections, sampling events, laboratory analyses, data entry, processing, and report reviews), and conducting enforcement actions (post-violations). WTD also recovers treatment plant costs associated with treating industrial wastes that have waste strengths above domestic levels. King County's rules for assessing industrial waste fees are described below.

- A. Industrial users are responsible for paying all appropriate sewer and other fees.
- B. WTD assesses issuance fees for various types of control documents.

1. WTD issues multiple levels of control documents, including, but not limited to, the following:
  - a. Letter authorizations
  - b. Discharge authorizations
  - c. Discharge permits
2. The following criteria guide the assessment of categories for control documents and issuance fees:
  - a. Type of industrial/commercial facility
  - b. Size and complexity of industrial/commercial facility
  - c. Wastewater characteristics/pretreatment requirements
  - d. Type of collection system (i.e., combined vs. separated)
  - e. King County wastewater treatment plant receiving discharge
3. The WTD Director may update the types of control documents periodically.
4. The WTD Director determines the level of control document and may further assign an industrial user to a tier within the specific level of control document. The WTD Director may update the tier assignment annually based on the established criteria. The WTD Director may update the categories and tier system periodically.
5. WTD assesses issuance fees to the types of facilities listed below. The WTD Director reserves the right in the future to assess issuance fees to types of authorizations that are exempt from these fees, as indicated below in this Section.
  - a. Categorical: All categorical facilities will pay a fee for issuance except zero discharge facilities. The fee depends on the control document tier as determined by the WTD Director.
  - b. Construction: All construction facilities will pay a fee for issuance. The fee depends on the type of control document and tier as determined by the WTD Director.
  - c. Non-categorical: All non-categorical facilities will pay a fee for issuance, except for the types of control documents listed below. The fee depends on the type of control document and tier as

determined by the WTD Director. Non-categorical facilities with the following types of authorizations are exempt from paying issuance fees:

- i. Verbal authorizations: A verbal authorization is an approval for a one-time discharge of a small volume of waste that is considered to have no risk to the system. The authorization is issued either verbally over the phone or via email.
  - ii. No Control Document Required (NCDR): A NCDR is a confirmation communication between WTD and a commercial or industrial user. The users that receive a NCDR are not required to have a formal control document per K.C.C. and WTD's written procedures.
  - d. Surcharge: All surcharge facilities will pay a fee for issuance. The fee depends on the type of control document and tier as determined by the WTD Director.
6. WTD assesses a fee to renew a control document. The fee for a renewal will be set at 75 percent of the issuance fee of a new control document. The renewal fee applies to all facilities that pay issuance fees.
7. WTD assesses a fee for a revision of a control document. The fee for a revision will be set at 50 percent of the issuance fee of a new control document. King County may grant exemptions for revision fees for certain circumstances. The following criteria are applied to exemptions for the assessment of fees for revisions:
- a. All revisions initiated by King County are free of charge.
  - b. All minor revisions requested by an industrial user are free of charge. A minor revision is defined as follows:
    - i. Updating the name after transfer of a control document to a new owner.
    - ii. Correcting typographical errors.
    - iii. An extension of end date up to the maximum of 5 years.
    - iv. A change that is deemed minor, per the discretion of the Industrial Waste Program Manager.

8. The WTD Director shall review and may modify the issuance fees no more frequently than once per year and no less frequently than once every 5 years.

C. WTD assesses compliance monitoring and administration fees.

1. The types of regulated facilities listed below pay compliance monitoring and administration fees. The WTD Director assigns facilities to tiers. The compliance monitoring and administrative fee is based on estimated costs to monitor and administer permits or other authorizations within a tier. The WTD Director reserves the right in the future to assess compliance monitoring and administration fees to the types of authorizations that are currently exempt from these fees as indicated within each category below.

- a. Categorical: All categorical facilities will pay a compliance monitoring and administration fee, except for the facilities that are issued the types of authorizations listed below.

- i. Verbal authorizations
- ii. Letter authorizations (including zero discharge facilities)

- b. Construction: The fee depends on the type of authorization issued by the WTD Director. All construction facilities will pay a compliance monitoring and administration fee except for the facilities that are issued the types of authorizations listed below.

