



## City of Port Orchard Council Work Study Session

June 20, 2023

6:30 p.m.

### Mayor:

Rob Putaansuu  
Administrative Official

### Councilmembers:

Mark Trenary (Mayor Pro-Tempore)  
E/D & Tourism Committee, **Chair**  
Utilities/Sewer Advisory Committee  
Transportation Committee  
KRCC-alt

Shawn Cucciardi  
Finance Committee  
E/D & Tourism Committee  
Lodging Tax, **Chair**

Fred Chang  
Economic Development & Tourism Committee  
Land Use Committee  
Transportation Committee

Jay Rosapepe  
Finance Committee,  
Land Use Committee  
KRCC, PSRC-alt, PSRC Transpol-alt, KRCC Transpol  
alt, KRCC Planpol-alt,

John Clauson  
Finance Committee, **Chair**  
Utilities/Sewer Advisory Committee  
Kitsap Public Health District-alt

Cindy Lucarelli  
Festival of Chimes & Lights Committee, **Chair**  
Utilities/Sewer Advisory Committee, **Chair**  
Kitsap Economic Development Alliance

Scott Diener  
Land Use Committee, **Chair**  
Transportation Committee

**Department Directors:**  
Nicholas Bond, AICP  
Development Director

Tony Lang  
Public Works Director

Tim Drury  
Municipal Court Judge

Noah Crocker, M.B.A.  
Finance Director

Matt Brown  
Police Chief

Brandy Wallace, MMC, CPRO  
City Clerk

### Meeting Location:

Council Chambers, 3<sup>rd</sup> Floor  
216 Prospect Street  
Port Orchard, WA 98366

### Contact us:

(360) 876-4407  
cityhall@portorchardwa.gov

*Pursuant to the Open Public Meetings Act, the City Council is conducting its public meeting in the Council Chambers at City Hall. Members of the public may view and provide public comment during the meeting in person at City Hall, via the online platform zoom (link below), or via telephone (number below). The public may also view the meeting live on the City's YouTube channel.*

### Remote access

Link: <https://us02web.zoom.us/j/87216597102>

Zoom Webinar ID: 87216597102

Zoom Call-In: 1 253 215 8782

### Guiding Principles

- Are we raising the bar?
- Are we honoring the past, but not living in the past?
- Are we building connections with outside partners?
- Is the decision-making process positively impacting diversity, equity, and inclusion?

## CALL TO ORDER

### Pledge of Allegiance

1. Kitsap County Housing Grants (Kitsap County Department of Human Services/Bond) **Page 2**  
Estimated Time: 20 minutes
2. Kitsap Transit Port Orchard Transit Center Presentation (Bond) **Page 12**  
Estimated Time: 20 minutes
3. Community Needs Assessment (Tony Ives, KCR) **Page 25**  
Estimated Time: 20 minutes
4. Cross Connection Control and Fats, Oils and Grease Plan (J. Brown) **Page 40**  
Estimated Time: 15 minutes

## Good of the Order



## City of Port Orchard Work Study Session Executive Summary

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**Issue Title:** Kitsap County Housing Grants

**Meeting Date:** June 20, 2023

**Time Required:** 20 Minutes

**Attendees:** Nick Bond

**Action Requested at this Meeting:** View Presentation, Ask Questions, Discuss

**Issue:** Kitsap County’s Department of Human Services requested time to present information on their 2024 Coordinated Grant Application Process. They will discuss available funding, their role, and opportunities for agencies including Port Orchard

**Background:** In 2021, the City of Port Orchard opted not to collect its own .1% of sales tax for emergency and supportive housing and instead allow its sales tax dollars to be collected by and pooled with Kitsap County. Kitsap County has been collecting these funds and has opened it’s first round of grant funding for organizations and agencies wishing to provide housing and services. The city is working to submit an application that will allow it to build a permanent supportive home in 2024-25.

**Alternatives:** Various.

**Recommendations:** None

**Attachments:** Presentation

# Kitsap County

## 2024 Coordinated Grant Application Process

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Department of Human Services

Port Orchard City Council

June 20, 2023



# 2024 Coordinated Grant Application Process

## Overview

Seven (7) County funding sources will utilize the Coordinated Grant Application Process:

- Affordable Housing Grant Program (AHGP)
- Community Development Block Grant (CDBG) – County & City of Bremerton
- Community Investments in Affordable Housing (CIAH)
- HOME Investment Partnership (HOME) – County & City of Bremerton
- HOME funds authorized through the American Rescue Plan (HOME-ARP)
- Homeless Housing Grant Program (HHGP)
- Mental Health, Chemical Dependency and Therapeutic Court Programs (MHCDTC)



# 2024 Coordinated Grant Application Process

## CIAH Funding

- ❖ **Construct** or **acquire** affordable housing (**emergency** shelter, **transitional** housing, and supportive housing [**PSH**]) which may include new units of affordable housing within an existing structure; [or](#)
- ❖ **Construct** or **acquire** behavioral health-related facilities, or acquiring land for these purposes; [or](#)
- ❖ Fund the **operations** and **maintenance** costs of **new units** of affordable housing and facilities.
- ❖ Fund operation, delivery, or evaluation of behavioral health treatment programs and services or housing-related **services** (includes rental assistance).

# 2024 Coordinated Grant Application Process

## Block Grant Funding

- ◆ Community Development Block Grant (CDBG) and Home Investment Partnership (HOME) funds are Federal sources from HUD for:
  - ◆ Housing
  - ◆ Public Services
  - ◆ Community & Economic Development
- ◆ Projects principally benefit low-income individuals, families and neighborhoods
- ◆ Funds are allocated annually by HUD based on a formula and subject to the federal budget.
- ◆ HOME-ARP funds are a special one-time allocation of funds for housing and services to address homeless, those at risk of homelessness, or other vulnerable populations.



# 2024 Coordinated Grant Application Process

## Key Dates

- June 1 through 28 - Pre-Application Appointments
- June 26 & 27 – TA Training for Applicants via Zoom
- June 29 - Grant Applications Open online @ Noon
- **July 27 - Grant Applications due @ Noon**
- August – Review Committees score applications
- August 29 – 31 – Capital application interviews
- September 15 – Recommendations made public & Comment period begins
- October 23 – Board of County Commissioners Public Hearing

# Process Flow





# Coordinated Grant Application Process

## Review Committees

| Capital GRC   | Services GRC  | MHCDTC<br>Advisory Board                                 |
|---|---|--|
| <ul style="list-style-type: none"><li>• CDBG</li><li>• HOME</li><li>• HOME-ARP</li><li>• CIAH</li></ul> | <ul style="list-style-type: none"><li>• AHGP</li><li>• HHGP</li><li>• CDBG*</li></ul> | <ul style="list-style-type: none"><li>• MHCDTC</li></ul> |

\* Participates every other year (2023, 2025, etc.)



# Coordinated Grant Application Process

## Capital Grant Review Committee

- 8-member committee reviews and scores applications with County staff, re-built annually.
  - 3 members – 1 each to represent North, Central, and South Kitsap, selected by that commissioner.
  - 4 members – 1 each to represent Bremerton, Poulsbo, Bainbridge Island, and Port Orchard, chosen by that Mayor.
  - 1 member chosen at-large, selected jointly by the Commissioners
- Recommendations are provided with a 30-day comment period
- Board of County Commissioners gets final approval

# Coordinated Grant Application Process

## Website Content

- ◇ Participating Program RPFs and NOFAs
- ◇ Schedules and Key Dates
- ◇ Program Policy Plans
- ◇ Contact Information
- ◇ Subscribe to GovDelivery

- ◇ Link to Website: 



## City of Port Orchard Work Study Session Executive Summary

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**Issue Title:** Downtown Transit Center Presentation

**Meeting Date:** June 20, 2023

**Time Required:** 20 Minutes

**Attendees:** Nick Bond

**Action Requested at this Meeting:** View Presentation, Ask Questions, Discuss

**Issue:** Kitsap Transit is exploring alternatives for a new downtown Port Orchard transit center. Staff from Kitsap Transit along with their consultants from KPFF Engineering will be making a presentation about the project and the alternatives that they have identified.

**Background:** <https://www.kitsaptransit.com/port-orchard-transit-center>

**Alternatives:** Alternatives are presented in the presentation.

**Recommendations:** None

**Attachments:** Presentation

May 2, 2023

# KITSAP TRANSIT PORT ORCHARD TRANSIT CENTER PLANNING STUDY

kpff

# PROJECT PURPOSE & NEED

## PURPOSE OF THE PROJECT

The purpose of the Project is to improve regional mobility through an expanded transit center in the downtown Port Orchard area. Expansion of the Port Orchard Transit Center will increase bus capacity, provide increased capacity for passengers, improve rider and driver amenities, and provide safer traffic patterns. Additionally, the Project seeks to incorporate the Downtown Port Orchard Subarea Plan into its design process, supporting the sustainable growth and livability of the downtown area.

The Project aims to identify a site that will increase integration of routed bus travel with other non-motorized modes and maintain or improve rider access to ferry terminals between downtown Port Orchard and Bremerton. The Project strives to provide a link between employment, cultural, healthcare, and retail destinations. An expanded Port Orchard Transit Center will accommodate the long-term operation of KT routed service, with the goal to improve access to jobs and housing opportunities in regional growth centers while expanding mobility options for minority and low-income populations. Port Orchard and Bremerton have the highest concentrations of low-income and minority residents in the County.

## NEED FOR AN EXPANDED PORT ORCHARD TRANSIT CENTER

KT buses are currently using the very limited space outside of the downtown Port Orchard library to load and unload passengers. The current site is small and lacks the amenities necessary for long-term transit system growth. The Port Orchard library site is the second busiest transfer point for KT's routed bus and ferry operations behind the downtown Bremerton Transportation Center. After seeing unprecedented growth in the area, KT is seeking better options for a transit center which could better serve multimodal transit riders, KT operators (both ferry and bus), community members, and ADA passengers. The Project would address the very limited accommodations faced by ADA riders at the current space by developing more equitable facilities.

As stated in KT's Long Range Transit Plan (LRTP), Kitsap County is expected to grow by approximately 100,000 residents and 57,000 jobs over the next thirty years. Much of this growth will be concentrated in the dense downtown areas of Port Orchard and Bremerton. Kitsap County recently surpassed 300,000 residents at the end of 2022. Given the geographical layout of Kitsap County and the limited availability of highway space, the Kitsap Peninsula is known for its difficult driving and traffic challenges. Transportation capacity constraints will only continue with the projected increase in population.

The Project aims to mitigate the effects of increased traffic on our local downtown communities, support multimodal transportation systems, and increase convenience for ridership. Picking a site that addresses KT's needs and expectations is a critical component to project success. Future development plans for the subject area outlined in the Downtown Port Orchard Subarea Plan along with KT's LRTP should help guide project decision making.



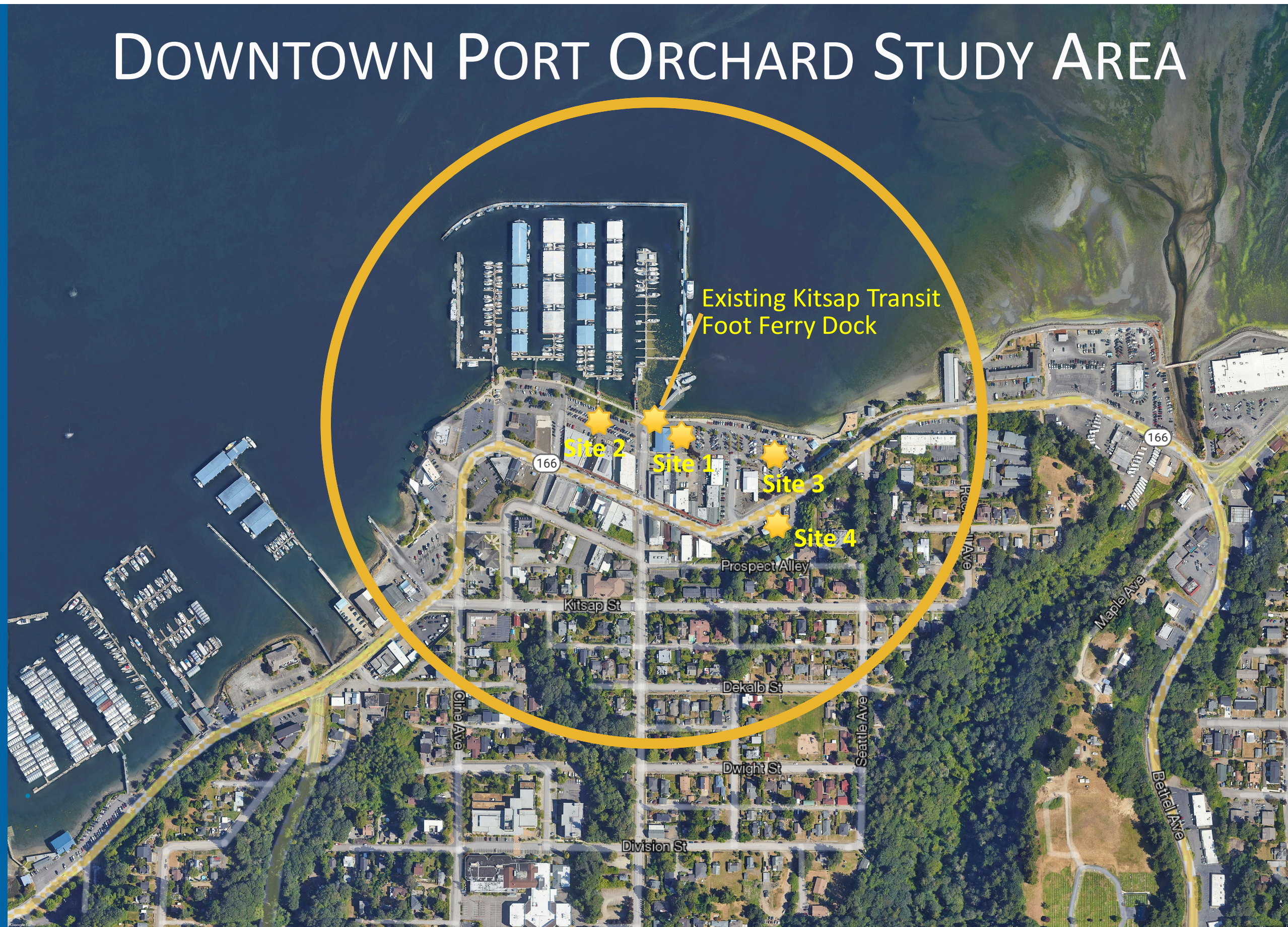


# KEY CONSIDERATIONS RELATIVE TO TRANSIT CENTER SITING STUDY

- Port Orchard Transit Center located within ¼ mile of existing Port Orchard Foot Ferry Dock
- New Port Orchard Community Events Center POCEC to open at former Kitsap Bank site
- Existing Port Orchard (Kitsap Regional) Library to relocate to new POCEC and vacate existing building
- Existing Port Orchard Farmer's Market to relocate in proximity to POCEC
- Transit Center fits within context of Downtown Port Orchard Subarea Plan

