



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

4601 N Monroe Street • Spokane, Washington 99205-1295 • (509)329-3400

September 11, 2014

Mr. Kevin R. Cooke, P.E.
Utilities Director
Spokane County Division of Utilities
1026 West Broadway Avenue, 4th Floor
Spokane, WA 99260-0430

RE: Spokane County Wastewater Facilities – Memorandum of Agreement (MOA) between
the Washington State Department of Ecology and Spokane County

Dear Mr. Cooke:

The Department of Ecology is pleased to send to you the jointly-signed Memorandum of Agreement – Delegation of Engineering Approval Authority.

Please do not hesitate to contact me at (509) 329-3537 or cywa461@ecy.wa.gov if you have questions or need additional information.

Sincerely,

Cynthia Wall
Water Quality Program
Eastern Regional Office

CW:jab

CERTIFIED MAIL: 7012 3050 0000 1094 8262

Enclosure: Memorandum of Agreement (MOA)
cc: Dave Moss, Spokane County Division of Utilities
Mark Stilz, Spokane County Division of Utilities
Ellie Key, Department of Ecology
Scott Mallery, Department of Ecology





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DEPARTMENT OF ECOLOGY

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MEMORANDUM OF AGREEMENT
BETWEEN THE
WASHINGTON STATE DEPARTMENT OF ECOLOGY
AND
SPOKANE COUNTY

This MEMORANDUM OF AGREEMENT (MOA) between the Washington State Department of Ecology (Ecology) and Spokane County Division of Utilities (Spokane County) provides delegation of review and approval of some of the engineering activities ordinarily completed by Ecology to Spokane County as authorized by RCW 90.48.110(2). Attachment A identifies the party responsible for the review and approval of specific engineering documents required for construction of sewerage collection and treatment systems, improvements or extensions to existing sewerage systems or sewage treatment or disposal plants, and the proposed method of future operations and maintenance of the those facilities and industrial pretreatment systems. This MOA also confirms the delegation of review and approval of engineering reports, plans and specifications and operation and maintenance manuals for the federal industrial pretreatment program delegated to Spokane County under 40 CFR Part 403.

This MOA, and the described review and approval activities, are based on a foundation of trust, collaboration, and professionalism among public service organizations. The MOA further emphasizes the guidance provided in the statute: **“To promote efficiency in service delivery and intergovernmental cooperation in protecting the quality of the state’s waters....”** In entering into this MOA, the parties recognize the importance of good communication and coordination to build effective relationships.

DELEGATED ACTIVITIES

As allowed under RCW 90.48.110(2), Spokane County will carry out the responsibility for the duties and functions for the following activities on behalf of Ecology:



Pretreatment Program

Ecology delegated authority and responsibility to Spokane County to administer the federal pretreatment program (40 CFR Part 403) as authorized under the Clean Water Act, Chapter 173-208 WAC, and the State Waste Discharge Permit program, Chapter 173-216 WAC. Full authority authorized under RCW 90.48 is hereby granted to Spokane County to perform the activities Ecology would otherwise undertake to review, and approve, all plans for industrial wastewater pretreatment facilities described in WAC 173-240 sections 110-180 for industrial wastewater pretreatment systems subject to Spokane County's Pretreatment Program jurisdiction. This includes pretreatment engineering reports under WAC 173-240-130, plans and specifications under WAC 173-240-140, and operation and maintenance manuals under WAC 173-240-150.

Ecology will provide technical assistance for wastewater pretreatment process evaluation when requested by Spokane County.

Spokane County shall keep one copy of each approved document on file and include a compiled list of approved documents in the annual pretreatment report for the reporting period.

The Delegated Pretreatment Program must use the Standards for Industrial Reports located in the STANDARDS Section of this MOA.

