

Document Code No.: PUD-8-25-DP

Title: Delegation of Authority for Industrial Waste Rules and Regulations

Affected Agencies: Department of Natural Resources and Parks; Wastewater Treatment Division; Industrial Waste Unit

Authorities: King County Code, Chapter 28.82 and Chapter 28.84

Keywords: Delegation of authority, industrial waste

Sponsoring Agency: Department of Natural Resources and Parks



King County

Signature:

Date signed:

9/15/2020

A handwritten signature in black ink, appearing to be "C. J. [unclear]".

I. Purpose

Under King County Code (K.C.C.) 28.84.060 and 28.84.100, the King County Department of Natural Resources and Parks (DNRP) Director has been authorized to administer and implement rules and regulations for the disposal of industrial waste into the King County sanitary sewer system and to reconsider decisions that include, but are not limited to, permits, fees and charges, enforcement actions, and penalties. The purpose of this departmental policy is to delegate authority to subordinate staff within the King County Wastewater Treatment Division (WTD) to act on behalf of the DNRP Director in administering and implementing such rules and regulations and for reconsideration of decisions.

Applicability and Audience This policy applies to employees of WTD and the Industrial Waste Program within DNRP.

II. Definitions

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

"Department of Natural Resources and Parks" or "DNRP" shall mean the King County Department of Natural Resources and Parks.

"Director" shall mean the director of the Department of Natural Resources and Parks.

"Industrial waste," as defined in K.C.C., Section 28.82.380, is any liquid, solid, or gaseous substance, or combination thereof, resulting from any process of industry, government agency, manufacturing, commercial food processing, business, agriculture, trade, or research, including, but not limited to, the development, recovery, or processing of natural resources, leachate from landfills or other disposal sites, decant water, contaminated non-process water, and contaminated stormwater and groundwater.

"King County Industrial Waste Program" or "KCIW" refers to King County's industrial waste pretreatment program that has been delegated and granted authority from the Washington State Department of Ecology to enforce the federal pretreatment regulations contained in 40 Code of Federal Register 403.

"King County sanitary sewer system" shares the same meaning as "metropolitan sewer system," as defined in K.C.C., Section 28.82.500.

"Wastewater Treatment Division" or "WTD" shall mean the division established within DNRP that is responsible for implementation of industrial waste and pretreatment programs defined by the Clean Water Act of 1972, as amended; the General Pretreatment Regulations (40 CFR Part 403); other applicable federal and state laws and regulations; and K.C.C., Chapter 28.84.

"Wastewater Treatment Division Director" is the title of the director of WTD; it is synonymous with the title, "Wastewater Treatment Division Manager," as referenced in K.C.C., Chapter 28.84.

III. Policy

Per K.C.C. Chapter 28.84, the DNRP Director has been authorized to administer and implement rules and regulations for the disposal of industrial waste into the King County sanitary sewer system. It is also the DNRP Director's responsibility to review and act fairly and objectively on timely submitted requests for reconsiderations from persons allegedly aggrieved by decisions related to industrial waste permits, enforcement actions, and penalties under K.C.C., Section 28.84.060 and Section 28.84.100. As a division within DNRP, WTD owns, operates, and maintains wastewater facilities for the conveyance, treatment, recycling, and discharge of industrial and other wastewaters. As a delegated pretreatment program, it is KCIW's responsibility to protect worker safety, conveyance and treatment infrastructure, public health, and the environment from industrial and commercial wastewater discharges. KCIW is required to prevent pollutants from entering the King County sanitary sewer system that may interfere with, or pass through, its treatment systems to the environment, advancing opportunities to recycle and reclaim wastewater and biosolids generated during the treatment process.

The following subsections (A–E) outline DNRP's policy concerning the delegation of authority to delegate staff within WTD to act on behalf of the DNRP Director in administering and implementing rules and regulations for the disposal of industrial waste into the King County sanitary sewer system and to reconsider decisions.

A. LIMITS OF DELEGATION

This delegation of authority policy shall not be construed to limit the ability of the DNRP Director or DNRP Deputy Director, acting on behalf of the director, to take any or all actions delegated hereunder.

B. RESOLUTION OF ISSUES RELATED TO DELEGATION

Any questions regarding this delegation of authority policy shall be directed to the DNRP Director for resolution. In the event any portion of this delegation of authority policy is uncertain, ambiguous, or otherwise not clear, the DNRP Director shall be deemed to have full authority to act.

