



STATE OF WASHINGTON
OFFICE OF THE STATE HUMAN RESOURCES DIRECTOR

DIRECTOR'S REVIEW PROGRAM
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January 25, 2013

TO: Greg Davis, Council Representative
Washington Federation of State Employees (WFSE)

FROM: Teresa Parsons, SPHR
Director's Review Program Supervisor

SUBJECT: Scott Mallery v. Department of Ecology (ECY)
Allocation Review Request ALLO-12-010

On October 18, 2012, I conducted a Director's review telephone conference regarding the allocation of Scott Mallery's position. You and Mr. Mallery both participated in the conference. Wendy Holton, Senior Human Resources Consultant, represented the Department of Ecology (ECY). Also present from ECY were Kelly Susewind, Water Quality Program Manager; James Bellatty, Section Manager for the Eastern Region; and Mr. Mallery's current supervisor of the Permit Management Unit, Diana Washington, Environmental Engineer 5.

On October 19, 2012, I sent an email to the parties requesting clarification about the name of the incumbent in the position identified by ECY as the designated authority for pretreatment (Dave Knight), which Mr. Bellatty clarified by email on the same date (Exhibit D).

Director's Determination

This position review was based on the work performed for the six-month period prior to February 11, 2011, the date ECY's Office of Human Resources (HR) received Mr. Mallery's request for a position review. As the Director's designee, I carefully considered all of the documentation in the file, the exhibits presented during the Director's review conference, and the verbal comments provided by both parties. Based on my review and analysis of Mr. Mallery's assigned duties and responsibilities, I conclude his position is properly allocated to the Environmental Engineer 3 (EE 3) classification.

Background

Mr. Mallery is assigned to the Water Quality Program and works in the Eastern Region's Permit Management Unit with the working titles of Permit Manager and Pretreatment Engineer. Mr. Mallery's position reports to the Permit Management Unit Supervisor (EE 5) who reports to the Eastern Region Section Manager (Washington Management Service (WMS) Band 2) (Exhibit B-

1). On February 11, 2011, Mr. Mallery submitted a Position Review Request (PRR) to the HR Office asking that his Environmental Engineer 3 (EE 3) position (#3725) be reallocated to the Environmental Engineer 5 (EE 5) classification. Mr. Mallery's supervisor at the time, EE 5 Virginia Darrell, and Water Quality Program Manager Kelly Susewind both signed the PRR, agreeing that the information on the PRR was accurate and complete (Exhibit B-8).

As part of her review, Senior HR Consultant Wendy Holton contacted Mr. Mallery's current supervisor, EE 5 Diana Washington, Section Manager James Bellatty, and Program Manager Kelly Susewind. On January 6, 2012, Ms. Holton determined the EE 3 job class was the best fit for Mr. Mallery's assigned duties and responsibilities. Specifically, Ms. Holton concluded Mr. Mallery's position did not have responsibility for directing an environmental or public health section; did not provide mentoring, training, or engineering lead and consulting expertise on a section wide basis; had not been assigned the most complex projects; and that his position had not been recognized and designated in writing as the section's authority in an environmental engineering technical specialty area (Exhibit B-3).

On February 3, 2012, the Office of the State Human Resources Director (OSHRD) received Mr. Mallery's request for a Director's review of ECY's allocation determination (Exhibits A-1 and 2).

Summary of Mr. Mallery's Perspective

Mr. Mallery asserts he independently performs senior-level professional environmental engineering duties implementing the Pretreatment Program for the Eastern Region/Section. As such, Mr. Mallery contends his position serves as the section authority delegating pretreatment programs at the local level for cities and counties, including review and approval of engineering reports from facilities in those municipalities. Mr. Mallery explains that while delegated cities write their own permits for discharge of waste through a municipal sewer system, he is still required to understand all facets of each operation, and he reviews and approves permits, as well as ensures a facility's compliance with state and federal regulations.

In addition, Mr. Mallery states that his position serves as the pretreatment expert for cities that are not delegated, including review and approval of pretreatment systems for state waste discharge permits, which he oversees and manages. In that capacity, Mr. Mallery indicates that he develops local limits, writes and manages the permits, performs regular monitoring, inspecting, and enforcing, and he ensures city ordinances are correct. Mr. Mallery contends he is the lead contact in the Eastern Region for pretreatment issues and that his position acts as the section's authority in an environmental engineering technical specialty, type of facility, or equipment for pretreatment.