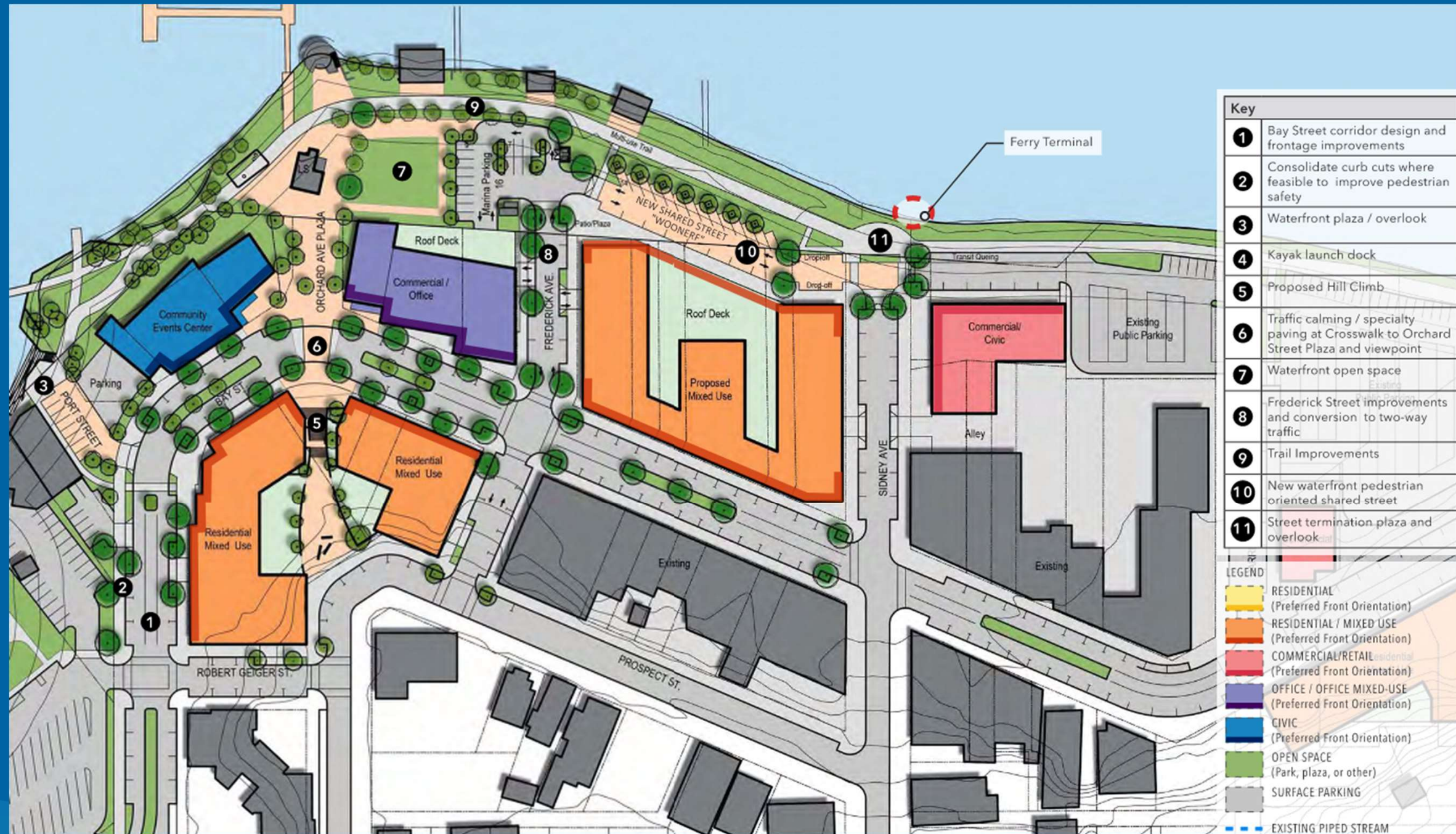


# DOWNTOWN PORT ORCHARD STUDY AREA





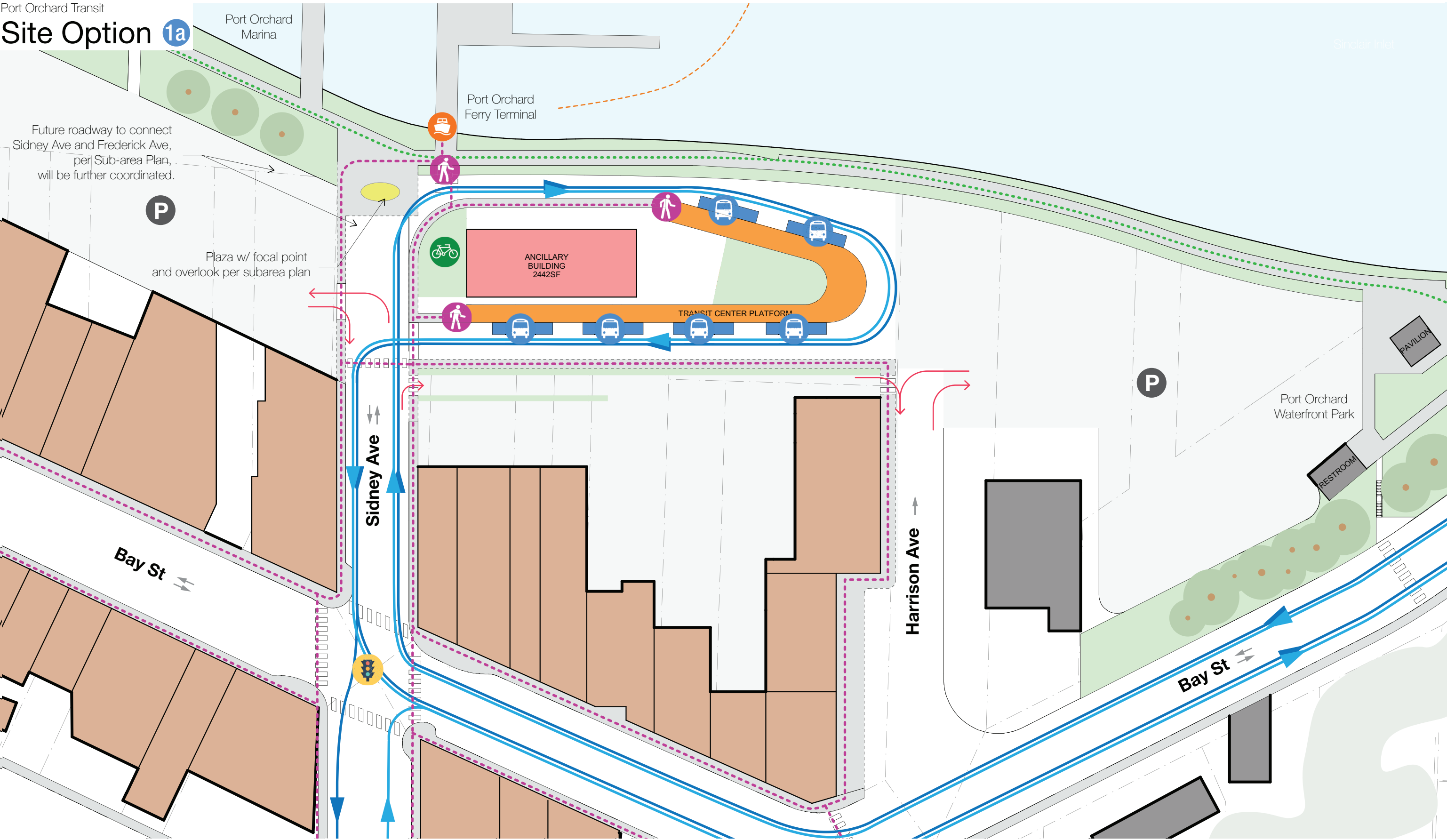
# DOWNTOWN PORT ORCHARD SUBAREA PLAN



# CURRENT SITE OPTIONS UNDER STUDY



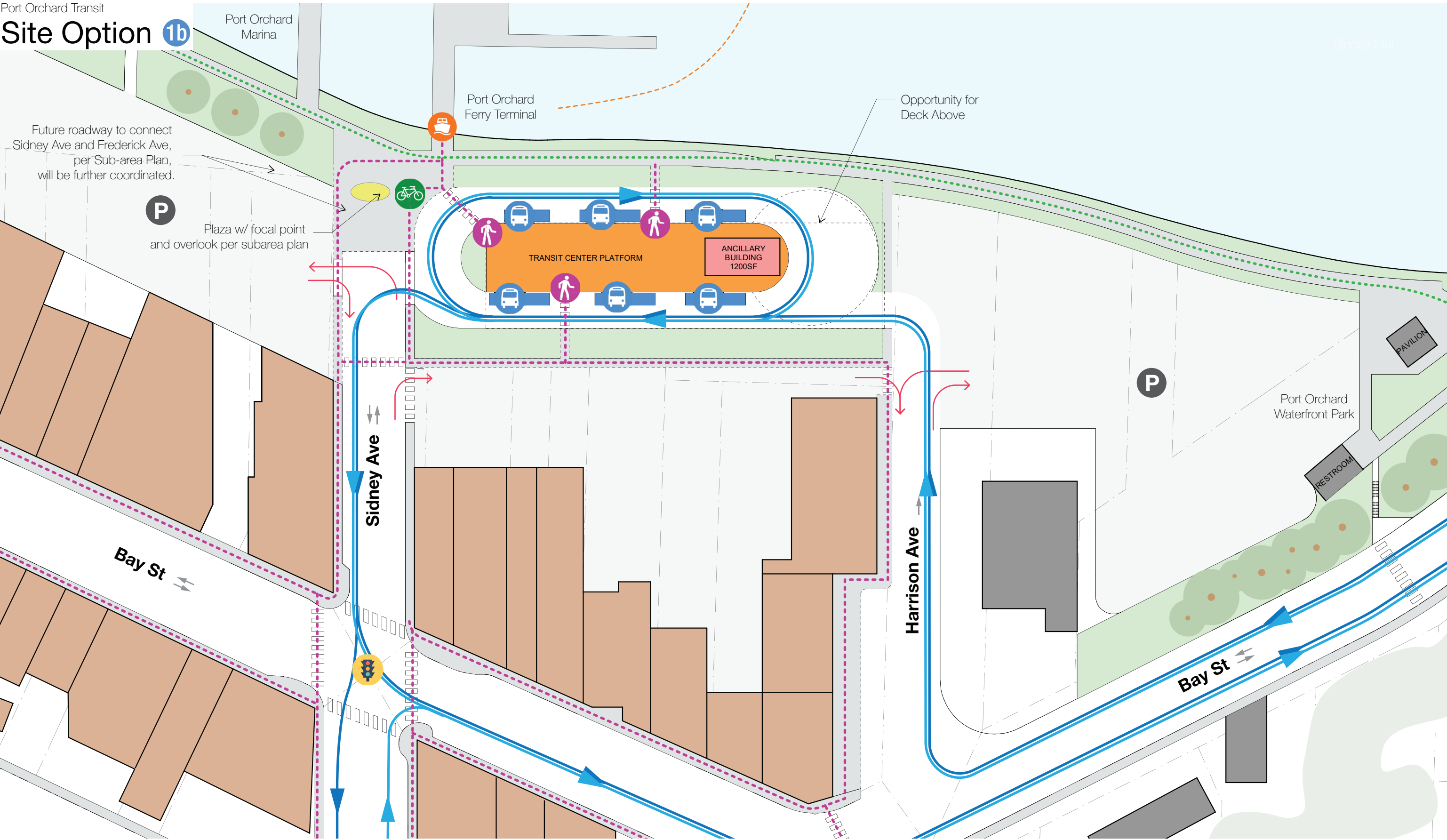
Port Orchard Transit  
**Site Option 1a**



- |                |                 |                        |                 |                           |                   |
|----------------|-----------------|------------------------|-----------------|---------------------------|-------------------|
| Active Bus Bay | Existing Signal | Potential Bike Storage | Bike Route      | Existing Travel Direction | Future Commercial |
| Future Bus Bay | Proposed Signal | Pedestrian Access      | Bus Route       | Bay Street Retail Core    | Existing Library  |
| Ferry Terminal | Surface Parking | Pedestrian Route       | General Purpose | Commercial Building       | Green Space       |



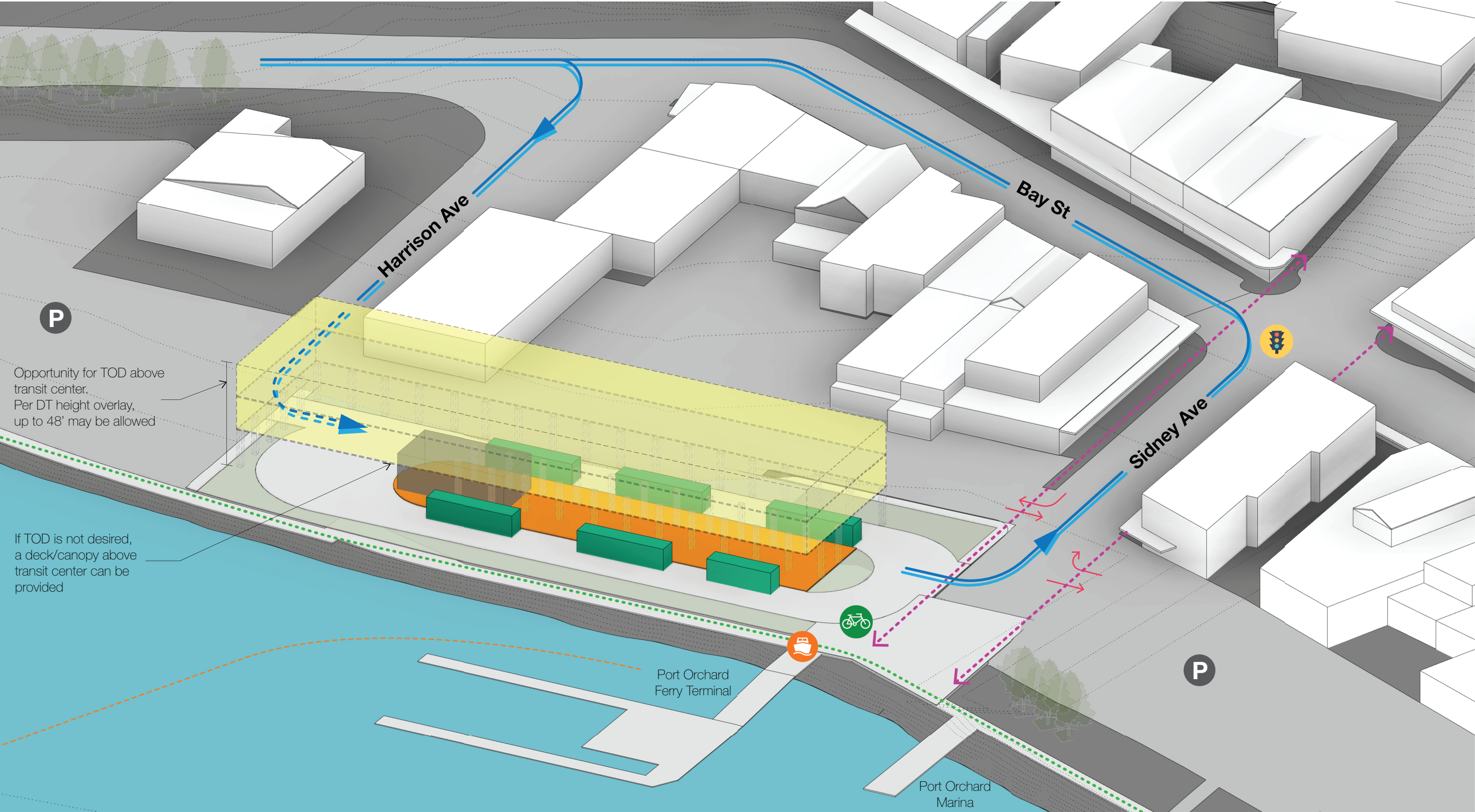
Port Orchard Transit  
**Site Option 1b**



- |                |                 |                        |                 |                           |                   |
|----------------|-----------------|------------------------|-----------------|---------------------------|-------------------|
| Active Bus Bay | Existing Signal | Potential Bike Storage | Bike Route      | Existing Travel Direction | Future Commercial |
| Future Bus Bay | Proposed Signal | Pedestrian Access      | Bus Route       | Bay Street Retail Core    | Existing Library  |
| Ferry Terminal | Surface Parking | Pedestrian Route       | General Purpose | Commercial Building       | Green Space       |