C. DELEGATION OF AUTHORITY TO THE WASTEWATER TREATMENT DIVISION DIRECTOR

1. The DNRP Director hereby delegates authority to the WTD Director responsibilities related to industrial waste rules and regulations for the disposal of industrial waste into the King County sanitary sewer system, including, but not limited to, the following functions: permitting, fees and charges, enforcement actions, and penalties, except as otherwise provided in this departmental policy.
2. The WTD Director or designee shall manage and supervise the Industrial Waste Unit, which shall administer and implement the industrial waste rules and regulations, except as otherwise provided in this departmental policy.
3. The WTD Director shall exercise and not sub-delegate the authority to establish rules for the use of food grinders and acceptance of stormwater, surface water, groundwater, roof runoff, subsurface drainage, cooling water, and unpolluted wastewater under K.C.C., Section 28.84.060, as amended.
4. The WTD Director shall exercise and not sub-delegate the authority to publish local discharge limits under K.C.C., Section 28.84.060, as amended.
5. The WTD Director shall exercise and not sub-delegate the authority to approve revocations and suspensions of discharge permits and authorizations under K.C.C., Section 28.84.060, as amended, based on investigations, reports, and documentation prepared by KCIW.
6. The WTD Director shall exercise and not sub-delegate the authority to approve and ensure implementation of an enforcement response plan under K.C.C., Section 28.84.060, as amended.
7. The WTD Director shall exercise and not sub-delegate the following enforcement-related authorities under K.C.C., Section 28.84.060, as amended, based on investigations, reports, and documentation prepared by KCIW:
 - a. In consultation with the DNRP Director, approve imposition of civil penalties equal to or exceeding \$100,000.
 - b. Approve determinations to terminate discharges for violation of certain conditions.
 - c. In consultation with the Prosecuting Attorney's Office, determine whether to refer cases to state and federal authorities for criminal enforcement actions.
 - d. In consultation with the DNRP Director, approve assessments for damages and costs equal to or exceeding \$100,000.
 - e. In consultation with the DNRP Director, approve post-violation inspection and monitoring program charges equal to or exceeding \$100,000.
 - f. Request administrative inspection warrants from the King County Superior Court.
 - g. Determine whether to approve supplemental environmental projects in exchange for reductions in monetary penalties.

h. Establish rules for considering and accepting such supplemental environmental projects.

8. The WTD Director shall exercise and not sub-delegate the authority to delegate responsibility to participant local agencies when a participant agency has requested delegation.

D. RECONSIDERATION OF DECISIONS

The responsibility to review and act fairly and objectively on timely submitted requests for reconsiderations from persons allegedly aggrieved by decisions, including, but not limited to, industrial waste permits and discharge authorizations, enforcement actions, and penalties under K.C.C., Section 28.84.060 and Section 28.84.100, shall be administered as follows:

1. If the WTD Director made the decision, reconsideration shall be made by the DNRP Director or the DNRP Director's designee.
2. If an Industrial Waste Unit employee or supervisor made the decision, reconsideration shall be made by the WTD Director.

E. SUB-DELEGATIONS

1. Except as provided otherwise herein, the WTD Director may sub-delegate the authorities described herein to the WTD Deputy Director in order to achieve efficiency and place such authority and responsibility at the most appropriate level within the division.
2. Except as provided otherwise herein, the WTD Director and the Industrial Waste Unit Supervisor may sub-delegate the authorities described herein to subordinates under their control and supervision in order to achieve efficiency and place such authority and responsibility at the most appropriate level within the division.
3. Sub-delegations of authority shall include employees serving in "acting" positions.
4. All sub-delegations shall be made in writing and the corresponding document provided to the DNRP Director.

IV. Implementation Plan

This departmental policy supersedes all previous delegations of authority related to the administration and implementation of industrial waste rules and regulations for the disposal of industrial waste into the King County sanitary sewer system. This departmental policy becomes effective the date that it is signed by the DNRP Director. DNRP is responsible for implementation of this policy. DNRP is also responsible for communicating this policy to the management structure within their respective divisions and to other appropriate parties.

V. Maintenance

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

VI. Consequences of Noncompliance

Not applicable.