Mr. Mallery further contends his position has been assigned the responsibility to manage the section's most complex projects or largest projects with complex features, such as conflicting design requirements, unsuitability of conventional materials, or difficult coordination problems relating to pretreatment. Mr. Mallery emphasizes that he is required to understand domestic, municipal, and industrial systems and recognize the impact that systems have on one another. He further noted that his position requires knowledge about pretreatment going through land applications as well. Mr. Mallery indicates that he consults with and advises Water Quality Program section managers and unit supervisors, as well as other programs in the agency, on issues related to the specialty field of pretreatment and other issues. Mr. Mallery asserts the EE 3 level job class does not encompass the senior level responsibilities assigned to his position.

Instead, he contends that he performs senior level environmental engineering duties as described by the EE 5 class specification.

Summary of ECY's Reasoning

ECY recognizes Mr. Mallery as a registered professional engineer and acknowledges he works on complex sites. However, ECY asserts that positions starting at the EE 3 level require registration as a professional engineer. In addition, ECY emphasizes that environmental engineering skills required at this level are not rudimentary. Rather, ECY contends positions allocated to the EE 3 level require a high level of engineering expertise and are expected to work with complex environmental engineering issues. Therefore, ECY agrees Mr. Mallery performs duties involving specialized engineering for pretreatment of wastewater discharge but contends that level of work is encompassed in the EE 3 job class.

During the Director's review conference, Mr. Susewind explained how ECY designates environmental engineering positions to the EE 5 level. He first reiterated that positions at the EE 3 level are expected to work on complex environmental engineering projects in a multitude of specialty areas and are expected to be professional experts representing the agency. He then indicated that when a program has a need for an even higher level of expertise or a specialized need with unique demands, such as a small community municipal wastewater system, management will designate an environmental engineer position to the EE 5 level. Because Mr. Mallery's position has not been designated in writing as a senior environmental engineering specialist, ECY contends his position does not fit the definition of the EE 5 job class.

ECY also states that the permit unit supervisor reviews all permits for technical accuracies and that an EE 5 position in Program Development Services may perform another level of review before permits are issued to an entity. In addition, ECY indicates that an EE 5 position in the Southwest Region has been designated as the authority for the engineers working in the area of pretreatment. Overall, ECY contends the duties and responsibilities assigned to Mr. Mallery's position appropriately fit within the EE 3 job class.

Rationale for Director's Determination

The purpose of a position review is to determine which classification best describes the overall duties and responsibilities of a position. A position review is neither a measurement of the volume of work performed, nor an evaluation of the expertise with which that work is performed. A position review is a comparison of the duties and responsibilities of a particular position to the available classification specifications. This review results in a determination of the class that best describes the overall duties and responsibilities of the position. Liddle-Stamper v. Washington State University, PAB Case No. 3722-A2 (1994).

Duties and Responsibilities

The Position Description Form (PDF) for Mr. Mallery's position, dated January 8, 2007, and signed by his previous supervisor, Len Bramble, describes his position's objective, in part, as follows (Exhibit A-6):

. . . serves as Environmental Engineer (Permit Manager and Pretreatment Engineer). As a registered professional Engineer, serves as a Permit Manager for

assigned commercial and industrial facilities requiring pre-treatment permits for wastewater discharge to Publicly Owned Treatment Works (POTW's), conducts facility inspections and provides technical assistance with an emphasis on wastewater reduction and pollution prevention.

Additionally, as Pretreatment Engineer, assist with the development of municipal ordinances and establishment of local limits, and provides technical assistance to municipal POTW's and to commercial and industrial pretreatment facilities. Oversees delegated pretreatment programs by conducting pretreatment compliance inspections and audits, and by providing technical assistance.

As a licensed Professional Engineer, is responsible for providing technical engineering review and approval of engineering plans and reports, final engineering designs, and permitting functions regarding assigned facilities and delegated pretreatment programs for commercial and industrial wastewater dischargers.

Assesses facilities to determine compliance with regulatory and permit requirements. Participates in public meetings, hearings, and discussions. Implements all aspects of the wastewater pretreatment program in the regional office.

Mr. Mallery provided a list of his assigned commercial and industrial facilities discharging to POTWs (Exhibit A-18 (booklet exhibit 8-A pages 339 and 340).