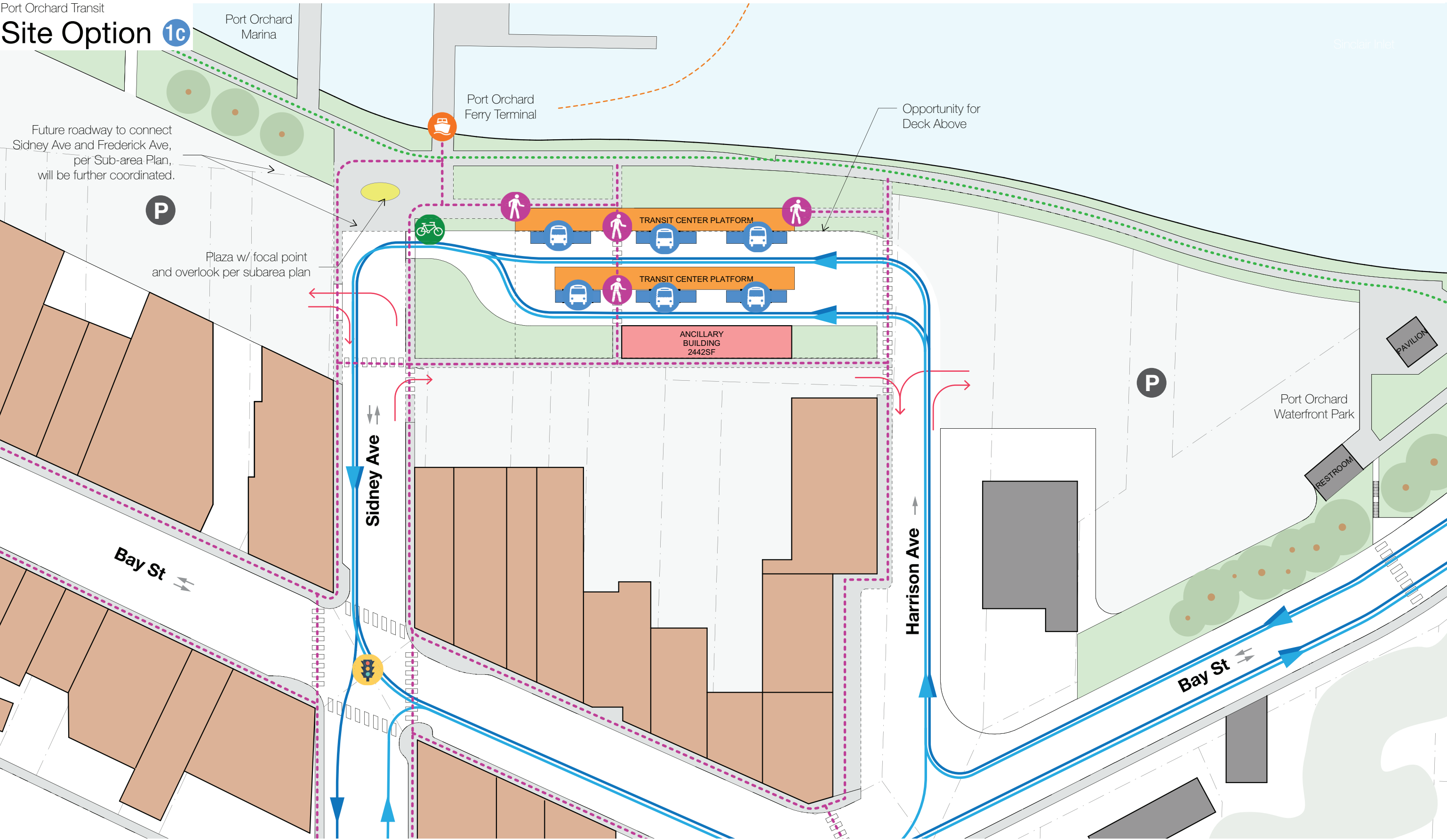
Port Orchard Transit

# Site Option 1b 3D View



- |                |                 |                        |                 |
|----------------|-----------------|------------------------|-----------------|
| Active Bus Bay | Existing Signal | Potential Bike Storage | Bike Route      |
| Future Bus Bay | Proposed Signal | Pedestrian Access      | Bus Route       |
| Ferry Terminal | Surface Parking | Pedestrian Route       | General Purpose |

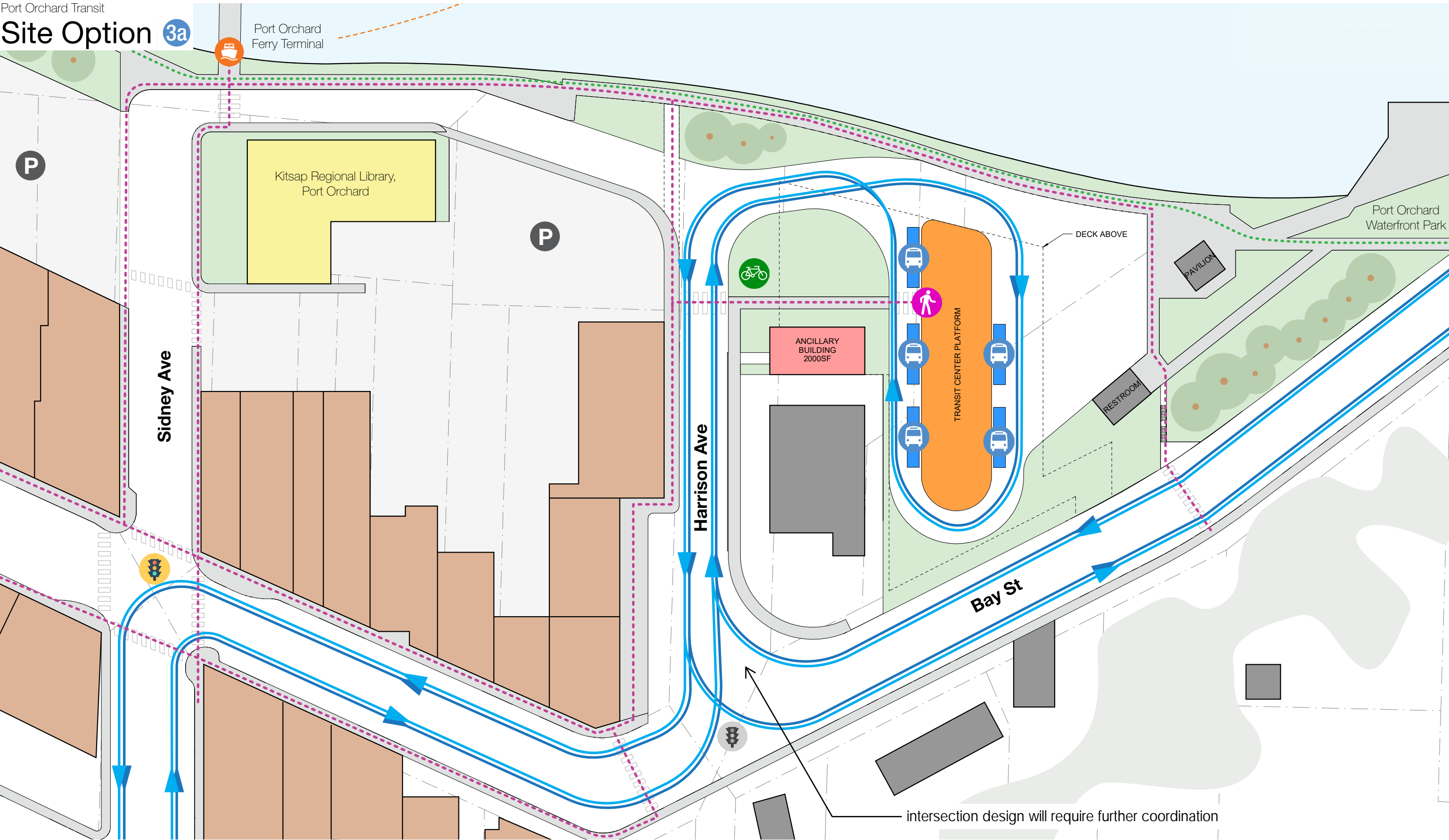
Port Orchard Transit  
**Site Option 1c**



- |                |                 |                        |                 |                           |                   |
|----------------|-----------------|------------------------|-----------------|---------------------------|-------------------|
| Active Bus Bay | Existing Signal | Potential Bike Storage | Bike Route      | Existing Travel Direction | Future Commercial |
| Future Bus Bay | Proposed Signal | Pedestrian Access      | Bus Route       | Bay Street Retail Core    | Existing Library  |
| Ferry Terminal | Surface Parking | Pedestrian Route       | General Purpose | Commercial Building       | Green Space       |



Port Orchard Transit  
**Site Option 3a**



- |                 |                        |                 |                     |                  |
|-----------------|------------------------|-----------------|---------------------|------------------|
| Active Bus Bay  | Proposed Signal        | Surface Parking | Bay St Retail Core  | Surface Parking  |
| Ferry Terminal  | Pedestrian Access      | Transit Route   | Commercial Building | Existing Library |
| Existing Signal | Potential Bike Storage | Bike Route      | Future Commercial   | Green Space      |

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# Thank You!





# Results from the KCR Community Survey & Focus Group Discussions

Assessment &  
Epidemiology Program  
Anthony Ives, KCR



# Who participated in the survey?

The survey was open from June through October 2022, **4,205** responses were included in the analysis.

| Race and Ethnicity* (n = 4,205)     |                  |                  |
|-------------------------------------|------------------|------------------|
|                                     | # of respondents | % of respondents |
| African American or Black           | 124              | 3%               |
| Asian or Asian American             | 210              | 5%               |
| Hispanic, Latino or Latinx          | 233              | 6%               |
| Native American or American Indian  | 201              | 5%               |
| Native Hawaiian or Pacific Islander | 76               | 2%               |
| White or Caucasian                  | 3,405            | 81%              |
| Middle Eastern or North African     | 35               | 1%               |
| Prefer not to answer                | 371              | 9%               |
| Multiracial                         | 357              | 9%               |
| Single Race or Ethnicity            | 3,477            | 91%              |

| Age Group (n = 4,205)                |                     |                     | Kitsap<br>% of<br>total |
|--------------------------------------|---------------------|---------------------|-------------------------|
|                                      | # of<br>respondents | % of<br>respondents |                         |
| Younger than 18                      | 9                   | 0%                  | 20%                     |
| 18-24                                | 153                 | 4%                  | 9%                      |
| 25-34                                | 565                 | 13%                 | 13%                     |
| 35-44                                | 711                 | 17%                 | 12%                     |
| 45-54                                | 561                 | 13%                 | 11%                     |
| 55-64                                | 760                 | 18%                 | 14%                     |
| 65 or older                          | 1,337               | 32%                 | 21%                     |
| Prefer not to answer/Did not respond | 109                 | 3%                  |                         |



# Who participated in the focus groups?

In all, **ten focus group discussions** were held from October through December 2022 with the general community and specific community groups.

General  
Community

African  
American/Black  
Community  
Members

Community  
Social Service  
Agency  
Providers

Mam-speaking  
Community  
Members

People  
Experiencing  
Homelessness

Spanish-  
speaking  
Community  
Members

Tribal  
Community  
Members

# What did we hear?

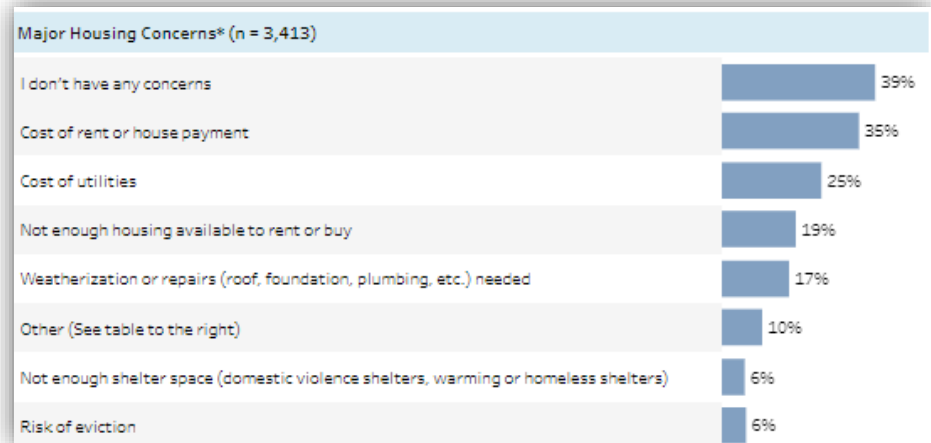


*Source: Image by upklyak on Freepik*

# 1. Challenges meeting basic needs

**Cost** was the primary barrier preventing survey respondents from meeting basic needs for housing, food, reliable transportation, and childcare. Of these basic needs, housing impacted the most participants with 35% (n=1,197) reporting cost of rent or house payment as a major housing concern (see figure on the right).

Participants in eight of ten focus groups discussed ongoing challenges to meeting basic needs for themselves and their families. Housing in particular was a major concern with participants discussing the **lack of affordable housing and shelters in Kitsap and the need for home repairs, including weatherization support and ramps for the elderly.**



*“[We need] affordable housing, transportation, and better shelters, because I was in one and they banned me permanently, because I'm incontinent. So they banned me permanently. So I was sleeping outside.”*



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## 2. Disconnect between services and the people they serve

### ELIGIBILITY CONCERNS

- **Being ineligible or not qualifying for help** was the primary barrier to getting needed help with basic needs among survey respondents (19%, n=658).
- When they needed services but had not used them, about one in six (16%, n=473) participants reported they had **exceeded the income guidelines to receive services they needed.**

### COMMUNICATION CONCERNS

- Participants in all ten focus groups discussed a disconnect between services and the people they serve, referencing **difficulty navigating application processes, a lack of accountability, and fragmented service delivery.**
- Several participants discussed the **need for better integration and communication within and between community organizations.**

*“I really think poor interagency communication and collaboration is just adding to such a significant burden to those that need, deserve, qualify, want, whatever, services in general.”*



# 3. Barriers to accessing healthcare

**Appointment wait times** were reported as the primary barrier to accessing needed mental health counseling and needed medical care by survey respondents with more than two in five respondents (44%, n=476) reporting too long to wait for an appointment for medical care (see figure on the right).

Participants in nine of ten focus groups referenced several barriers to seeking and receiving healthcare, including **months-long wait times for primary and mental health care visits, fear of medical bills, and previous experiences with inadequate interpreter services.**



*"...I can't find service here for my kids, I can't find doctors that will bring them in...my kids are on state, they're on Apple Care, and nobody takes it."*

# What can we do?

These next steps were generated from focus group discussions, where community members shared potential solutions to address the health needs of our community:



Source: Image by pch.vector on Freepik

*"[We need to make] sure that people understand what the available resources are and how to access them."*

1. Develop a **directory of resources** for the community.
2. Improve **access to services** that provide basic needs.
3. Build and maintain **strong partnerships** with community, healthcare, and tribal organizations.

*"We have to think about people that have the language barrier, that don't speak English...I understand there's deadlines and documents that need to be sent in and sent back, but are those hard deadlines and are they being accommodated for individuals that maybe have a disability or have a language barrier?"*

*"I really think it boils down to absolute lack of interagency connecting and networking and failure to address that...you're responsible to know that your clients rely on a multitude of agencies outside of the services you are giving them."*

# Outreach Strategy

- ❖ Distributed visually appealing flyers with QR codes to partners for convenient survey access.
- ❖ Proactively engaged various organizations in Kitsap to encourage staff participation in the survey.
- ❖ Established communication channels with diverse community-supporting organizations.
- ❖ Collaborated with Kitsap Regional Library to reach library patrons through their newsletter.
- ❖ Promoted the survey on social media platforms like Facebook and Instagram.