- i. Verbal authorizations
- ii. Letter authorizations (including General)
- iii. Discharge authorizations

- c. Non-categorical: The fee depends on the type of authorization issued by the WTD Director. All non-categorical facilities will pay a compliance monitoring and administration fee except for the facilities that are issued the types of authorizations listed below.

- i. Verbal authorizations
- ii. NCDR
- iii. Letter authorizations

- iv. Discharge authorizations
  - d. Surcharge: The fee depends on a facility's mass loading of high strength wastewater parameters, frequency of sampling events, and other factors. All surcharge facilities pay a compliance monitoring and administration fee, except for facilities that are issued verbal authorizations and letter authorizations associated with one-time, non-routine discharge approvals and facilities that are below a minimum loading threshold as determined by the WTD Director. For surcharge facilities, the compliance monitoring and administration fee is different from, and in addition to, the surcharge rate applied to recover WTD's treatment costs for waste strength above domestic levels.
- 2. The following criteria govern the assessment of tiers for compliance monitoring and administration fees:
  - a. Type, size, and complexity of facility
  - b. Risk of facility to the system
  - c. Frequency of sampling events, quantity of sample sites, and associated costs
  - d. Laboratory analytical costs
  - e. Frequency of inspections and associated costs
  - f. History of violations
- 3. Facilities in each of the four categories above (categorical, construction, non-categorical, and surcharge) may be assigned to individual tiers within the specific category. The WTD Director develops the tier system and assigns the tier for each facility. The WTD Director may update the tier assignment annually based on the established criteria. Additionally, the WTD Director may update the categories and tier system periodically.

Industrial users shall have the right to appeal the compliance monitoring and administration tier to which they are assigned by the WTD Director. Any industrial user who wishes to appeal the compliance monitoring and administration tier to which it has been assigned shall first request that the WTD Director reconsider the compliance monitoring and administration tier applicable to that user. This request must be made within 15 calendar days of the date of the WTD Director's determination of the industrial user's compliance monitoring and administration tier and

shall include the grounds for reconsideration and the relief sought. The WTD Director shall promptly issue a decision on the request for reconsideration. Within 24 calendar days of the date of issuance of the WTD Director's decision on the request for reconsideration, the industrial user may appeal the WTD Director's decision by filing a written statement of appeal with the Department of Natural Resources and Parks (DNRP) Director. The statement of appeal shall state the grounds for appeal. The DNRP Director shall determine whether the WTD Director's decision regarding the industrial user's compliance monitoring and administration tier is consistent with this public rule and K.C.C. 28.84.060 and shall promptly issue a final decision. The DNRP Director's determination of the appeal shall be final and is not subject to the appeal procedure in K.C.C. 28.84.100.

4. For industrial users with an existing control document, annual compliance monitoring and administrative fees will be determined by the WTD Director at the time this public rule goes into effect. For new industrial users, the WTD Director will assess compliance monitoring and administrative fees starting in the quarter following the effective date of the permit or authorization. For industrial users with an existing control document and new industrial users, compliance monitoring and administrative fees shall continue to be billed until the end of the quarter during which the permit or authorization expires or is terminated. The WTD Director shall review the costs and their allocation no more frequently than once per year and no less frequently than once every 5 years.

D. WTD assesses fees to recover treatment costs for waste strength above domestic levels for surcharge facilities.

1. The WTD Director assesses surcharge treatment fees for all industrial users discharging high strength wastewater above the minimum threshold. The WTD Director shall periodically establish the minimum concentration thresholds for surcharge parameters that apply to high strength waste industrial users that represent an amount above domestic wastewater strength. The WTD Director may also establish the minimum loading threshold for assessing the collection of surcharge fees from industrial users based on an assessment of the cost-effectiveness of the WTD to recover these costs. The WTD Director may use constituents other than BOD and/or TSS if those constituents are more appropriate to characterize the waste for establishing waste strength.
2. If the industrial user cannot provide wastewater volume data that is representative of the discharge from the facility, the WTD Director may