During the Director's review conference Mr. Mallery explained delegated cities write their own permits, but he still has oversight and is required to understand all technical and regulatory aspects in order to ensure compliance and monitor facilities. Mr. Mallery performs all aspects of the permitting for non-delegated cities. He and his supervisor and managers indicated that pretreatment permits are issued on a two-year cycle but continual monitoring occurs to ensure compliance.

On the Position Review Request (PRR), Mr. Mallery focuses on his oversight of pretreatment programs and describes his position's purpose as follows (Exhibit A-9):

This position is designated to implement the Federal Regulation 40 CFR Part 403 (Pretreatment) for the Water Quality Program in the Eastern Region [Exhibit A-18 (booklet) Exhibit 3]. In implementing this regulation, the position must oversee delegated pretreatment programs at the local level (City and County) which also includes reviewing and approving engineering reports from those local [entities]. Also, this position acts as the pretreatment expert for each city that is not delegated. This includes engineering report review and approval of the pretreatment systems for state water discharge permits and management and oversight of those permits.

The main job duties described on both the PDF and PRR are similarly broken down and described. The following identifies the duties on the PRR (Exhibit A-9):

25% Performs engineering review of technical documents, with particular emphasis on the technology appropriate for commercial and industrial facilities generating

wastewater discharged to POTW's. These duties involve the review and approval of engineering reports, construction plans and specifications, AKART evaluations including pollution prevention plans, Operations and Maintenance Manuals, and other technical documents for commercial and industrial discharges to POTW's in order to reduce pollution and volume of wastewater generated, and eliminate, prevent and control pollutants discharged to waters of the State. Works with other regional office staff to update engineering review criteria, permit requirements, and monitoring conditions.

- 20% Evaluates the adequacy of assigned commercial and industrial pretreatment wastewater discharge permit applications. Reviews applications for completeness, collects background information, conducts pre-permit inspections, negotiates permit conditions with applicants, drafts and finalizes permits and fact sheets, prepares public notices, and conducts public participation activities including public hearings as necessary. Prepares and/or reviews SEPA [State Environmental Policy Act] documents for these facilities as needed.
- 20% Conducts compliance evaluation inspections as necessary, including sampling inspections, at least once per permit cycle on all assigned pretreatment State permitted facilities. Provides oversight of pretreatment programs that have been delegated to certain POTW's by the State, including inspections, audits, and reviews of pretreatment permits and engineering reports. Writes inspection reports and communicates findings. Negotiates facility improvements based on findings.
- 10% Reviews all discharge monitoring reports and other required reports submitted from facilities. Investigates permit limit discharge excursions, other permit violations, and complaints to related facilities. Provides written documentation of violations and non-compliance to the facility file, communicates these to the facilities, initiates corrective actions, and makes recommendations on enforcement actions. Negotiates compliance schedules to correct recurring non-compliance.
- 10% Works with cities and towns to develop local limits to protect their municipal treatment plants and the state's receiving waters. Provides technical assistance to local communities to evaluate existing and new commercial and industrial discharges to their treatment facility. Provides pretreatment technical assistance to projects throughout the region and provides technical engineering assistance to local governments, engineering consultants, municipal and industrial wastewater operators, and to citizens in the region.
- 10% Assists in Water Quality Program planning and evaluation of the effectiveness of the permit program, and annual permit and inspection schedule plans. Works as needed with other State and Federal agencies, and other Ecology programs, to provide technical assistance on pretreatment issues. Provides professional engineering support on other work as needed. Active member of Ecology's Technical Resources for Engineering Efficiency (TREE) team.

Class Specifications

When comparing the assignment of work and level of responsibility to the available class specifications, the class series concept (if one exists) followed by definition and distinguishing characteristics are primary considerations. While examples of typical work identified in a class specification do not form the basis for an allocation, they lend support to the work envisioned within a classification.

The Environmental Engineer class series concept states, in part, that in order for a position to be allocated to this series, "it must first meet the definition for professional engineering." In summary, the different levels within the series are distinguished as follows (Exhibit C-3):

Environmental Engineer 1 - assist and perform routine environmental engineering activities under close or general supervision.

Environmental Engineer 2 - perform the full range of environmental engineering activities within the assigned program.

Beginning with the Environmental Engineer 3 level, incumbents represent the department as registered Professional Engineers. Additionally, incumbents perform the following:

Environmental Engineer 3 - review and perform environmental engineering activities that require registration as a Professional Engineer.