# Outreach Strategy (Cont.)

- ❖ Used targeted advertisements on Facebook and Instagram to expand the survey's audience.
- ❖ Organized dedicated Facebook events for Focus Groups to gather valuable input.
- ❖ Utilized an email subscriber list to keep the audience informed and encourage participation.
- ❖ Displayed the survey link prominently on the website's homepage throughout the survey period.
- ❖ Conducted targeted cold outreach to development administrators to share the survey within their organizations.







KITSAP PUBLIC  
HEALTH DISTRICT



## The Story

- Connect with the underserved population
- Information we can share within our community for all to benefit
- Not reinventing the wheel
- Access To Services
  - Healthcare
  - Housing



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# Community Needs Assessment

- Specific Needs to be addressed
- Franciscan Medical
- PSE
  - Energy Sustainability
  - Alternative energy solutions
- Kitsap Transit



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# Kitsap County Affordable Housing Task Force

KitsapHousingTaskForce@gmail.com

- Government Advocacy & Funding
  - Funding Pipeline
  - KCR
- Housing Data
  - CNA
  - St. Vincent De Paul
- Housing Opportunities
  - Project development along high transit corridors
  - BHA
- Leverage Funding



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# What's Next? Strategic Plan

- Improve access to services that provide basic human needs
- Build and maintain strong partnerships with community, healthcare, and tribal organizations.
- Develop a comprehensive directory of resources



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[CNA Dashboard  
Data](#)



[Community Needs  
Assessment](#)

# Questions?





## City of Port Orchard Work Study Session Executive Summary

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**Issue Title:** Cross Connection Control and Fats, Oils and Grease Plan and associated Ordinance

**Meeting Date:** June 20, 2023

**Time Required:** 15 Minutes

**Attendees:** Jacki Brown, Utility Manager

**Action Requested At This Meeting:** Staff are providing a briefing on a proposed Ordinance to adopt enhanced Cross Connection Control regulations and Fats, Oil, and Grease regulations.

**Issue:** The City of Port Orchard seeks to enhance the tools available for the protection of the public water and sewerage systems from contamination via cross-connections and the negative impacts of fats, oil, and grease. This Ordinance proposes new chapters to Title 13, Public Utilities, for Cross Connection Control (new Chapter 13.07) and Fats, Oil and Grease (new Chapter 13.05) to provide expanded, updated regulations in this arena.

**Background:** In conformance with Washington State Department of Health regulations, the City currently monitors and regulates all actual or potential physical connection between the public water system or a customer's water system and any source of non-potable liquid, solid, or gas that could contaminate the potable water supply by backflow. However, the City desires to expand those regulations to match industry standard and to ensure necessary cross-connection controls are in place to protect the water system. Similarly, large quantities of fats, oil and grease that are discharged from commercial and residential kitchens contribute to blockages in the City's sewerage system. The resulting clogs in sewer pipes cost the City money each year in grease removal and sewer repair costs, and result in the overall degradation of the City's sewer infrastructure. The City desires to adopt enhanced regulations to govern the use of tools to limit the discharge of fats, oil and grease to the City's sewerage system.

**Relationship to Comprehensive Plan:** Chapter 7 - Utilities

**Recommendation:** Receive briefing and provide feedback on draft ordinance.

**Attachments:** [Draft] Ordinance Adopting Cross Connection Control and FOG

**Exhibit A** – POMC Chapter 13.05 – Fats, Oil and Grease

**Exhibit B** – POMC Chapter 13.07 – Cross Connection Controls

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY OF PORT ORCHARD, WASHINGTON, RELATING TO THE CITY WATER AND SEWERAGE SYSTEMS; ADOPTING PORT ORCHARD MUNICIPAL CODE CHAPTER 13.05, CONTROL OF FATS, OILS AND GREASE; AND ADOPTING PORT ORCHARD MUNICIPAL CODE CHAPTER 13.07, CROSS CONNECTION CONTROL; PROVIDING FOR SEVERABILITY AND PUBLICATION, AND ESTABLISHING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Port Orchard operates water and sanitary sewerage systems and has adopted regulations for the operation and use of these utilities, codified at Title 13 of the Port Orchard Municipal Code (POMC); and

**WHEREAS**, the City desires to enhance existing regulations and requirements for the control of the discharge of fats, oils and grease to the City's sewerage system, as quantities of fats, oil and grease that are discharged from commercial and residential kitchens can contribute to blockages in the City's sewerage system, with the resulting clogs in sewer pipes cost the City money each year in grease removal and sewer repair costs, and result in the overall degradation of the City's sewer infrastructure; and

**WHEREAS**, the City also desires to enhance existing regulations and requirements for the protection of the public water systems from contamination via cross-connections and backflow incidents; and

**WHEREAS**, accordingly, staff have developed a new Chapter 13.04 of the POMC, which establishes a comprehensive pollution prevention program to keep fats, oils and grease out of the City's sewer system, remain compliant with the City's current Clean Water Act National Pollutant Discharge Elimination System (NPDES) permit, as well as to enhance the City's compliance with the Clean Water Act, and reduce the potential for system back-ups in the sewer system; and

**WHEREAS**, similarly, staff have developed a new Chapter 13.07 POMC to provide for the permanent abatement or control of cross-connections to the potable water systems of the city of Port Orchard; and

**WHEREAS**, this Ordinance is enacted as an exercise of the police power authority of the City of Port Orchard to protect and preserve the public health and welfare; and

**WHEREAS**, the City sent notice of the proposed code amendments to the Washington State Department of Commerce pursuant to RCW 36.70A.106; and

**WHEREAS**, on \_\_\_\_\_, the City's SEPA official issued a determination of non-significance for the proposed code amendments and there have been no appeals; and

**WHEREAS**, on \_\_\_\_\_, the City Council held a public hearing on the proposed code amendments; and

**WHEREAS**, the City Council, after careful consideration of the proposed code language and all public comments and testimony, finds that the proposed code language is consistent with the City's Comprehensive Plan and development regulations, the Growth Management Act, Chapter 36.70A RCW, and that adoption of the code language herein is in the best interests of the residents of the City; now, therefore,

**THE CITY COUNCIL OF THE CITY OF PORT ORCHARD, WASHINGTON, DO ORDAIN AS FOLLOWS:**

**SECTION 1. Adoption.** Port Orchard Municipal Code Chapter 13.05, CONTROL OF FATS, OILS AND GREASE, is hereby adopted to read as set out in Exhibit A hereto and incorporated herein by this reference.

**SECTION 2. Adoption.** Port Orchard Municipal Code Chapter 13.07, CROSS CONNECTION CONTROL, is hereby adopted to read as set out in Exhibit B hereto and incorporated herein by this reference.

**SECTION 3. Severability.** If any section, subsection, paragraph, sentence, clause, or phrase of this ordinance is declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining parts of this ordinance.

**SECTION 4. Corrections.** Upon approval of the city attorney, the city clerk and the codifiers of this ordinance are authorized to make necessary technical corrections to this ordinance, including, without limitation, the correction of clerical errors; references to other local, state, or federal laws, codes, rules, or regulations; or section/subsection numbering.

**SECTION 5. Effective Date.** This Ordinance shall take effect and be in full force and effect five days after adoption and publication of this ordinance, as provided by law.

PASSED by the City Council of the City of Port Orchard, APPROVED by the Mayor and attested by the City Clerk in authentication of such passage this \_\_\_ day of \_\_\_\_\_ 2023.

Robert Putaansuu, Mayor

ATTEST:

Brandy Wallace, MMC, City Clerk



APPROVED AS TO FORM:

SPONSOR:

Charlotte A. Archer, City Attorney

\_\_\_\_\_, Councilmember

PUBLISHED:

EFFECTIVE DATE:

**Exhibit A to Ordinance No. XX**

**CHAPTER 13.05  
CONTROL OF FATS, OILS AND GREASE**

Sections:

|                  |  |
|------------------|--|
| <b>13.05.010</b> | <b>Purpose.</b>  |
| <b>13.05.020</b> | <b>Definitions.</b>  |
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**13.05.010 Purpose.**

This Chapter contains the City's requirements for the control of the discharge of fats, oils and grease to the City's sewerage system. Large quantities of fats, oil and grease that are discharged from commercial and residential kitchens contribute to blockages in the City's sewerage system. The resulting clogs in sewer pipes cost the City money each year in grease removal and sewer repair costs, and result in the overall degradation of the City's sewer infrastructure.

The City utilizes a comprehensive pollution prevention program to keep fats, oils and grease out of the City's sewer system, and remain compliant with the City's current Clean Water Act National Pollutant Discharge Elimination System (NPDES) permit. The City's control of fats, oils and grease is intended to enhance its compliance with the Clean Water Act, and also reduce the potential for system back-ups in the sewer system.

The provisions in this Chapter shall apply to all food processing establishments, food sales establishments, and food service establishments, commercial businesses, and any other facility ("facility") that discharges fats, oil and grease to the sanitary sewer collection system and is located within the municipal boundaries of the City of Port Orchard Sanitary Sewer Service Area.

The objectives of the program are:

1. To Provide standards for the types of grease capturing equipment that must be installed by food service establishments to reduce fats, oils and grease discharges from local food service establishments into the City's sewerage system;
2. To provide for the effective long-term use of grease capturing equipment through related operational requirements and prohibitions, and periodic inspections;

3. To increase opportunities for recovering both food solids (which can be composted) and waste grease (which can be recycled, and may also be able to be converted to biofuel) from wastewater discharge conveyances;
4. To aid in preventing sanitary sewer blockages and obstructions from contributions and accumulation of fats, oils and grease in the sanitary sewerage system;
5. To prevent the uncontrolled introduction of fats, oils and grease into the sewage system that will interfere with its operation; and
6. To facilitate City compliance with applicable federal and state laws regarding sewerage system operations.

#### 13.05.020 Definitions

The definitions provided in section POMC 20.162.044 and the following definitions are applicable to the discharge and control of fats, oils and grease shall apply to this Chapter, provided if there is a conflict between this chapter and POMC 20.162.044 as to a defined term, the definition set out in this chapter applies.

- (1) Best Management Practices (BMPs). Operational activities, prohibitions, maintenance procedures, and other management activities that implement the requirements of this Chapter, state and federal law, and City rules, regulations, permits or authorizations.
- (2) Director. As used in this Chapter, Director shall refer to the Director of Public Works, or any duly authorized delegate or agent of the Director. Those portions of this chapter that invoke the plumbing code or other building improvements are delegated to the Building Official.
- (3) Facility. Any food processing establishment, food sales establishment, food service establishment, laundry, car wash, automotive fueling, commercial garage, quick-lube stations, auto detail, automotive and equipment repair, automotive service shop, businesses using steam or pressure washers, or any other business that routinely discharges fats, oil or grease into the sanitary sewer system as part of a business operation.
- (4) Fats, Oils and Grease (FOG). Organic polar compounds derived from vegetable/plant or animal/dairy sources composed of long-chain triglycerides that are used in, or are byproducts of, the cooking or food preparation process. A wide range of food preparation activities, including but not limited to the following, can generate fats, oils or grease: cooking by frying, baking, grilling, sauteing, rotisserie cooking, broiling, boiling, blanching, roasting, toasting, poaching, infrared heating, searing, barbequing, or any other food preparation activity that produces a hot food product in or on a receptacle that requires washing.

- (5) First Certificate of Occupancy. A temporary certificate of occupancy or a Certificate of Final Completion and Occupancy, as defined in POMC, Section 20.200, whichever is issued first.
- (6) Food. Any raw, cooked, or processed edible substance, or ingredient used or intended for use or sale in whole or in part for consumption.
- (7) Food grinder. Any device in the plumbing or sewage system of the facility for the purpose of grinding food waste or food preparation by-products for the purpose of disposing in the sewer system.
- (8) Food processing establishment. A commercial establishment in which food is manufactured or packaged for consumption.
- (9) Food sales establishment. Any retail and wholesale grocery stores, retail seafood stores, food processing establishment, bakeries, confectioneries, fruit, nuts and vegetable stores and places of business and similar establishments, mobile or permanent, engaged in the sale of food primarily for consumption off premises.
- (10) Food Service Establishment (FSE). A non-residential wastewater discharger that engages in activities of preparing, serving, or otherwise making available food for consumption by the public or on the premises, including restaurants, commercial kitchens, caterers, hotels and motels, schools, hospitals, prisons, correctional facilities, nursing homes, care institutions, and any other facility preparing and serving food for public consumption.
- (11) Governing agency. The City of Port Orchard Sanitary Sewer Utility, which provides sanitary sewer service to the facility.
- (12) Gravity Grease Interceptor (GGI/Interceptor). A plumbing appurtenance or appliance that is installed in a sanitary drainage system to intercept non-petroleum fats, oils and grease from a wastewater discharge and is identified primarily by gravity separation and a minimum total volume of 300 gallons.
- (13) Grease. Rendered animal fat, vegetable shortening, and other such oily matter used for the purposes of and resulting from preparing and/or cooking food.
- (14) Grease Capturing Equipment. A plumbing appurtenance or appliance that is installed in a sanitary drainage system to separate fats, oils and grease from a wastewater discharge. Grease capturing equipment include gravity grease interceptors, hydromechanical grease interceptors, grease removal devices and any other grease capturing equipment authorized by the Utilities Compliance Specialist or the City.
- (15) Grease Capturing Equipment Waste. Material collected in and from grease capturing equipment, including any solids resulting from dewatering processes.



(16) Grease interceptor. An appurtenance or appliance that is installed in a sanitary drainage system to intercept nonpetroleum fats, oil, and grease (FOG) from wastewater. There are two types of grease interceptors: gravity grease interceptors and hydromechanical grease interceptors.

(17) Grease Removal Device (GRD/Automatic Grease Removal Device). Any hydromechanical grease interceptor that automatically, mechanically removes non-petroleum fats, oils and grease from the interceptor, the control of which are either automatic or manually initiated.

(18) Hydromechanical Grease Interceptor (HGI/Trap). A plumbing appurtenance or appliance that is installed in a sanitary drainage system to intercept non-petroleum fats, oils and grease from a wastewater discharge and is identified primarily by a design that incorporates hydromechanical separation. The design incorporates air entrainment, hydromechanical separation, interior baffling, and/or barriers in combination or separately, and one of the following:

- A. External flow control, with air intake (vent), directly connected.
- B. External flow control, without air intake (vent), directly connected.
- C. Without external flow control, directly connected.
- D. Without external flow control, indirectly connected.

Sizing criteria set forth in the current adopted plumbing code. HGIs are generally installed inside.

(19) Less-Significant Grease Discharger. A FSE that, in the process of preparing and making food available to the public or on the premises, generates FOG that is discharged into the City's sewerage system, and has been determined by the City to pose a less significant risk of discharging FOG to the sewerage system.

(20) Limited Food Preparation Establishment. A FSE that engages only in reheating, hot holding, or assembly of ready to eat food products.

(21) Non-FSE FOG Discharger (NFD). Any establishment, such as a church, synagogue, worship hall, banquet facility, or meeting space, with a commercial-style kitchen that is used for preparing, serving, or otherwise making available for consumption foodstuffs in or on a receptacle that requires washing two days a week or less and that discharges to the Sanitary Sewer System.

(22) Nonpolar. Any water or waste of petroleum or mineral origin which contains more than 100 parts per million by weight of fat, oil or grease as measured using analytical procedures established in 40 CFR Part 136.

(23) Polar. Any water or waste of animal or vegetable origin which has visible fats, oils or grease floating on the surface or adhering to the sides of the sample containers.