use production levels or other available data to extrapolate or approximate wastewater volumes as a surrogate for measured values. When using other available data, the values to establish the relationship between production and associated wastewater discharge volume shall be based on data from facilities in the same industrial category or from published values. Such an approximation of discharge volumes for an industrial user may continue until an average annual discharge volume can be measured that is representative of the discharges from the facility. The WTD Director may also use published values for the determination of waste strengths and loadings. Industrial users seeking alternative measures for surcharge parameters (e.g., COD:BOD ratios, etc.) for purposes of determining loadings are required to provide a statistical procedure demonstrating equivalency acceptable to King County.

3. The routine surcharge fee associated with treatment is based on:
  - a. The cost of treating the high strength waste above the minimum concentration or loading threshold established by the WTD Director. The WTD Director may update the minimum thresholds periodically.
  - b. The allocation of costs for conveyance of wastewater through collection and treatment (e.g., flow) and for the removal of BOD and TSS. The unit costs for BOD and TSS are computed from the actual costs of operating and maintaining the County's sewage system by allocating costs to flow, BOD, and TSS and dividing the allocated costs by the total amounts of flow, BOD, and TSS treated in the County's sewage system. The allocation of costs is reviewed and updated periodically by the WTD Director.
  - c. Average waste strength for each parameter and volume of discharge by the industrial user.
  - d. Facility classification by user group and assignment of a waste strength or production-based waste load based on measured values for representative industrial users within each group or by calculation of the waste strength for each facility. Waste strengths that are calculated for a specific facility by direct measurement include the following criteria:
    - i. The waste strength is based on BOD and/or TSS concentration.
    - ii. The WTD Director may allow use of alternatives to BOD and/or TSS to assess waste strength.



- iii. The waste strength is the average concentration from an established time range that the WTD Director approves.
      - iv. The waste strength is calculated using an established minimum data point requirement for BOD and/or TSS that the WTD Director approves.
      - v. The waste strength will be adjusted annually.
      - vi. The WTD Director may allow adjustments to the waste strength during the year based on a demonstrated operational change by the industrial user. The change will be effective upon confirmation by the County of the new waste strength.
    - e. The total average discharge volume for 12 months or use of production rates or other available data to approximate wastewater discharge rates.
  4. Industrial users shall have the right to appeal the waste strength values the WTD Director develops by submitting a series of analyses from a state-certified laboratory documenting the substitute values proposed by the industrial user. Satisfactory sampling and analytical techniques in such instances shall be subject to prior approval by the WTD Director. Acceptable results submitted by the user will be combined with King County's results to determine the average annual waste strength.
  5. The WTD Director assesses surcharge fees for the discharge of non-routine, one-time high strength waste discharged to the system based on an established cost-effective minimum thresholds.
- E. WTD assesses post-violation charges to permitted and unpermitted facilities that are found to be in violation of the King County Code, specific control document conditions, or discharge limits.
1. The fee includes the cost of sampling, analyses, inspection, and preparation and development of the final enforcement action.
  2. The WTD Director may update the post-violation fee schedule annually. The WTD Director may adjust specific charges to reflect the actual costs associated with sampling, laboratory analyses, and inspection.

#### **IV. Implementation Plan**

This rule becomes effective 30 days after filing with King County Department of Executive Services, Records and Licensing Services Division, Archives, Records Management and Mail Services Section. WTD is responsible for implementation of this

rule. WTD directly bills industrial users for issuance and post-violation fees. In addition, each local wastewater agency shall bill and collect compliance monitoring and administration fees and surcharge fees for the industrial users within each respective agency's jurisdiction.

**V. Maintenance**

- A. This rule will be maintained by WTD or its successor agency.
- B. This rule will remain in effect until it is repealed or replaced.

**VI. Consequences for Noncompliance**

In addition to all other remedies authorized by law, including those set forth in K.C.C. 28.84.060, WTD may seek payment of any unpaid industrial waste fees through collection agencies.

**Appendices:** None