Environmental Engineer 4 - supervise a medium-sized environmental unit.

Environmental Engineer 5 - supervise an environmental section or large environmental unit performing environmental engineering duties or section's authority in a specialty field.

Environmental Engineer 6 - supervise a medium-sized environmental section performing environmental engineering duties or program expert in a specialty field.

Mr. Mallery's position fits the Environmental Engineer class series concept. Further, he represents the department as a registered Professional Engineer. Mr. Mallery's position has not been assigned supervisory responsibility, which is required at the EE 4 level. Therefore, I focused my review on the EE 3 and EE 5 job classes.

The **Environmental Engineer 5 (EE 5)** definition states, in relevant part, the following:

As a senior environmental engineering specialist, plans, and conducts investigations of, and proposes solutions to environmental engineering problems that require the research and application of environmental engineering techniques and principles within a specialty field. Positions are recognized and designated in writing by a program manager . . . as a section's authority in an environmental engineering technical specialty, type of facility, or equipment. Position represents the department as a registered Professional Engineer.

The EE 5 distinguishing characteristics:

1. Provides mentoring, training, engineering lead and consulting expertise on a section-wide basis, and
2. Applies conventional engineering techniques and principles to the section's most complex projects or largest projects with complex features, such as conflicting design requirements, unsuitability of conventional materials, or difficult coordination problems, and
3. Represents the section as an authority in an environmental engineering technical specialty, type of facility or equipment, and
4. Consults with/advises section supervisors on issues related to specialty field.

During the Director's review conference, much of the discussion centered on whether Mr. Mallery's position serves as the section's authority in an environmental engineering technical specialty field. It is undisputed Mr. Mallery represents the department as a registered professional engineer and performs complex engineering duties. In addition, Mr. Susewind affirmed, "Scott is the section authority for pretreatment" (Exhibit A-18 (booklet) 8-C, page 918).

However, during the Director's review conference, Mr. Susewind noted there are an infinite number of specialty areas in the engineering field. To be allocated to the EE 5 level as a designated senior specialist, ECY uses a specific form. Mr. Mallery provided an unsigned example of the form ECY uses, which was drafted for his position (Exhibits A-11 and B-10). He also indicated that his former supervisors supported reallocation to the EE 5 class.

In response to questions from ECY's HR Office, Mr. Susewind wrote the following (Exhibit A-18 (booklet) 8-C, page 916):

My personal opinion is that Professional Engineers are expected to be authorities in many areas at the three level in order to perform their job duties. It's really a judgment call when this authority warrants a specialist designation. Specific to Scott's pretreatment authority, we also have that expertise with Doug Knutson (EE3) at NWRO. Dave Knight at our SWRO is the leader of our pretreatment engineers and he is an EE5.

As written in the EE 5 class specification, Mr. Susewind, as the Water Quality Program Manager, retains the authority to designate positions as senior specialist to the EE 5 class. During the Director's review conference, Mr. Susewind expressly stated that he had not designated Mr. Mallery's position as a senior specialist at the EE 5 level.

When considering the written designation requirement, I reviewed past decisions from the Personnel Appeals Board (PAB) and Personnel Resources Board (PRB). In Rapozo v. Washington State Parks and Recreation Commission, PRB Case No. R-ALLO-08-021 (2009), the PRB addressed written designation to the same level environmental engineer classification (formerly the EE 4 and currently the EE 5 class) as follows:

The issue of written designation has been addressed in many decisions by the Personnel Appeals Board (predecessor to this Board.) The Personnel Appeals Board consistently held that when a classification specification requires written designation, there must be a document that confers such a designation upon the position in question. This written documentation can be a formal agency

designation form, an approved CQ [or Position Description form] or other written documentation. [See for example, Griffith v. Dep't of Ecology, PAB Case No. ALLO-00-0016 (2000) and Stash v. Dep't of Ecology, PAB Case No. ALLO-00-0001 (1999)].

In this case, Appellant claims that he functions as an authority and technical expert. However, Appellant does not have a document from management that specifically designates him as such. Appellant is not designated in writing as an authority in an environmental engineering technical specialty, type of facility or equipment. Therefore, consistent with the long standing precedent requiring written designation, Appellant does not meet the third option of the EE 4 classification.