- (24) **Public Sanitary Sewer.** A Sewer owned and operated by a governmental body or public utility in which all owners of abutting properties have equal rights of access in accordance with the provisions of this Chapter, and which conveys wastewater through the Sanitary Sewer System.
- (25) **Publicly Owned Treatment Works (POTW).** A treatment works which is owned by a municipality (as defined by section 502(4) of the Clean Water Act), a state, an intermunicipal or interstate agency, or any department, agency, or instrumentality of the federal government. This definition includes any intercepting sewers, outfall sewers, sewage collection systems, pumping, power, and other equipment. The wastewater treated by these facilities is generated by industrial, commercial, and domestic sources.
- (26) **Remodel.** Any modification to an existing facility that involves an expansion of the kitchen area or change in kitchen plumbing or drainage fixture units, as set forth in Chapter 20.200 POMC.
- (27) **Rendering/disposal company.** A business that possesses a Kitsap County pumper certification.
- (28) **Sanitary Sewage.** Domestic and commercial wastewater including flushed toilet water, water from dishwashers, clothes washing machines, and any other used water that generally is disposed of down interior drains.
- (29) **Sanitary Sewer System.** A conveyance, or system of conveyances, that is designed to convey domestic and commercial wastewater away from Premises through a Public Sanitary Sewer to a collection location for treatment by a governmental body or public utility.
- (30) **Stormwater System.** Facilities through which stormwater is collected, conveyed, or treated, including without limitation: inlets, conveyance pipes, pumping facilities, retention and detention basins, bio-infiltration facilities, drainage channels, or other drainage structures.
- (31) **Twenty-Five Percent Rule.** Requirement for grease interceptor to be cleaned when 25 percent of its volume is occupied by accumulated grease and solids.
- (32) **Uniform Plumbing Code (UPC).** Governs the requirements for the installation, alteration, removal, replacement, repair, or construction of all plumbing, as adopted under Chapter 20.200 POMC.
- (33) **User.** Any person who contributes, causes, or permits the contribution of wastewater into the governing agency's sanitary sewer system.
- (34) **Utilities Compliance Specialist.** A designee of the Director tasked with the enforcement of this Chapter.

(35) Wastewater. Liquid and water-carried industrial wastes and sanitary sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, institutions or any other Premises, whether treated or untreated, which are contributed or conveyed through the Public Sanitary Sewer.

#### **13.05.030 Powers and Authority of the Director and Building Official.**

(A) Administration. This Chapter shall be administered by the Director of Public Works or designee.

(B) Access to Facilities. The City shall have the right and access to set up on the Food Service Establishment's property any devices necessary for conducting wastewater sampling inspection, compliance monitoring and/or metering operations. All Food Service Establishments shall permit the Public Works Director or duly appointed designee, Utilities Compliance Specialist, and Building Official, with proper identification credentials, to enter upon any and all premises at all reasonable times for the purpose of inspection, observation, measurement, sampling and testing of the wastewater discharge for compliance with regulations regarding the control and elimination of Fats, Oils and Grease from the City's sanitary sewer system, including but not limited to inspections pursuant to the Uniform Plumbing Code Sections 1009.6 and 1014.1.2. No consent, warrant, or court order is required to enter those areas open to the public generally or to which no reasonable expectation of privacy exists.

(C) Director discretion. In applying, interpreting, and enforcing this Chapter, the Director has the authority to impose additional conditions, to waive or alter the application of any requirement in any situation under the facts then-existing, or to alter any performance required under this Chapter where the Director determines such departure is necessary to mitigate identified or potentially negative impacts to the Sanitary Sewer System or public health, safety, or welfare. This delegated authority is intended to operate concurrently with, and does not supersede or in any way alter, the authority vested in the City's Building Official set out at POMC Chapter 20.200.

#### **13.05.040 Prohibitions.**

The following shall be prohibited for any Facility with a connection to the City's sanitary sewer system:

(1) Disposal of Fats, Oils and Grease or any food waste containing Fats, Oils and Grease directly into drains leading connected to the sewer system is prohibited. Disposal of waste cooking oil into sanitary sewer and drainage pipes is prohibited. All waste cooking oils shall be collected and stored properly in drums or tallow bin for recycling or other acceptable methods of disposal.

- (2) The direct addition into the grease waste line, or grease interceptor of enzymes, bacteria, chemicals, solvents, additives, or other agents designed to emulsify the grease compounds is prohibited. Any attempt to modify the trap into a biological reactor by adding bacterial or microbial agents is also prohibited.
- (3) Discharges to the sanitary sewer system that include polar fats, oils and greases in amounts that cause a visible sheen in the discharge or in the public sewer system, a build-up of grease in any public sewer facility, or any water or waste which contains more than 100 parts per million by weight of nonpolar fats, oils and grease at the point where the wastewater is discharged from Grease Capturing Equipment, as measured using analytical procedures established in 40 CFR Part 136.
- (4) Installation of food grinders in the plumbing systems of a new food service, food sales, or food processing establishment is prohibited. If a food sales, food service, or food processing establishment is sold or leased, and the new owners must apply for a business license, they shall be required to remove the existing food grinder.
- (5) Food grinders in existing Food Service Establishments shall be removed or rendered permanently inoperative within 30 days of notification.
- (6) Discharge of water closets, urinals, and other plumbing fixtures conveying human waste to or through any type of Grease Capturing Equipment is prohibited.
- (7) Discharge of wastewater with a temperature higher than 140 degrees Fahrenheit to or through a grease interceptor.

#### **13.05.050 Grease Capturing Equipment – Requirements.**

(A) General Requirements. All Facilities, with the exception of Limited Food Preparation Establishments, shall install, operate, maintain and service Grease Capturing Equipment and implement specified Best Management Practices, in accordance with this Chapter, any permits, authorizations, rules and regulations issued by the City in accordance with this Chapter and applicable City building codes and regulations. The owner of a facility with one or more fats, oil or grease generating activities shall be responsible for the installation of Grease Capturing Equipment. All Grease Capturing Equipment shall be installed on the premises where fats, oil and grease are used or generated. These facilities are required to install, operate, and maintain an approved type and adequately sized grease interceptor necessary to maintain compliance with the objectives of these regulations. The Grease Capturing Equipment shall be adequate to separate and remove fats, oil and grease contained in wastewater discharges prior to the sanitary sewer system. All Grease Capturing Equipment shall be installed in accordance with this Chapter, any permits,



authorizations, rules and regulations issued by the City, and applicable City building codes and regulations.

Facilities shall properly store and recycle or dispose of Fats, Oils and Grease diverted from their liquid waste streams in accordance with all laws and regulations applicable to such storage, recycling and disposal. Facility kitchen fixtures connected to drainage pipes that lead to grease capturing equipment or sewer laterals shall have small-mesh food strainers that are intact and functional. Facilities shall ensure that all pots, pans, dishware and work areas are wiped prior to washing of such utensils, equipment or areas, and shall implement any other Best Management Practices deemed appropriate by the City.

Facility wastewater dischargers must at all times comply with the provisions of this Chapter, all other applicable local, state and federal laws, including but not limited to, applicable provisions of the Health Code (WAC 246-215) and Building and Plumbing Codes, and applicable rules, regulations, permits and authorizations issued by the City.

(B) New Facilities. Newly proposed or constructed Facilities, including tenant improvements that change the use classification to a food service establishment, food sales establishment, food processing establishment, or a new mixed-use development with the potential to generate fats, oil, and grease shall:

1. Be required to install, operate, and maintain an approved type and adequately sized gravity grease interceptor to maintain compliance with the requirements as described in this chapter, and as necessary to prevent a condition of prohibited discharge; or
2. A hydromechanical grease interceptor may be utilized instead of a gravity grease interceptor if it is demonstrated to the satisfaction of the Director that the installation of a gravity grease interceptor is physically impracticable. For the purposes of this determination, “physically impracticable” shall include (a) the lack of available space on the premises, (b) unavoidable interference from underground utilities or structures, or (c) topographical conditions such as slope that unavoidably prevent installation of a gravity grease interceptor.
3. A hydromechanical grease interceptor may be utilized instead of a gravity grease interceptor if the gravity grease interceptor sizing in the currently adopted plumbing code results in an interceptor volume (gallons) 750 gallons or less.
4. A separate gravity grease interceptor may be provided for each individual unit of a building structure that is proposed for, or could be potentially converted in the future into, a food service, food sales, or food processing establishment. The City may allow the separate gravity grease interceptors to be installed at a later date, when food service, food sales, or food processing establishments are added through tenant improvements; provided,

that the side sewer lines leaving the building are designed to functionally accommodate the installation of future interceptors at accessible locations.

5. One or more Facilities may comply with the requirements of this chapter by use of a shared gravity grease interceptor; provided, however, that the food service establishment seeking to establish compliance by means of this section shall demonstrate to the satisfaction of the Director that (a) it has enforceable rights to utilize shared gravity grease interceptor pursuant to an easement; declaration; covenants, conditions, and restrictions; or similar instrument; and (b) the shared gravity grease interceptor is sized as necessary to accommodate the discharges of all food service establishments enjoying rights to use such interceptor; and (c) there is a mechanism providing continued maintenance of such shared gravity grease interceptor.

6. Any food service, food sales, or food processing establishment undertaking a remodel, as defined herein, will be reviewed, and may be considered a new facility for the purposes of this chapter.

7. Implement best management practices to reduce the quantity of fats, oil and grease discharged to the sanitary sewer collection system.

(C) Existing Facilities. Existing facilities shall:

1. Implement best management practices to reduce the quantity of fats, oil and grease discharged to the sanitary sewer collection system.

2. Be permitted to operate and maintain existing grease interceptors; provided, that the equipment is properly sized and in efficient operating condition.

3. Any Facility not meeting subsection (B)(2) of this section is required to meet the currently adopted plumbing code if undertaking a remodel as defined in this chapter.

4. Food Service Establishments (FSEs) shall install a properly sized and functioning grease interceptor designed to meet the grease control requirements in this chapter if the facility is known to cause a build-up of grease in any public sewer facility, is the result of a sanitary sewer overflow, or is otherwise causing a prohibited discharge. Installation must be completed within 180 calendar days from notification by the City.

(D) Permits. Site and building modifications needed to install a grease interceptor are subject to the permitting requirements of the City's construction code (POMC Title 20), and other codes as applicable.

(E) Variance. A Food Service Establishment may file a request to the City for a variance from the Grease Capturing or Removal Device installation requirements of this Chapter if the FSE can

demonstrate that it is not feasible for a Grease Capturing or Removal Device to be installed due to lack of physical space. The Food Service Establishment requesting such a variance shall bear the burden of demonstrating that the installation of a Grease Capturing or Removal Device is not feasible. The determination as to whether a FSE qualifies for a variance for the reasons detailed in this subsection shall be at the sole discretion of the City.

### **13.05.060 Grease Capturing Equipment –Installation and Maintenance.**

(A) Installation Requirement – Any existing FSE or NFD without a functional Grease Removal System shall be required to install one. The type of Grease Capturing Equipment required will be determined by the Director, taking into account cost, available space and gradient, whether the user is in a grease impact area, and any other pertinent information. Where feasible, all kitchen drains and any other drains that may carry grease-laden waste shall be connected to this Grease Capturing Equipment (except the dishwasher if a trap-style Grease Removal System is installed.) If a trap-style Grease Removal System is installed, the kitchen shall not have a garbage disposal/garbage grinder/macerator or similar unit installed.

(A) Best Management Practices.

1. Kitchen best management practices shall be implemented to minimize the discharge of fats, oil and grease to the sanitary sewer system and prevent non-stormwater discharges from entering the stormwater sewer system (as applicable):
  - a. Drain Screens. Drain screens shall be installed on all drainage pipes in food preparation areas.
  - b. Segregation and Collection of Waste Cooking Oil. All waste cooking oil shall be collected and stored properly in fats, oil and grease receptacles such as drums or tallow bins. Such containers shall be maintained properly to ensure they do not leak.
  - c. Licensed waste haulers or an approved recycling facility must be used to dispose of waste cooking oil.
  - d. Tallow bins or used waste oil drums shall be kept clean and covered.
2. Disposal of Food Waste. All food waste shall be disposed of directly in garbage or compost collection bins, and not sinks. Bagging food waste that has the potential to leak in trash containers is recommended. Scrape or dry wipe pots, pans, dishware and work areas before washing to remove grease. Wash only in a sink connected to a grease control device.
3. Maintenance of Kitchen Exhaust Filters. Filters and other exhaust hood equipment shall be cleaned as frequently as necessary to maintain good operating condition. The

wastewater generated from cleaning shall be disposed of properly and cleaned in sinks connected to a grease removal device.

4. Kitchen Signage. Informational signs on best management practices and waste minimization practices in the food preparation and dishwashing areas shall be posted at all times.
5. Floor Mats and Kitchen Appliance Cleaning. The wastewater generated from floor mat and kitchen appliance washing operations must be disposed of to a sink with a grease control device. Cleaning kitchen equipment in areas that drain to the stormwater sewer system is prohibited.
6. Oil and Grease Spills. Dry methods including rags and absorbents such as sawdust or kitty litter shall be used to clean up oil and grease spills.
7. Employee Training. Training shall be conducted for all new kitchen staff and every 6 months. Training shall be documented with employee signatures retained indicating employee attendance. Training records shall be made available for review at any reasonable time to the governing agency. The governing agency shall provide training materials upon request.
8. No wastewater, fluids or other substances from commercial and industrial operations containing hazardous wastes, heavy metals, or other prohibited discharge shall enter the sewer system per POMC 13.04.130.
9. Dry cleanup procedures shall be implemented to clean up spills. Wipe up liquids or grease with rags or absorbents, such as kitty litter or sawdust.
10. Do not allow detergents or other emulsifying cleaning compounds to enter an Grease Removal System as this will make the system ineffective.

(C) Gravity Grease Interceptors (GGI).

1. Each facility is solely responsible for the cost of the grease interceptor installation, inspection, cleaning and maintenance.
2. Gravity grease interceptor sizing and installation shall conform to the requirements contained in the current edition of the Uniform Plumbing Code (UPC) or other criteria as determined on a case-by-case basis based on review or relevant information, including, but not limited to grease interceptor performance, waste stream characteristics, facility location, maintenance needs, and/or inspection needs. Supporting sizing calculations shall be submitted to the governing agency.
3. Gravity grease interceptors shall be designed by a mechanical engineer using standard engineering principles for sedimentation and flotation in gravity separators. The grease



interceptor shall have a minimum of 2 compartments with fittings designed for grease retention.

4. Gravity grease interceptors shall be installed at an outdoor location where it is easily accessible for sample collection, inspection, and cleaning and removal of retained grease. The grease interceptor may not be installed inside a building and the location must meet the approval of the governing agency.
5. Gravity grease interceptors shall be located in the lateral line between all fixtures which may introduce grease into the sanitary sewer and the connection to the sanitary sewer collection system. Such fixtures shall include but not be limited to sinks, dishwashers, floor drains for food preparation and storage areas, mop sinks, and any other fixture which is determined to be a potential source of grease.
6. Gravity grease interceptors must be vented.
7. Gravity grease interceptors shall be equipped with a sampling port at the outlet of the interceptor. Inspection tees and manholes must enable the utility to monitor and test the discharge for compliance with utility requirements or to allow monitoring and testing in accordance with the rules and regulations of other Federal, State or local agency having governmental or contractual jurisdiction within the utility service area.
8. Access manholes, with a minimum diameter of 24 inches, shall be provided over each chamber and sanitary tee. The access manholes shall extend at least to finished grade and be designed to prevent water inflow or infiltration. The manholes shall also have readily removable covers to facilitate inspection, cleaning and removal of retained grease and sample collection. Riser maximum shall not exceed 16 inches in the City of Port Orchard.
9. Sanitary wastes shall not be introduced into the gravity grease interceptor.