Wastewater Treatment Facility Improvements

Spokane County is hereby delegated responsibility for engineering review and approval of plans and specifications, construction quality assurance plans, and operation and maintenance manuals, as well as addenda for all collection, transmission and treatment facility projects as set forth in Chapter 173-240 WAC. Spokane County will provide by letter to Ecology a description of each approved project. The letter must provide the project description, date of approval, name of the licensed professional engineer completing the design, and the Spokane County representative responsible for the approval process. Further, Spokane County will maintain a compiled list of such projects.

Ecology will require a 60 day notice from Spokane County for any proposed significant facility improvements or treatment process changes. Ecology retains approval authority for all activities as specified in "ATTACHMENT A".

Spokane County must use the standards provided in the STANDARDS Section of this MOA for review and approval activities for wastewater treatment facility improvements.

Collection Systems

Spokane County assumes responsibility for engineering review and approval for sewer extensions, interceptors, pump stations and force mains as indicated in “Attachment A” to this MOA. In those instances where major pump station or conveyance conduits fall under this provision, Ecology may conduct a parallel review. The delegated local unit of government will afford opportunity for Ecology to provide comments and will address these comments in a manner satisfactory to Ecology.

Projects meeting the requirements of WAC 173-240-030(5) involving installation of overflows or bypasses, or discharge to an overloaded treatment, collection, or disposal facility, are not delegated to Spokane County and are not subject to the responsibility assignments in Attachment A. Refer to WAC 173-240-030 for delegation and reporting requirement for these projects.

Spokane County will maintain a listing of projects approved, type of project, date approved, licensed professional engineer responsible for the design, and the Spokane County representative responsible for the approval process. Spokane County is responsible for construction inspection, and storage of updated project as-built (record drawings).

Spokane County must use the standards provided in the STANDARDS Section of this MOA for review and approval activities for wastewater treatment facility improvements.

Construction Management

Spokane County assumes construction management oversight for Ecology-funded projects supported by the Centennial Clean Water Fund and/or other state funding sources. Activities include review and approval of quality assurance plans, operation and maintenance manuals, and contract change orders. Spokane County is responsible for determining project eligibility before expending funds. Spokane County must submit a summary of work to Ecology for review and concurrence. Spokane County will also include initial eligibility determination for change orders and final reconciliation of quantities for a project. Ecology will retain authority for revising eligibility determinations if review identifies a need for revision.

Review and Approval of Other Plans and Construction Documents

Spokane County is hereby delegated authority to approve the engineering quality assurance plans under WAC 173-240-075, to approve operation and maintenance manuals under WAC 173-240-070 – 080 and 173-240-140 – 150, and to approve deviations from the approved plans.

Spokane County must use the standards provided in the STANDARDS Section of this MOA for review and approval activities for wastewater treatment facility improvements.

REQUIRED SUBMITTALS

Spokane County must maintain updated as-built drawings and will issue a “Declaration of Construction” (Chapter 173-240-090 WAC) for all completed projects. Spokane County must send an electronic version of the Operations & Maintenance Manual, Declaration of Construction, and record drawings for all projects to the Ecology Eastern Regional Office Water Quality Program.

Spokane County must prepare a summary report covering all review activities conducted under this MOA for the previous calendar year by **March 31** of each year. The summary report must contain a brief project description and the outcome of the review.

QUALIFICATIONS

All engineering document approvals made by Spokane County under this MOA must meet the qualifications in WAC 173-240-160 which requires review and approval by a licensed professional engineer with experience in the discipline required for the activity. The signed seal of a professional engineer is required on all changes to engineering documents such as facility plan amendments and plans and specifications (addenda and change orders) referencing engineering requirements.

STANDARDS

Reviewed and approved engineering documents for collection, treatment, and disposal facilities under this MOA must demonstrate conformance with the Ecology-approved engineering report and/or facility plan. The facilities must be designed, constructed, operated and maintained to meet the effluent limits and conditions of the National Pollutant Discharge Elimination System (NPDES) or State Waste Discharge Permit (SWDP). They must be consistent with good engineering practice, and must protect the quality of state waters in accordance with RCW 90.48.