Although there are aspects of Mr. Mallery's environmental engineering duties and responsibilities that align with the EE 5 job class, his assignment of work does not fully meet the EE 5 definition. Mr. Mallery's position has been described as an expert and section authority for pretreatment, and he applies conventional engineering techniques and principles to large, complex projects. In addition, his supervisor indicated that he continues to perform some mentoring to other engineers, and he is considered an expert in pretreatment.

However, Mr. Mallery's position lacks the official written designation required by the EE 5 definition. Mr. Susewind indicated that ECY management had not determined a program need for added, specialized duties warranting designation as a section's authority in an environmental engineering technical specialty area for the time relevant to this review. Additionally, the duties and responsibilities assigned to his position do not meet the other portions of the EE 5 definition. For these reasons, allocation to the EE 5 classification is not appropriate.

The **Environmental Engineer 3 (EE 3)** definition states the following:

As a registered Professional Engineer, performs professional environmental engineering duties in an assigned program involving the protection of public health and/or the protection or restoration of the environment. May supervise or lead assigned engineers and/or other staff.

The EE 3 distinguishing characteristics indicate that incumbents "represent the agency as a registered Professional Engineer and provide/approve final engineering designs and decisions."

Mr. Mallery's duties are encompassed in the EE 3 class specification. He independently performs professional environmental engineering duties involving reviews of technical documents; writing and negotiating permit conditions and managing permits for commercial and industrial facilities requiring pretreatment permits for wastewater discharge to POTWs; conducting compliance evaluation inspections; and ensuring compliance with federal and state environmental laws.

The EE 3 typical work examples that align with Mr. Mallery's assigned duties and responsibilities include the following:

- Serves as a registered Professional Engineer responsible for performing independent environmental engineering duties for a specific environmental program; duties . . . final

review and/or approval of detailed engineering plans and specifications, site plans, engineering reports and/or operation and maintenance of environmental systems . . .

- Serves as an agency environmental engineering expert responsible for the review of engineering reports and detailed plans and specifications for projects involving federal and state grant funds; may provide technical oversight, assistance and/or training to other governmental entities;
- Independently plans and/or conducts specialized comprehensive engineering inspections and/or studies of municipal and industrial environmental treatment facilities to ensure compliance with applicable laws, regulations and design/performance requirements;
- Provides professional engineering expertise to the review and evaluation of proposal or existing environmental permits and permit applications; negotiates and prepares permits; makes final recommendations on enforcement actions;
- Provides professional technical engineering assistance to agency staff and management . . .
- Interprets regulations, policies, technical engineering guidelines, and procedures covering design requirements, engineering review, and operation and maintenance requirements for environmental control or management facilities;
- Researches, writes, and provides technical direction in the development/revision and implementation of engineering standards, regulations, and guidelines for specific environmental program(s) and related engineering issues;
- Prepares, reviews, and negotiates with applicable parties for environmental permits, regulatory orders and environmental plans and monitoring programs for assigned program(s).

Overall, the duties and responsibilities assigned to Mr. Mallery's position are encompassed in the EE 3 class specification. Lacking official written designation by the Water Quality Program Manager as a senior specialist recognized as a section's authority in a specialty field, the EE 3 classification is the best fit for Mr. Mallery's position.

Appeal Rights

RCW 41.06.170 governs the right to appeal. RCW 41.06.170(4) provides, in relevant part, the following:

An employee incumbent in a position at the time of its allocation or reallocation, or the agency utilizing the position, may appeal the allocation or reallocation to the Washington personnel resources board. Notice of such appeal must be filed in writing within thirty days of the action from which appeal is taken.

The mailing address for the Personnel Resources Board (PRB) is P.O. Box 40911, Olympia, Washington, 98504-0911. The PRB Office is located on the 4th floor of the Insurance Building,

302 Sid Snyder Avenue SW, Olympia, Washington. The main telephone number is (360) 902-9820, and the fax number is (360) 586-4694.