(D) Hydromechanical Grease Interceptor (HGI).

1. Each facility is solely responsible for the cost of the HGI installation, inspection, cleaning and maintenance.
2. HGI sizing and installation shall conform to the requirements contained in the current edition of the Uniform Plumbing Code or other criteria as determined on a case-by-case basis based on review or relevant information, including, but not limited to grease trap performance, waste stream characteristics, facility location, maintenance needs, and/or inspection needs.
3. HGIs shall be designed using standard engineering principles by a licensed Washington State mechanical engineer for sedimentation and flotation in gravity separators.

Complete plumbing plans and isometric or riser diagrams are required at time of plan check submittal. The plans must be stamped by the mechanical engineer of record.

4. HGI shall be installed at a location where it is easily accessible for sample collection, inspection, and cleaning and removal of retained grease.
5. The HGI shall be equipped with a device to control the rate of flow through the unit. The rate of flow shall not exceed the manufacturer's rated capacity recommended in gallons per minute for the unit.
6. Sanitary wastes cannot be introduced into the HGI.

(E) Required GGI/HGI Pumping Frequency.

1. Unless otherwise specified by the City, each interceptor (GGI/HGI) in active use shall be cleaned as specified in the individual operational permit. At a minimum, GGIs shall be cleaned at least once every 90 days and HGIs cleaned at least once per week. These required frequencies may be extended with the approval of the Director. Each GGI/HGI is reviewed on a case-by-case basis. The frequency may increase or decrease depending upon the need to prevent carry over of grease into the Sanitary Sewer System and the POTW. The City may specify cleaning more frequently when the current pumping schedule is shown to be inadequate. Additional pumping may be required during time periods where increased loading is anticipated. Any grease generator desiring a schedule less frequent than established shall submit a request to the City along with testing (as required by the City) and copies of the cleaning records for the last four interceptor (GGI/HGI) cleanings, including measurements of the thickness of the surface scum/grease layer and sediment.
2. At any time if an inspection finds the interceptor (GGI/HGI) having solids occupying 25 percent or more of the interceptor's liquid capacity, immediate steps shall be taken by the grease generator to pump out and clean the interceptor. The inspector shall make an evaluation of the advisability of allowing discharge to continue, and may at his or her discretion order an immediate cessation of all discharge from the facility and notify the health district. In any case, the certificate of occupancy may be rescinded so as to compel more frequent pumping and cleaning of the interceptor (GGI/HGI).
3. All interceptors (GGIs/HGIs) shall be maintained by the grease generator at the grease generator's expense. If the generator fails to comply with its cleaning schedule or is not adhering to the requirements of this Chapter the City shall have the interceptor (GGI/HGI) cleaned and bill the generator for all costs associated with its cleaning and an additional fifteen percent (15%).
4. Requirement for Increased Pumping or Servicing. If the City finds that a change in pumping or servicing of an interceptor (GGI/HGI) is necessary for an existing facility to meet the discharge limits stated in this chapter, the City may order a change in pumping or servicing of an interceptor (GGI/HGI). If the City orders a change in the

pumping or servicing, then the City shall inform the facility's owner of the new schedule and their responsibility to adhere to the new schedule.

(F) Grease Capturing Equipment (GGI/GRD/HGI) Maintenance Log and Record Keeping.

1. Every Facility having a GGI, GRD, or HGI shall maintain a Fats, Oil and Grease Interceptor maintenance log indicating each pumping or cleaning for the previous 12 months. This log shall include: date, time, capacity of Grease Capturing Equipment, grease/solids depth (% of normal Liquid Depth), total gallons pumped (removed), hauler and disposal site, and maintenance and repairs noted. and shall be kept in a conspicuous location on the premises of the facility for inspection. Said log shall be made immediately available to any authorized city inspector.
2. Every FSE shall maintain records or receipts for the recycling or solid waste removal of food waste and Fats, Oil and Grease that is not discharged to the Grease Capturing Equipment.
3. Every FSE shall maintain records documenting the frequency of cleaning of exhaust system filters.
4. A copy of the information required in the maintenance log must be available to the inspector at the time of inspection to be removed and become the city's record. The inspection period shall run from January 1st through December 31st of each year. Regular inspections will occur annually or as required by the Utilities Compliance Program. Repeat inspections for those interceptors (GGIs/HGIs) not meeting maintenance requirements will be done approximately 30 days from initial inspection.

(G) GGI/HGI Cleaning Procedures.

1. The owner or an employee of the FSE shall supervise the interceptor (GGI/HGI) cleaning, and shall be physically present and observe the entire cleaning operation and sign the maintenance log as proof.
2. An FSE fats, oils and grease generator shall cause the liquid waste hauler, transporter, or any other person cleaning or servicing an interceptor (GGI/HGI) to completely evacuate all contents, including grease, floating materials, wastewater, and bottom sludges and solids. Skimming the surface layer of waste material and other partial cleaning of the interceptor (GGI/HGI) or use of any method that does not remove the entire contents of the collection device is prohibited. Removal of the floating materials shall be done prior to removal of other contents. After complete evacuation, the walls, top, and bottom of the interceptor (GGI/HGI) shall then be thoroughly cleaned and the residue removed. Upon completion of the servicing, the person responsible for compliance with these requirements shall make an inspection of the interior of the interceptor (GGI/HGI). If repairs are required, they shall be performed within 7 days of notice from the City, unless an extension has been granted by approval of the Director. The interceptor shall be refilled with water prior to being placed back into

operation. The person responsible for compliance with these requirements shall make an appropriate entry in the FSE interceptor maintenance log, and leave a copy of the hauler/transporter manifest with the log for the City to retrieve at the next inspection. Food service establishments shall keep all records maintenance logs and hauler/transporter manifests. Said manifests and maintenance logs shall be made immediately available to any authorized City staff.

3. In addition to the maintenance required above, Grease Removal Devices shall be maintained in accordance with the manufacturer's guidelines.
4. The Facility shall prohibit the discharge of liquid, semi-solids, or solids back into an interceptor (GGI/HGI) during and/or after servicing. Decanting or discharging of removed waste back into the interceptor (GGI/HGI) from which the waste was removed or any other interceptor, for the purpose of reducing the volume to be disposed, is prohibited.
5. Each gravity interceptor (GGI) pumped shall be fully evacuated unless the interceptor volume is greater than the tank capacity on the vacuum truck, in which case the transporter shall arrange for additional transportation capacity so that the interceptor is fully evacuated within a 24-hour period following the transporter's inability to fully evacuate the interceptor.

(H) Disposal of Interceptor (GGI/HGI) Waste. All waste removed from each interceptor (GGI/HGI) shall be disposed of at a facility permitted and authorized to receive such waste in accordance with all applicable federal, state, and local regulations. In no way shall the waste be returned to any private or public portion of the publicly owned treatment works (POTW), without prior written approval from the supervisor, nor may it be returned to any portion of the POTW not specifically designated by the wastewater collections/treatment supervisor. Additionally, grease removed from an interceptor (GGI/HGI) shall not be recycled so as to become a food product or part of a food product for animal or human consumption.

(I) Vacuum Truck Cleaning Service for GGI/HGI. It shall be unlawful for a Facility to allow grease waste to be removed from the premises by a transporter who does not have all applicable federal, state, or local permits or registrations including a Washington State waste hauler's permit and city business license.

(K) Grease Capturing Equipment System Additives. No user may use an additive of any type for the interceptor without the approval of the Director. The Director will adopt procedures for the approval of additives.

No vendor may sell, attempt to sell or otherwise distribute any additive in the City of Port Orchard without prior approval of the additive by the Director. Any vendor selling, or attempting to sell, or otherwise distributing any additive intended for use in an interceptor that has not been approved for use by the Director is in violation of this ordinance and is subject to all enforcement actions contained herein.



### **13.05.070 Grease Capturing Equipment – Required Reporting.**

All Facilities shall, at a frequency and time determined by the City, but in no case less than once per year, make available to the City:

- (A) Copies of all hauler/transporter manifests made by liquid waste transporters servicing their GGI/HGI during the reporting period;
- (B) A copy of the gravity grease interceptor/hydronechanical grease interceptor maintenance log; and
- (C) Any other information required by the City, including analysis of the discharge to a public sewer system of such waste as the City may require. Such analysis shall be in accordance with requirements this Chapter.

### **13.05.080 Enforcement.**

- (A) It is unlawful for any grease generator to discharge into the POTW in any manner that is in violation of this chapter or of any condition set forth in this chapter. Additionally, a person commits an offense if the person causes or permits the plugging or blocking of, or otherwise interferes with or permits the interference of, a grease interceptor (GGI/HGI), including alteration or removal of any flow constricting devices so as to cause flow to rise above the design capacity of the interceptor (GGI/HGI).
- (B) A Facility shall be considered out of compliance if any of the following conditions exist:
  - 1. A required grease interceptor has not been installed or required maintenance of a grease interceptor has not been performed, resulting in a prohibited discharge, accumulation of grease within the public sewer system, a sewer blockage, or sanitary sewer overflow.
  - 2. Maintenance cleaning has not been accomplished when the total accumulations of fats, oil and grease exceeding 25 percent of the overall liquid depth has not been met.
  - 3. Failure to submit records to the governing agency or to make records available upon request.
  - 4. Inspection hindrance.
  - 5. Failure to maintain on-site records of maintenance.
  - 6. Falsification of records.
  - 7. Discharges to the sanitary sewer system that include polar fats, oils and greases in amounts that cause a visible sheen in the discharge or in the public sewer system, a build-up of grease in any public sewer facility, or any water or waste which contains more than 100

parts per million by weight of nonpolar fats, oils and grease as measured using analytical procedures established in 40 CFR Part 136.

(C) Routine compliance will be evaluated based on review of maintenance records. The owner or operator of the facility is responsible for maintaining the required records and make them available to the governing agency. Compliance can also be initiated by observations and reports of potential noncompliance that comes from governing agency staff, other agencies, the public, or other documented sources.

(D) Inspections of facilities may be conducted by the Director at any time during normal business hours to verify compliance with this chapter. Facilities shall allow the Director access to all parts of the premises for the purpose of inspection, records examination, measurement, sampling and testing, or other activities in accordance with the provisions of this chapter. The governing agency shall have the right and access to set up on the facility property any devices necessary for conducting wastewater sampling inspection, compliance monitoring and/or metering operations.

(E) If an obstruction of the sanitary sewer collection system occurs that causes a sanitary sewer backup and/or overflow and such overflow can be attributed in part or in whole to an accumulation of fats, oil and grease in the sanitary sewer main line, the governing agency will take appropriate enforcement actions against the generator or contributor of such fats, oil and grease. In addition, those responsible for generating or contributing to unlawful discharge of fats, oil and grease to the sanitary sewer system must take immediate steps to bring the grease interceptor or other grease removal device into compliance, plus any additional actions necessary to bring the facility into compliance with this chapter. Failure to respond to corrective measures outlined in any enforcement notice will result in termination of water service which is owned, operated and maintained by the governing agency.

(F) Violations of any provision of this chapter, or an order issued hereunder, are hereby declared to be public nuisances. In addition to any other provisions of the Port Orchard Municipal Code pertaining to abatement of public nuisances, and in addition to any other enforcement methods authorized by an ordinance of the City or local or state law, these violations may be subject to abatement and enforcement through any of the following methods (at the discretion of the Director or designee):

1. Notice of Violation. Whenever the city finds that any customer has violated or is continuing to violate any provision of this chapter, or an order issued hereunder, the city may serve upon such customer a written notice of the violation that will include a minimum of an additional 10 days to comply and notification that water services will be terminated on the next business day following the specified due date. Nothing in this section shall limit the authority of the city to take any action, including emergency actions or any other enforcement action, without first issuing a notice of violation.
2. Compliance Orders. Whenever the city finds that a customer has violated, or continues to violate, any provision of this chapter, or order issued hereunder, the city may issue a compliance order to the customer responsible for the violation. This order shall direct that

the cross-connection be eliminated or protected with an approved backflow prevention assembly and that the assembly be installed and properly operated and maintained. The order shall specify that water services shall be discontinued and/or applicable penalties imposed unless, following a specified time period, the directed actions are taken. A compliance order may not extend the deadline for compliance beyond any applicable state or federal deadlines, nor does a compliance order release the customer from liability from any past, present, or continuing violation(s). Issuance of a compliance order shall not be a prerequisite to taking any other action against the customer. Failure to comply with any terms or requirements of a compliance order by a customer shall be an additional and independent basis for termination of water services or any other enforcement action authorized under this chapter and deemed appropriate by the city.

3. Cease and Desist Orders. The city may issue a cease and desist order upon finding a customer has or is violating this chapter. The decision to issue a cease and desist order shall consider the likelihood that a customer's violations could cause a severe threat to the public water system. The order issued by the city will direct the customer to cease and desist all such violations and to: (a) immediately cease such actions creating a cross-connection; (b) comply with all applicable cross-connection control standards and requirements; (c) take such appropriate action as may be needed to properly address a continuing or threatened violation, including halting operations. Issuance of a cease and desist order shall not be a bar against, or prerequisite for, taking any other action against the customer.
4. Injunctive Relief. When the city finds that a customer has violated (or continues to violate) any provision of this chapter or order issued hereunder, or any other fats, oils, and/or grease control standard or requirement, they may petition the superior court of Kitsap County through the city attorney for the issuance of a temporary or permanent injunction, as appropriate. Such injunction shall restrain or compel specific compliance with an order, or other requirement imposed by this chapter on activities of the customer. The city may also seek such other action as is appropriate for legal and/or equitable relief. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a customer.
5. This section are not exclusive remedies. The city reserves the right to take any, all, or any combination of these actions concurrently or sequentially against a noncompliant user or to take other actions as warranted by the circumstances.

### **13.05.090 Penalties.**

(A) Noncompliance Fines. Notwithstanding any other section of this chapter, any customer found by the city to have violated any provision of this chapter, or orders issued hereunder, shall be fined in an amount not to exceed \$1,000 per violation. Each day on which noncompliance shall occur or continue shall be deemed a separate and distinct violation. Such assessments will be billed separately from the utility billing for services. Unpaid charges, fines, and penalties shall be sent to collections. Issuance of an administrative fine shall not be a prerequisite for taking any other action against the customer. Each day upon which a violation occurs or continues shall constitute a separate violation. In the case of noncompliance, penalties shall accrue for each day during the period of such noncompliance. In addition to the penalty amounts assessable above, the director

may recover reasonable attorneys' fees, court costs, and other expenses associated with compliance and enforcement activities authorized under this chapter. This shall include recovery of costs for sampling and monitoring, and the cost of any actual damages incurred by the city. The city shall petition the superior court of Kitsap County to impose, assess, and recover such sums. When recommending the amount of civil liability, the public works director shall consider all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration, any economic benefit gained through the customer's violation, corrective actions by the customer, the compliance history of the customer, and any other factor as justice requires, and shall present this analysis as evidence in support of the recommended penalty. Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against a customer.

(B) Termination of Water Services. The city shall have authority to terminate water services to any customer upon determining that such customer has: (a) refused access allowed by this chapter thereby preventing the implementation of any purpose of this chapter; (b) violated any provision of this chapter; or (c) violated any lawful order of the city issued with respect to this chapter. The city will attempt to provide reasonable notice to tenants and owners prior to water service being terminated, but if the city determines the violation of this code presents an imminent and serious threat to the public water system, the city may immediately terminate the customer's water service, the notice and appeal rights set forth herein notwithstanding. Service will be restored after the customer has made arrangements to come into compliance and paid a disconnect/connect charge, as established in POMC 13.04.050. If a customer makes arrangements for compliance and payment after 4:30 p.m., the water will not be reconnected until the next morning. If a customer wishes to have their water reconnected after 4:30 p.m., they will be charged after-hours rates per POMC 13.04.055.