Plans and specifications must meet the requirements set forth in WAC 173-240-070 or -140 as applicable, and must conform to the content and format of Ecology’s Criteria for Sewage Works Design (“Orange Book”), as updated or amended. Quality assurance plans must meet the requirements set forth in WAC 173-240-075. Operation and maintenance manuals must meet the requirements set forth in WAC 173-240-080 or -150, as applicable.

Spokane County must use Ecology's Criteria for Sewage Works Design ("Orange Book") and WAC 173-240-030 and -110, "Submission of Plans and Reports" as minimum standards for the review and approval of engineering documents. The County may use additional engineering references from the Water Environment Federation, American Public Works Association, American Society of Civil Engineers, and other recognized design and specification authorities as long as they meet or exceed Ecology minimum standards. Ecology also recognizes that Spokane County may have existing standards that exceed Ecology minimum standards.

Where applicable, pretreatment engineering reports, plans and specifications, and operation and maintenance manuals will also be reviewed for compliance with state and federal pretreatment regulations. To be approved, these pretreatment documents must also show that the discharge will meet the effluent limits and conditions of a pretreatment permit issued by Spokane County under its delegated program.

Spokane County will have in place or establish an internal quality control review and evaluation process to assure standards and criteria are met as required in this MOA. Any approvals made which deviate from applicable standards or accepted design criteria shall be reported to Ecology.

MAINTENANCE OF RECORDS

Spokane County must maintain all books, records, documents, data, and other evidence relating to this MOA and performance of the activities described herein. Spokane County must retain such records for a period of six years following the termination of this MOA. At no additional cost, these records, including materials generated under this MOA, must be subject at all reasonable times to inspection, review, or audit by Ecology personnel duly authorized by Ecology, the Office of the State Auditor, and federal and state officials so authorized by law, regulation or agreement.

COMPLIANCE WITH ALL LAWS, REGULATIONS AND AGREEMENTS

Spokane County will comply with all funding agreements, applicable state, federal and local laws, orders, regulations and permits. Prior to commencement of any construction or project implementation, Spokane County is responsible for making sure that the necessary permits and approvals required by authorities having jurisdiction over the project have been obtained.

DISPUTE RESOLUTION

The mutual goal of Spokane County and Ecology is to use public resources in an efficient manner to protect the water quality of the state. All parties will make a good faith effort to resolve issues and to avoid, to the greatest extent possible, appeals to higher levels of management. If differences cannot be resolved to the satisfaction of staff during the execution of the MOA, issues will be referred to the Ecology Eastern Regional Office Water Quality Section Manager and the Spokane County Utilities Engineering Manager. If necessary, disputes will be elevated to the Ecology Eastern Regional Office Water Quality Program Manager and the Spokane County Utilities Director for final resolution.

This MOA does not create any rights, procedural or substantive, to third parties.

PROCESS SUPPORT

Ecology's Eastern Regional Office will provide an engineering staff contact to provide assistance and information as needed. All data submittals and mutually agreed progress meetings will be coordinated with and through the Ecology staff person.

The designated Ecology staff contact for this MOA is:

Eleanor Key
(509) 329-3519
ekey461@ecy.wa.gov

The designated Spokane County staff contact for this MOA is:

Mark Stiltz
(509) 477-7469
mstiltz@spokanecounty.org

AMENDMENT, TERMINATION AND REVOCATION

This MOA shall be effective when signed by both parties and supersedes any prior MOA between Spokane County and Ecology. The MOA may be amended at any time by mutual written consent of all involved parties. Spokane County will notify Ecology should any problems, delays, or adverse conditions prevent them from meeting the objectives of the MOA.

The delegation of authority from Ecology to Spokane County under this MOA is contingent upon satisfactory performance by Spokane County of all obligations under this MOA. If Ecology determines that Spokane County has failed to perform any of its obligations under this MOA, Ecology will provide written notice of specific deficiencies to Spokane County and will work with Spokane County to rectify such deficiencies. If such deficiencies cannot be rectified, the delegation of authority will be immediately revoked upon Ecology's written notification to Spokane County.