If no further action is taken, the Director's determination becomes final.

c: Scott Mallery
Wendy Holton, ECY
Lisa Skriletz, OSHRD

Enclosure: List of Exhibits

SCOTT MALLERY v. ECY
ALLO-12-010

A. Scott Mallery Exhibits

1. Director's Review Form received February 3, 2012 (2 pages)
2. Letter requesting Director's review (2 pages)
3. Email with ECY allocation determination letter January 6, 2012 (5 pages)
4. Environmental Engineer 3 classification specification
5. Environmental Engineer 5 classification specification
6. January 2007 Position Description for Scott Mallery (8 pages)
7. February 8, 2011 request for position review memo
8. Table of contents of documents submitted to HR
9. Position Review Request Form (6 pages)
10. ERO WQ Section Organizational Structure (4 pages)
11. EE5 – Designated Senior Specialist Form (2 pages)
12. Proposed ERO WQ Permit Unit Reallocation for the position (8 pages)
13. Current Pretreatment Engineer Position Description (8 pages)
14. Current Pretreatment Engineer Essential Functions Analysis (6 pages)
15. 2009 Performance and Development Plan (7 pages)
16. 2010 Performance and Development Plan (7 pages)
17. 2011 Performance and Development Plan (without supervisor signature) (8 pages)
18. Exhibit booklet – (exhibits 1 – 3E, list attached)

B. ECY Exhibits

1. Water Quality Program organizational chart
2. January 6, 2012 email to Scott Mallery forwarding ECY position review determination and attachments
3. January 6, 2012 ECY position review determination (4 pages)
4. Environmental Engineer 3 class specification 536G
5. Environmental Engineer 5 class specification 536I
6. January 2007 Position Description Form (8 pages)
7. Scott Mallery's letter and exhibit list for position review request to ECY HR March 2011 (2 pages)
8. February 2011 Position Review Request form (6 pages)
9. ERO WQ Section organizational structure and list (4 pages)
10. Designated Senior Specialist form (2 pages)
11. Proposed ERO WQ EE5 reallocation (2 pages)
12. Pretreatment Engineer Position Description (8 pages) (same as A-6)
13. Pretreatment Essential Functions Analysis (6 pages) (same as A-14)
14. 2009 Performance and Development Plan (7 pages) (same as A-15)
15. 2010 Performance and Development Plan (6 pages) (same as A-16)
16. September 10, 2012 letter from Wendy Holton responding to Mr. Mallery's exhibits (2 pages)

C. Class Specifications

1. Environmental Engineer 3 class specification 536G
2. Environmental Engineer 5 class specification 536I
3. Class Series Concept (Environmental Engineer 1 class specification 536E)

D. October 19, 2012 email from James Bellatty in response to Teresa Parsons' request for clarification regarding David Knight's position (2 individuals named David Knight).

Exhibit booklet with pages numbered 1 - 1266

Exhibit	Subject of Exhibits	Pages
1	Kenneth Mallery's Position Allocation Exhibits' Index	p. 1-3
2	Material Supplied to Office of the State Human resources Director as 3/1/2012	p. 4
3	Federal Pretreatment Regulations- a) Index 40 CFR 403 to 424 b) Index 40 CFR 425 to 471 c) Copy of 40 CFR 403 (General Pretreatment Regulations for Existing and New Sources of Pollution) d) One of the regulations for Categorical Industrial -- 40 CFR 433 (Metal Finishing Point Source Category)	a) p. 5-6 b)p.7-9 c)p.11-62 d)p.63-73
4	Index of Pretreatment/Water Quality RCW and WACs and City Municipal Codes (Disk has word document with links to these)	p. 74
5	Copy of RCW 90.48	p. 75-111
6	Copy of some WAC and Municipal Codes: a) WAC 173-208 (Grant of Authority Sewerage System b) WAC 173-216 (State Waste Discharge permit Program) c) WAC 173-240 (Submission of Plans and Reports for Construction of Wastewater Facilities) d) City of Spokane Municipal Code-Chapter 13.03A	a) p.112-115 b)p. 116-129 c)p.130-142 d)p.143-185
7	EPA Overview of Pretreatment per EPA's website: a) Pretreatment Program Overview b) Discussion of Streamlining and Fact sheets c) Pretreatment Program Training d) fact sheet of Pretreatment Program for the last 30 years	a)p. 186-187 b)p.188-189 c)p.190-191 d)p.192-195
8	Copy of EPA Introduction to National Pretreatment Program Table of Contents a) June 2011 version b) February 1999 (Full copy of the manuals are on the disk)	a)p. 196-202 b)p.203-206
1A	List of Some of the EPA Pretreatment Manuals available	p. 207-209
2A	Section 9 of Ecology's and EPA's Agreement for Water Quality	p.210-227
3A	Copy of EPA's Report on the Pretreatment Program Audit of the State of Washington Department of Ecology (2000)	p.228-287