(C) Recovery of Expenses. All expenses incurred by the city in correcting the violation shall be billed to the property owner and/or person responsible for the violation and shall become due and payable to the city within 10 calendar days. Such costs may include, but are not limited to, the following:

1. "Legal expenses," which shall include, but are not limited to:

- (a) Personnel costs, both direct and indirect, including attorney's fees and all costs incurred by the city attorney's office or its designee;
  - (b) Actual and incidental expenses and costs incurred by the city in preparing notices, contracts, court pleadings, and all other necessary documents; and
  - (c) All costs associated with retention and use of expert witnesses or consultants;

2. "Abatement expenses," which shall include, but are not limited to:

- (a) Costs incurred by the city for preparation of notices, contracts, and related documents;



(b) All costs associated with inspection of the abated property and monitoring of said property consistent with orders of compliance issued by the city's hearing examiner or a court of competent jurisdiction;

(c) All costs incurred by the city for hauling, storage, disposal, or removal of vegetation, trash, debris, dangerous structures or structures unfit for occupancy, potential vermin habitat or fire hazards, junk vehicles, obstructions to public rights-of-way, and setback obstructions;

(d) All costs incurred by law enforcement or related enforcement agencies;

(e) All costs incurred by the city during abatement of code violations may include interest in an amount as prescribed by law; and

(D) The city shall have a lien for any monetary penalty imposed, the cost of any abatement proceedings under this chapter, and all other related costs including attorney and expert witness fees, against the real property on which the monetary penalty was imposed or any of the work of abatement was performed. The lien shall be subordinate to all previously existing special assessment liens imposed on the same property and shall be superior to all other liens, except for state and county taxes, with which it shall be on parity.

A Facility is liable to the City for any expense, loss, or damage occasioned by the City for reason of appropriate cleanup and proper disposal of said waste materials.

(E) Remedies Nonexclusive. The provisions in this section are not exclusive remedies. The city reserves the right to take any, all, or any combination of these actions concurrently or sequentially against a noncompliant user or to take other actions as warranted by the circumstances.

### **13.05.100 Indemnification.**

The city of Port Orchard will not be held liable for any or all water pressure loss, flow loss, head loss, friction loss, or other costs or damages associated with the requirements of this chapter and associated enforcement, including but not limited to interruption of service. In all cases, the customer shall indemnify and hold harmless the city for all contamination of the customer's system or the city's water or sewerage systems that result from a violation of this chapter within the customer's premises. Under no circumstances shall the city's granting of an exception from the requirements herein consistent with this chapter be construed to mean that the city assumes responsibility or liability for any occurrence on the customer's premises. This indemnification shall pertain to all conditions that may arise from the city's suspension of water supply, water main breaks, or reduction of water pressure. Any customer violating any of the provisions of this program when said violation results in damage to or impairs the city's water or sewerage system, including, but not limited to, allowing contamination, pollution, any other substances, or non-potable water to enter the city's water or sewerage system, shall be liable to the city for all expenses, loss, or damages caused by such violation. Such costs may include, but are not limited to, cleaning, purifying, repairing, or replacement work in the city's water or sewerage system caused by the violation.

## Chapter 13.07

### CROSS-CONNECTION CONTROL

#### Sections:

- 13.07.010 Purpose.
- 13.07.020 Definitions.
- 13.07.030 Code authority and enforcement.
- 13.07.040 Policy.
- 13.07.050 Minimum protection.
- 13.07.060 Risk assessment survey.
- 13.07.070 New construction.
- 13.07.080 Existing buildings, structures and grounds.
- 13.07.090 Records and reports.
- 13.07.100 Enforcement.
- 13.07.110 Other remedies.
- 13.07.120 Indemnification.

#### **13.07.010 Purpose.**

The purpose of the city of Port Orchard cross-connection control program is to protect the public water system from contamination via cross-connections and backflow incidents.

#### **13.07.020 Definitions.**

Except where specifically designated herein, all words used in this chapter and the cross-connection control program shall carry their customary meanings. Words used in the present tense include the future, and plural includes the singular. The word “shall” is always mandatory; the word “may” denotes a use of discretion in making a decision. Any definition not found in this section will take its meaning from the Washington Administrative Code (WAC) (Chapter 246-290 WAC), as amended, or the most recent edition of the Manual of Cross-Connection Control published by the Foundation for Cross-Connection Control and Hydraulic Research, University of Southern California.

(1) “Air gap” means a physical separation between the free-flowing end of a potable water supply pipeline and the overflow rim of an open or non-pressurized receiving vessel. To qualify as an air gap approved by the city, the separation must be at least:

(a) Twice the diameter of the supply piping measured vertically from the overflow rim of the receiving vessel, and in no case be less than one inch, when unaffected by vertical surfaces (sidewalls); or

(b) Three times the diameter of the supply piping if the horizontal distance between the supply pipe and a vertical surface (sidewall) is less than or equal to three times the diameter of the supply pipe, or if the horizontal distance between the supply pipe and intersecting vertical surfaces (sidewalls) is less than or equal to four times the diameter of the supply pipe and in no case less than one and one-half inches.

(2) “Authorized agent” means any person who:

- (a) Makes decisions regarding the operation and management of the public water system whether or not engaged in the physical operation of the system;
- (b) Makes decisions whether to improve, expand, purchase, or sell the system; or
- (c) Has discretion over the finances of the system or is designated by an authorized agent as described above.

(3) “Backflow” means the undesirable reversal of flow of water or other substances through a cross-connection into the public water system or customer’s potable water system.

(4) “Backflow assembly tester” means a person holding a valid backflow assembly tester (BAT) certificate issued in accordance with WAC 246-292-490.

(5) “Backflow preventer” means an air gap, backflow prevention assembly, or atmospheric vacuum breaker.

(6) “Backflow prevention assembly” means a device, combination of devices, or equipment of make, model, and size that is approved by the city for use to prevent backflow to the city’s public water system. Backflow prevention assemblies include, but may not be limited to:

RPBA – Reduced pressure backflow assembly;

RPDA – Reduced pressure detector assembly;

DCVA – Double check valve assembly;

DCDA – Double check detector assembly;

PVBA – Pressure vacuum breaker assembly;

SVBA – Spill-resistant vacuum breaker assembly;

AVB – Atmospheric vacuum breaker.

(7) “Back-pressure” means pressure caused by a pump, elevated tank or piping, boiler, or other means on the customer’s side of the service connection that is greater than the pressure provided by the public water system, and which may cause backflow.

(8) “Back-siphonage” means backflow due to a reduction in system pressure in the city’s distribution system and/or customer’s water system.

(9) “Combination fire protection system” means a fire sprinkler system that:

- (a) Is supplied only by the city’s water system; and
- (b) Does not have a fire department pumper connection; and

(c) Is constructed of approved potable water piping and materials that serve both the fire sprinkler system and the customer's potable water system.

(10) "Contaminant" means a substance present in drinking water that may adversely affect the health of the customer or the aesthetic qualities of the water.

(11) "Cross-connection" means any actual or potential physical connection between the public water system or the customer's water system and any source of non-potable liquid, solid, or gas that could contaminate the potable water supply by backflow.

(12) "Cross-connection control program" means the administrative and technical procedures the city implements to protect the public water system from contamination via cross-connections, as required in WAC 246-290-490.

(13) "Cross-connection control specialist (CCS)" means a person holding a valid Washington State cross-connection control specialist certificate issued in accordance with Chapter 246-292 WAC.

(14) "Cross-connection control summary report" means the annual report required by the Washington State Department of Health, Office of Drinking Water, that describes the status of the city's cross-connection control program.

(15) "Customer" means any person receiving water from a public water system from either the meter, or the point where the service line connects with the distribution system, if no meter is present. For purposes of cross-connection control, "customer" means the owner or operator of a water system connected to a public water system through a service connection.

(16) "Customer's water system," as stated in WAC 246-290-490, means any potable and/or industrial water system that begins at the public water system point of delivery; that is, at the immediate downstream side of the water meter or connection, and is located on the customer's premises. The customer's water system includes all auxiliary sources of supply, storage, treatment, and distribution facilities, piping, plumbing, and fixtures under the control of the customer.

(17) "Department" means the Washington State Department of Health, Office of Drinking Water, or health officer as identified in a joint plan of operation in accordance with WAC 246-290-030.

(18) "Direct service connection" means a service hookup to a property that is contiguous to a water distribution main and where additional mains or extensions are not needed to provide service.

(19) "Distribution system" means all piping components of a public water system that serve to convey water from transmission mains linked to source, storage and treatment facilities to the customer, excluding individual services.

(20) "City" means the City of Port Orchard or the City of Port Orchard water utility.

(21) "Flow-through fire protection system" means a fire sprinkler system that:

- (a) Is supplied only by the city's water; and
- (b) Does not have a fire department pumper connection; and
- (c) Is constructed of approved potable water piping and materials to which sprinkler heads are attached; and
- (d) Terminates at a connection to a toilet or other plumbing fixture that provides regular use to prevent the water from becoming stagnant.

(22) "Health hazard" means any condition, device, or practice in a water supply system and/or its operation that creates or may create a danger to the health and well-being of a customer.

(23) "Health officer" means the health officer of the Kitsap County health department, or an authorized representative.

(24) "High health cross-connection hazard" means a cross-connection that could impair the quality of potable water and create an actual public health hazard through poisoning or spread of disease by sewage, industrial liquids or waste.

(25) "In-premises protection" means a method of protecting the health of customers served by the customer's potable water system, located within the property lines of the customer's premises by the installation of an approved air gap or backflow prevention assembly at the point of hazard, which is generally a plumbing fixture.

(26) "Local administrative authority" means the local official, board, department, or agency authorized to administer and enforce the provisions of the Uniform Plumbing Code as adopted under Chapter 19.27 RCW (WAC 51-46-0603).

(27) "Low health cross-connection hazard" means a cross-connection that could cause an impairment of the quality of potable water to a degree that does not create a hazard to the public health but does adversely and unreasonably affect the aesthetic qualities of such potable water for domestic use.

(28) "Potable" means water suitable for drinking by the public and meeting the requirements of the Safe Drinking Water Act and state of Washington Department of Health.

(29) "Premises isolation" means a method of protecting a public water system by installation of approved air gaps or approved backflow prevention assemblies at or near the service connection or alternative location acceptable to the city to isolate the customer's water system from the city's public water system.

(30) "Plumbing hazard" means a cross-connection in a customer's potable water system that may permit back-siphonage in the event of a negative pressure in the supply line.

(31) "Public water system" means as defined and referenced under WAC 246-290-020.

(32) "Purchased source" means water a purveyor purchases from a public water system not under the control of the city for distribution to the city's customers.



(33) “Purveyor” means an agency, subdivision of the state, municipal corporation, firm, company, mutual or cooperative association, institution, partnership, person, or other entity owning or operating a public water system. “Purveyor” also means the authorized agents of such entities.

(34) “Regional public water supplier” means a water system that provides drinking water to one or more public water systems.

(35) “Resident” means an individual living in a dwelling unit served by a public water system.

(36) “Service connection” means a connection to a public water system designed to provide potable water to a single-family residence, or other residential or nonresidential population.

(37) “System hazard” means a threat to the physical properties of the public or the customer’s potable water system by a material not dangerous to health but aesthetically objectionable that would have a degrading effect on the quality of the potable water in the system.

(38) “Unapproved auxiliary water supply” means a water supply (other than the city’s water supply) on or available to the customer’s premises that is either not approved for human consumption by the health agency having jurisdiction, or is not otherwise acceptable to the city.

(39) “Used water” means water that has left the control of the city, typically through a service connection meter or use from a city hydrant.

#### **13.07.030 Code authority and enforcement.**

Enforcement of this cross-connection control program in the area served by the city water utility will be in accordance with this chapter and WAC 246-290-490, as amended. For water utility customers outside of Port Orchard city limits, the provisions of this chapter shall be enforced as water utility policy, to the extent allowed by law.

#### **13.07.040 Policy.**

This policy shall provide for the permanent abatement or control of cross-connections to the potable water system of the city of Port Orchard. Where it is infeasible to find, eliminate, or permanently control cross-connections to the water system, and when it is mandated by WAC 246-290-490 or deemed necessary by a city CCS, there shall be installed at the city water service connection and prior to any branch connections an approved backflow preventer commensurate with the degree of hazard posed by the customer’s water system upon the public water system.

#### **13.07.050 Minimum protection.**

(1) All backflow preventers used for cross-connection control to protect the city of Port Orchard water system shall be identified on the current list of approved backflow prevention assemblies developed by the Washington State Department of Health, Office of Drinking Water, as amended. Backflow prevention assemblies not identified on the Office of Drinking Water list of approved assemblies, but approved by another public water system in the state of Washington, may be considered for approval on a case-by-case basis by the city, who shall have the sole discretion to approve or disapprove use of the proposed backflow prevention assembly.

(2) All backflow preventers used to protect the public water system from potential premises hazards shall be installed downstream of connections to the public water system and prior to any branch connections, as determined by the city CCS.

(3) The following methods of cross-connection control are the minimum protection required at the water service connection at the property line to protect the public water system from potential hazards on the premises:

(a) All premises listed under WAC 246-290-490(4)(b)(i), (ii), (iii) and (Table 13, formerly codified as Table 9) shall require installation of an air gap or a reduced pressure backflow assembly.

(b) All premises on which material that may be dangerous to health is stored, handled, or processed, and which, in the assessment of a city CCS, poses a potential high health cross-connection hazard to the public water system, shall require installation of an air gap or a reduced pressure backflow assembly.

(c) All premises where entry is restricted such that inspection for cross-connections cannot be made with sufficient frequency or at sufficient short notice to assure that cross-connections do not exist and the risk of cross-connection hazards is low shall require an air gap or a reduced pressure backflow assembly.

(d) All premises having a repeated history of cross-connections being established or re-established shall require an air gap or a reduced pressure backflow assembly.

(e) All premises that have an auxiliary water supply on or available to the customer's premises shall require an air gap or a reduced pressure backflow assembly.

(f) All premises that have internal cross-connections that are not correctable or which have complex plumbing arrangements that make it impractical to ascertain whether or not cross-connections exist shall require an air gap or a reduced pressure backflow assembly.

(g) All premises that have a heat exchanger or a solar hot water system shall require a risk assessment inspection by a city CCS to determine the level of backflow protection required.

(h) All fire systems that may contain chemical additives, including food-grade additives, shall require a reduced pressure backflow assembly or reduced pressure detector assembly.

(i) All premises that pose a high probability of changes in the use of water by tenants, such as but not limited to shopping malls or strip malls, shall require a backflow assembly commensurate with the degree of hazard.

(j) All fire systems with no chemical additives shall require a double check valve assembly or double check detector assembly.

(k) All premises where cross-connections are unavoidable or not correctable, such as but not limited to tall buildings (over 30 feet) or water booster pump systems, shall require a double check valve assembly unless other hazards on the premises require a higher level of backflow protection.

(4) The control of cross-connections requires cooperation between the water purveyor, the local administrative authority, the health officer and the customer (consumer).

(a) WAC 246-290-490(1)(d): The purveyor's responsibility for cross-connection control shall begin at the water supply source, include all the public water treatment, storage, and distribution facilities, and end at the point of delivery to the customer's water system, which begins at the downstream end of the service connection or water meter located on the public right-of-way or utility-held easement.

(b) WAC 246-290-490(1)(e): Under the provisions of this section, purveyors are not responsible for eliminating or controlling cross-connections within the customer's water system. Under Chapter 19.27 RCW, the responsibility for cross-connections within the customer's water system, i.e., within the property lines of the customer's premises, falls under the jurisdiction of the local administrative authority.