This MOA may also be terminated by either party with 90 days written notice. Such notice shall include the reason for termination, and the delegation of authority under the MOA shall be revoked upon termination of this MOA.

NON-DELEGATED ACTIVITIES

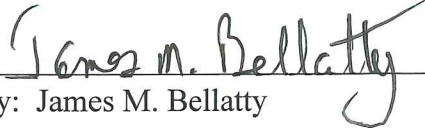
Ecology retains approval authority for engineering reports and facility plans that contain significant upgrades or any alternative analyses that would result in a major change to treatment plant operations.

TERM OF MOA

The term of this MOA is effective beginning **September 1, 2014**, and will run for a term of ten years, ending no later than **August 31, 2024**, or until rescinded, amended formally by letter of notification to the signatories, or rescinded by failure to request an extension according to the terms of agreement.


IN WITNESS THEREOF, the parties hereby execute this Memorandum of Agreement:

WASHINGTON STATE DEPARTMENT
OF ECOLOGY


By: James M. Bellatty
Section Manager
Eastern Regional Office
Water Quality Program

Date 9/8/14

SPOKANE COUNTY
DEPARTMENT OF PUBLIC WORKS


By: Kevin R. Cooke, P.E.
Director
Division of Utilities

Date 9-8-14

ATTACHMENT A
ENGINEERING REVIEW AND RESPONSIBILITY

Activities	Planning		Design	Construction Management		
Wastewater Treatment Facilities	Eng Report/ Facility Plan	Amendments	Plans/Specs & Change Orders	QA Plan	O&M Manual	Record Drawings
Pretreatment Facilities	SC	SC	SC	SC	SC	SC
Laboratory	SC	SC	SC	SC	SC	SC
Maintenance Facilities	SC	SC	SC	SC	SC	SC
Sampling (Flow & Monitor)	Ecology	Ecology	SC	SC	SC	SC
Flow Equalization	Ecology	Ecology	SC	SC	SC	SC
Preliminary Treatment	Ecology	Ecology	SC	SC	SC	SC
Secondary Treatment	Ecology	Ecology	SC	SC	SC	SC
Advanced Treatment	Ecology	Ecology	SC	SC	SC	SC
Wastewater Re-Use	Ecology/DOH	Ecology/DOH	Ecology/DOH	SC	SC	SC
Developmental Treatment Processes (membranes, ultrafiltration, RO, etc.)	Ecology	Ecology	Ecology	SC	SC	SC
Fine-Screen Filtration	Ecology	Ecology	SC	SC	SC	SC
Disinfection	Ecology	Ecology	SC	SC	SC	SC
Effluent Pumping	Ecology	Ecology	SC	SC	SC	SC
Influent Pumping	Ecology	Ecology	SC	SC	SC	SC
Outfall, Location and Design	Ecology	Ecology	Ecology	SC	SC	SC
Sludge Processing	Ecology	Ecology	SC	SC	SC	SC
Thickening/Dewatering	Ecology	Ecology	SC	SC	SC	SC
Instrumentation/Electrical Control	Ecology	Ecology	SC	SC	SC	SC
Administrative Facilities	Ecology	Ecology	SC	SC	SC	SC
Equipment Storage	Ecology	Ecology	SC	SC	SC	SC
Chemical Storage	Ecology	Ecology	SC	SC	SC	SC
Odor Control	Ecology	Ecology	SC	SC	SC	SC
Eligibility for Loans/Grants	Ecology	Ecology	Ecology	N/A		
Collection Systems and Pumping Facilities	Eng Report/ Facility Plan	Amendments	Plans/Specs & Change Orders	QA Plan	O&M Manual	Record Drawings
Pipeline Extensions	SC	SC	SC	SC	SC	SC
Interceptors	SC	SC	SC	SC	SC	SC
Pump Stations	SC	SC	SC	SC	SC	SC
Force Mains	SC	SC	SC	SC	SC	SC
Eligibility for Loans/Grants	Ecology	Ecology	Ecology	N/A		