4A	Information available of Department of Ecology Water Quality website: a) Overall for all of Water Quality b) Permit Guidance, Data, Forms	a)p.288-289 b)p.290-292
5A	Copy of Ecology's Criteria for Sewage Works Design manual Contents (Full manual is available on disk)	p.293-297
6A	Copy of Ecology's Water Quality Program Permit Writer's Manual: a) table of contents b) Chapter X. Pretreatment Program (Full manual is available on disk)	a)p.298-310 b)p.311-335
7A	Copies of texts' covers of some of the treatment systems that are needed to know: a) Pretreatment of Industrial Wastes b) Industrial Waste Treatment Handbook c) Design of Municipal Wastewater Treatment Plants	a)p.336 b)p.337 c)p.338
8A	Follow are lists that Kenneth Mallery manages: a) permits b)permits w/engineering report, plans and specifications, operations and maintenance manuals, and other reports required for submittals	a)p.339 b) p. 340
1B	Copy of Kenneth Mallery's Monthly Reports from August 2010 to June 2011	p.341-356
2B	List of the Engineering Report, Plans and Specifications, Operations and Maintenance Manuals Reviews Conducted by Kenneth Mallery from September 2010 to September 2011	p. 357
3B	Sample of schedule of Kenneth Mallery work load	p. 358
4B	List of City of Spokane and County of Spokane Permits Kenneth Mallery's reviews which includes permit review, and Engineering Report, Plans and Specifications, Operations and Maintenance manuals reviews	p. 359
5B	Water Quality Expertise Lists: a) Overall b) Eastern Regional office	a)p.360 b)p.361-363
6B	Copy of Spokane County Pretreatment Program Table of Contents (Full Program is available on disk)	p.364-365
7B	Review of City of Spokane Permit for Hollister Stire Laboratories: a) email comments b) Hollister Stire Laboratories Permit c) Hollister Stire Laboratories Fact Sheet	a)p.366-368 b)p.369-390 c)p.391-414
8B	Sample of the City Spokane Pretreatment Audit	p.415-469
1C	Sample of the work for Pretreatment Delegation Review	p.470-486
2C	Approval Order for City of Walla Walla's Delegation for a Pretreatment Program	p.487-500
3C	Draft City of Walla NPDES a) Permit b) Fact Sheet dealing with Pretreatment	a)p. 501-512 b)p. 513-521
4C	Lloyd Industries Engineering Report (Spokane County Facility/Permit)	p.522-712

5C	Parts of City of Spokane Annual Pretreatment Report (2010)	p.713-834
6C	Wahluke Wine Company State Waste Discharge: a) Permit b) Fact Sheet (Ecology's Facility/Permit)	a)p.835-869 b)p.870-903
7C	D&L Foundry Engineering Report (Ecology's Facility/Permit)	p.904-915
8C	Jan Bacon's Email to Kelly Susewind reference Kenneth Mallery reallocation review (August 2010)	p.916-919
1D	Wendy Holton's Email (December 23, 2011)to Diana Washington reference Kenneth Mallery's reallocation review (December 23, 2011)	p.920-922
2D	James Bellatty's Email(December 29, 2011) response back to Wendy Holton's email (December 23, 2011)	p.923-924
3D	Diana Washington's Email (December 29, 2011) response back to James Bellatty's Email (December 29, 2011) and Wendy Holton's Email (December 29, 2011)	p.925-926
4D	Meeting Summary on 1/9/2012 meeting with Kenneth Mallery, Shara Joy, and Diana Washington reference denial of Kenneth Mallery's reallocation request	p.927-928
5D	Meeting Summary on 1/27/2012 meeting with Kenneth Mallery, Kelly Susewind, James Bellatty, Wendy Holton, and Diana Washington reference denial of Kenneth Mallery's reallocation request	p.929-930
6D	David Knight's: a) Position Description Form; b) Essential Functional Analysis; and c) Designated Senior Specialist Designation	a)p. 931-935 b)p.936-941 c)p.942-943
7D	Len Bramble's letter to Ms. Santos reference Kenneth Mallery's allocation review	p.944
8D	Ecology's Pretreatment Work Group Products for 2010-2011	p.945-946
1E	Jan Bacon's Notes for Reallocations	p.947-950
2E	Samples of Kenneth's Mallery TREE Work: a) Twin City Foods-Prosser b) Huntwood (See Disk for full reports)	a)p.951-955 b)p. 956-961
3E	2010 City of Spokane Pretreatment Audit	p. 962 to 1266