(c) WAC 246-290-490(2)(d): The purveyor shall coordinate with the local administrative authority in all matters concerning cross-connection control. The purveyor shall document and describe such coordination, including delineation of responsibilities, in the written cross-connection control program required in WAC 246-290-490(2)(e).

(5) A city CCS shall make available to all local administrative authorities information maintained in the city cross-connection control program files, which may include, but is not limited to:

(a) A master list of all premises that have been isolated from the city water system in accordance with the city's cross-connection control program;

(b) Information concerning any internal cross-connections that come to the attention of a city CCS during risk assessment evaluations of premises; and

(c) Notification of any termination of water service for failure to comply with the requirements of WAC 246-290-490 or the city's cross-connection control program.

### **13.07.060 Risk assessment survey.**

(1) A risk assessment survey for cross-connections and sanitary hazards requires a water use evaluation of new and existing buildings, structures, and grounds to determine the degree of potential health hazard risk to the public water system. While assessing the risk of contamination of the public water system, if the degree of hazard posed by a substance or process is unknown, the city must assume the hazard is high. Almost all substances other than potable water under the city's control are considered to be a health hazard to some degree.

(2) Factors to consider while determining the level of probability that a cross-connection may occur include:

(a) The probability increases that an existing cross-connection will go undetected as the complexity of a piping system increases.

(b) Piping changes will create new cross-connections or change the operating risk from back-siphonage to back-pressure conditions.

- (c) A backflow preventer could be bypassed or removed from service.
- (d) A material stored, handled, or processed could be changed or increased in strength.
- (e) A material stored or handled may deteriorate, thus becoming a health hazard.
- (f) A material, when combined with the chemicals in the potable water supply or when exposed to certain piping material, may react and form a compound that poses a health hazard, such as CO<sub>2</sub> mixing with water to form carbonic acid, an acid that leaches copper from service pipes.
- (g) A material that, if it contains a bacteriological contaminant, could become a health hazard long after it enters the potable water supply, through bacteria regrowth. (Ord. 3208 § 1, 2012).

### **13.07.070 New construction.**

(1) Risk assessments for new construction shall be conducted as outlined below: Upon application for a water service connection, a city CCS shall review the application and determine the risk posed to the public water system by the customer's water system. A city CCS shall classify the water service connection as either a high health hazard cross-connection, a low health hazard cross-connection, or no health hazard cross-connection, and shall specify the need for and identify the type of backflow protection required (if applicable) for premises isolation backflow protection. When deemed necessary, a city CCS shall request the city's engineering division or local administrative authority to require a detailed plan and specification for the plumbing installation in order to facilitate risk assessment review of the water use at the property.

(2) A city CCS shall review all water system related plans and specifications to:

- (a) Assess the actual or potential health hazard or contamination risk to the public water system.
- (b) Assess the complexity of any existing and/or proposed water piping system.
- (c) Assess the probability of cross-connections within a customer's water system.
- (d) Determine what cross-connections might constitute acceptable risks.
- (e) Determine the reliability required of any backflow prevention assembly utilized within a facility or mandated for premises isolation.
- (f) Assess the actual or potential use and/or availability of any unapproved auxiliary water supply systems.
- (g) Assess the storage and handling of material dangerous to health and toxic substances that, if introduced into the water system, would constitute a water system, plumbing, or health hazard.

(3) If it is determined that any of these conditions will exist, a city CCS shall advise the customer in writing that such cross-connections exist and may, as a courtesy, offer technical guidance in

eliminating or controlling such cross-connections. If a city CCS determines that the customer's water system represents a potential health hazard risk to the city water system, such as, but not limited to, WAC 246-290-490(4)(b)(Table 13, formerly codified as Table 9) facilities and/or systems, a backflow preventer commensurate with the assessed degree of hazard shall be required for premises isolation at the water service connection, notwithstanding any point of hazard, point of use, or fixture protection existing or proposed within the property lines of the premises.

(4) Backflow preventers, when required, shall be installed and tested before the water service is activated. A city CCS shall advise the customer that it is the customer's responsibility to install the backflow preventer and have it tested by a Washington State certified backflow assembly tester (BAT) prior to use of the water service, and that annual testing and documentation is required thereafter. A city CCS shall attend and witness the initial test of all backflow assemblies installed for premises protection. It is the responsibility of the customer to contact a city CCS and coordinate an appointment time for a city CCS to attend and witness the required test of a backflow assembly (24-hour advance notice is required). (Ord. 3208 § 1, 2012).

### **13.07.080 Existing buildings, structures and grounds.**

(1) A city CCS shall evaluate all high health hazard premises, all commercial and/or industrial premises, all premises with fire systems, all premises with water systems using booster pumps, and all premises with buildings 30 feet or more in height to ensure premises isolation backflow protection has been provided at the water service connection. Premises to be evaluated shall be selected in order from an established list prioritized by expected degree of health hazard and/or risk of contamination. Premises not on the established priority list that come to the attention of a city CCS, and upon evaluation are determined deficient in required premises isolation backflow protection, shall be brought into current compliance without regard to any established priority list. Residential properties will not be routinely inspected unless those properties come to the attention of a city CCS and are identified to pose a potential health hazard risk to the city water system.

(2) The initial evaluation of existing facilities shall proceed according to the following steps:

(a) A priority list shall be established using existing water service records, telephone directory yellow page listings, and other resources as beneficial.

(b) Beginning with the highest rated health hazard on the program's priority list, a city CCS shall make a risk assessment evaluation of each property for actual or potential cross-connections and/or any conditions that might tend to contaminate the city water system.

(c) Upon completion of the risk assessment evaluation, a city CCS shall determine whether premises isolation backflow protection is required, and shall determine the level of protection required commensurate with the assessed degree of hazard.

(d) A city CCS shall prepare an evaluation that includes, but is not limited to, the following:

(i) A list of all cross-connections found, their locations, and any optional methods of elimination or control.

(ii) Any applicable drawings, sketches, blueprints, or photos.



(iii) A summary of the findings, recommendations and requirements for corrective actions.

(e) A city CCS shall notify the customer, in writing, of the city's requirement for premises isolation backflow protection. The letter shall include the requirements for corrective actions and a corrective action completion date.

(f) Corrective action by the customer must be completed within 30 days in most cases. Where existing cross-connections pose an immediate threat to public health and the city's water system, a city CCS may require immediate corrective action and may terminate water service until required backflow prevention is installed and tested. For cross-connections that are complex and may require additional time to design and install, a city CCS may allow up to 90 days to complete corrective action.

(3) On the specified corrective action completion date, a city CCS shall inspect the customer's facility to determine if the corrective actions have been completed. If the corrective actions have been completed, a city CCS shall inspect each required premises isolation backflow assembly located at the city water service connections to the property. If the corrective actions are in progress but more time is required for completion, a new completion date may be set by a city CCS. If corrective actions have been disregarded, the city shall take appropriate corrective action within its authority, up to and including denying or discontinuing water service to a customer's premises until the cross-connection hazard is eliminated or controlled to the satisfaction of the city.

(4) The city's corrective action may include, but is not limited to:

(a) Denying or discontinuing water service to a customer's premises until the cross-connection hazard is eliminated or controlled to the satisfaction of a city CCS.

(b) Requiring the customer to install an approved backflow preventer for premises isolation commensurate with the degree of hazard.

(c) Contracting with a properly licensed and certified company or individual to install an approved backflow preventer for premises isolation commensurate with the degree of hazard. The cost of installation and testing, plus a 20 percent administrative fee, shall be added to the customer's water bill.

(5) Reinspection of premises isolation for each premises subject to corrective action may be performed annually, or more often if the degree of hazard so indicates, or whenever there is a change in the use of the premises.

(6) The city shall ensure that inspections and/or tests of backflow prevention facilities are conducted:

(a) At the time of installation.

(b) Annually after installation, or more frequently, if required by the city for connections serving premises or systems that pose a high health cross-connection hazard or for assemblies that repeatedly fail.

(c) After a backflow incident.

(d) After an assembly is repaired, reinstalled, or relocated or an air gap is replumbed.

### **13.07.090 Records and reports.**

(1) The City of Port Orchard's cross-connection control program files shall include files for each customer requiring the installation of a premises isolation backflow prevention assembly. A computer software database may be utilized for compiling and extracting information required for tracking compliance as well as Department of Health annual reporting.

(2) The following information shall be maintained in each file:

(a) Copies of all correspondence with customer relative to cross-connection control.

(b) Copies of evaluation reports, complete with field drawings (if applicable).

(c) Copies of all completed backflow assembly test report forms.

(d) Copies of all reports or correspondence pertaining to enforcement action, cross-connections, or backflow incidents. (Ord. 3208 § 1, 2012).

### **13.07.100 Enforcement.**

Unprotected cross-connections which are declared by this Chapter to be unlawful, whether presently existing or hereinafter installed, as well as any customer who has violated or is continuing to violate any provision of this chapter, or an order issued hereunder, are hereby declared to be public nuisances. In addition to any other provisions of the Port Orchard Municipal Code pertaining to abatement of public nuisances, and in addition to any other enforcement methods authorized by an ordinance of the City or local or state law, these violations may be subject to abatement and enforcement through any of the following methods (at the discretion of the Director or designee):

(1) Notice of Violation. Whenever the city finds that any customer has violated or is continuing to violate any provision of this chapter, or an order issued hereunder, the city may serve upon such customer a written notice of the violation that will include a minimum of an additional 10 days to comply and notification that water services will be terminated on the next business day following the specified due date. Nothing in this section shall limit the authority of the city to take any action, including emergency actions or any other enforcement action, without first issuing a notice of violation.

(2) Compliance Orders. Whenever the city finds that a customer has violated, or continues to violate, any provision of this chapter, or order issued hereunder, the city may issue a compliance order to the customer responsible for the violation. This order shall direct that the cross-connection be eliminated or protected with an approved backflow prevention assembly and that the assembly be installed and properly operated and maintained. The order shall specify that water services shall be discontinued and/or applicable penalties imposed unless, following a specified time period, the directed actions are taken. A compliance order may not extend the deadline for compliance beyond any applicable state or federal deadlines, nor does a compliance order release the customer from liability from any past, present, or continuing violation(s). Issuance of a compliance order shall not be a prerequisite to taking any other action against the

customer. Failure to comply with any terms or requirements of a compliance order by a customer shall be an additional and independent basis for termination of water services or any other enforcement action authorized under this chapter and deemed appropriate by the city.

(3) Cease and Desist Orders. The city may issue a cease and desist order upon finding a customer has or is violating this chapter. The decision to issue a cease and desist order shall consider the likelihood that a customer's violations could cause a severe threat to the public water system. The order issued by the city will direct the customer to cease and desist all such violations and to: (a) immediately cease such actions creating a cross-connection; (b) comply with all applicable cross-connection control standards and requirements; (c) take such appropriate action as may be needed to properly address a continuing or threatened violation, including halting operations. Issuance of a cease and desist order shall not be a bar against, or prerequisite for, taking any other action against the customer.

(4) Recovery of Costs Incurred by the City. Any customer violating any of the provisions of this chapter or who creates or maintains a cross-connection without an approved, operational backflow prevention assembly shall be liable to the city for any expense, loss, fines, or damage caused by such violation or backflow incident. The city will bill the customer for the cost incurred by the city for any cleaning, repair, replacement work, or other damages caused by the cross-connection. Refusal to pay the assessed costs shall constitute a violation of this chapter enforceable under the provisions of this section and POMC Chapter 20.02.

(5) Noncompliance Fines. Notwithstanding any other section of this chapter, any customer found by the city to have violated any provision of this chapter, or orders issued hereunder, shall be fined in an amount not to exceed \$1,000 per violation. Each day on which noncompliance shall occur or continue shall be deemed a separate and distinct violation. Such assessments will be billed separately from the utility billing for services. Unpaid charges, fines, and penalties shall be sent to collections. Issuance of an administrative fine shall not be a prerequisite for taking any other action against the customer.

(6) Termination of Water Services. The city shall have authority to terminate water services to any customer upon determining that such customer has: (a) refused access allowed by this chapter thereby preventing the implementation of any purpose of this chapter; (b) violated any provision of this chapter including failure to install or test a backflow assembly; or (c) violated any lawful order of the city issued with respect to this chapter. The city will attempt to provide reasonable notice to tenants and owners prior to water service being terminated, but if the city determines the cross-connection or other violation of this code presents an imminent and serious threat to the public water system, the city may immediately terminate the customer's water service, the notice and appeal rights set forth herein notwithstanding. Service will be restored after the customer has made arrangements to come into compliance and paid a disconnect/connect charge, as established in POMC 13.04.050. If a customer makes arrangements for compliance and payment after 4:30 p.m., the water will not be reconnected until the next morning. If a customer wishes to have their water reconnected after 4:30 p.m., they will be charged after-hours rates per POMC 13.04.055.

### **13.07.110 Other remedies.**

(1) Injunctive Relief. When the city finds that a customer has violated (or continues to violate) any provision of this chapter or order issued hereunder, or any other cross-connection control standard or requirement, they may petition the superior court of Kitsap County through the city attorney for the issuance of a temporary or permanent injunction, as appropriate. Such injunction shall restrain or compel specific compliance with an order, or other requirement imposed by this chapter on activities of the customer. The city may also seek such other action as is appropriate for legal and/or equitable relief. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a customer.

(2) Civil Penalties. A customer who has violated or continues to violate any provision of this chapter, an order issued hereunder, or any other cross-connection control standard shall be liable to the city for a civil penalty of at least \$1,000 per violation but not more than \$10,000 per violation. Each day upon which a violation occurs or continues shall constitute a separate violation. In the case of noncompliance, penalties shall accrue for each day during the period of such noncompliance. In addition to the penalty amounts assessable above, the director may recover reasonable attorneys' fees, court costs, and other expenses associated with compliance and enforcement activities authorized under this chapter. This shall include recovery of costs for sampling and monitoring, and the cost of any actual damages incurred by the city. The city shall petition the superior court of Kitsap County to impose, assess, and recover such sums. When recommending the amount of civil liability, the public works director shall consider all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration, any economic benefit gained through the customer's violation, corrective actions by the customer, the compliance history of the customer, and any other factor as justice requires, and shall present this analysis as evidence in support of the recommended penalty. Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against a customer.

(3) Remedies Nonexclusive. The provisions in this section are not exclusive remedies. The city reserves the right to take any, all, or any combination of these actions concurrently or sequentially against a noncompliant user or to take other actions as warranted by the circumstances.

#### **13.07.120 Indemnification.**

The city of Port Orchard will not be held liable for any or all water pressure loss, flow loss, head loss, friction loss, or other costs or damages associated with the use and operation of backflow prevention assemblies including but not limited to interruption of service. For continuous service, it is recommended that at least two assemblies be installed in parallel to prevent total flow loss due to testing and repairs. In cases where the customer has successfully obtained approval from the city for an exception to premises isolation, the customer side of the water meter chamber shall continue to be the beginning of the customer's system and the customer shall retain the associated responsibilities and liabilities described in this chapter. In all cases, the customer shall indemnify and hold harmless the city for all contamination of the customer's system or the city's water distribution system that results from an unprotected or inadequately protected cross-connection within the customer's premises. Under no circumstances shall the city's granting of an exception from premises isolation be construed to mean that the city assumes responsibility or liability for any cross-connection incident on the customer's premises. This indemnification shall pertain to all backflow conditions that may arise from the city's

suspension of water supply, water main breaks, or reduction of water pressure. Any customer violating any of the provisions of this program when said violation results in damage to or impairs the city's water system, including, but not limited to, allowing contamination, pollution, any other substances, or non-potable water to enter the city's water system, shall be liable to the city for all expenses, loss, or damages caused by such violation. Such costs may include, but are not limited to, cleaning, purifying, repairing, or replacement work in the city's water system caused by the violation.