

*Title 13 (New)*

**SEWER CODE**

**CHAPTERS:**

- 13.04 SEWER UTILITY ADMINISTRATIVE REGULATIONS.**
- 13.06 INDUSTRIAL PRETREATMENT REGULATIONS.**
- 13.08 DELINQUENT SEWER ASSESSMENTS.**
- 13.10 LATECOMERS AGREEMENTS FOR PUBLIC SEWER FACILITIES.**
- 13.13 SERVICE CHARGES.**
- 13.14 REAL PROPERTY SEGREGATION – SEWER CONNECTION AND SERVICE CHARGES.**
- 13.20 SEWER ASSESSMENT PROTESTS.**

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46  
47  
48  
49  
50  
51  
52



Chapter 13.04

SEWER UTILITY ADMINISTRATIVE REGULATIONS

Sections:

- 13.04.010 Definitions.
- 13.04.015 Abbreviations and Acronyms.
- 13.04.020 Administration.
- 13.04.030 Required Use of Public Sewer System.
- 13.04.035 Unlawful Use of Public and Private Sewer Facilities.
- 13.04.040 Development Review.
- 13.04.045 Pretreatment Requirements.
- 13.04.050 Types and Methods of Providing Sewer Service.
- 13.04.055 Sewer Service Permits and Sewer Line Extension Permits.
- 13.04.060 Construction of Sewer Facilities.
- 13.04.070 Connection Charges.
- 13.04.075 Deferral of Connection Charges.
- 13.04.080 Calculation of Connection Charges.
- 13.04.090 Fees.
- 13.04.095 Payment Provisions and Delinquencies.
- 13.04.100 Violations and Penalties.
- 13.04.110 Compliance with Other Regulations.
- 13.04.120 Severability.

13.04.010 Definitions.

Unless the context specifically indicates otherwise, the meaning of terms used in this Sewer Code (Title 13) shall be as set forth in this Section. In certain circumstances, a term may only apply to an individual Chapter of this Sewer Code. Any terms not listed in this Sewer Code shall be defined in accordance with other Titles of the Pierce County Code (PCC). Any inconsistency in definitions between Titles or Chapters in the PCC shall be resolved in favor of the later adopted definition. Any term not listed in the PCC shall be defined in accordance with the latest definition in the Revised Code of Washington (RCW) or the Washington Administrative Code (WAC).

"Applicant" means any person, party, firm, corporation, or other legal entity that proposes to develop real property by submitting an application for any of the activities covered by this Sewer Code.

"Appurtenances" means any structures, devices, and appliances other than pipes or conduits that are integral parts of a sewer system. Manholes are a common example of a sewer appurtenance.

"Biochemical Oxygen Demand" (BOD) means a measure of the amount of oxygen consumed in the biological and chemical processes that break down organic matter in water. It is a standard test used in assessing wastewater strength.



1 "Building Sewer" means that portion of a sewer pipe connecting one or more structures from the  
2 plumbing outlet to the public sewer facilities. The building sewer, including that portion called  
3 the "side sewer stub", may include pretreatment devices and/or pump systems and is constructed  
4 in accordance with Pierce County Sewer Standards and is not part of the public sewer facilities.  
5 Building sewers shall be maintained by the property owner.  
6  
7 "Certified" means to present written, formal communication attesting as being true as represented  
8 or as meeting a standard and guaranteed by signature.  
9  
10 "Cesspool" means a pit receiving untreated wastewater and allowing the liquid to seep into the  
11 surrounding soil or rock.  
12  
13 "Collector Line" means a sewer pipe that connects side sewer stubs to an interceptor line.  
14  
15 "Commercial Development" means any commercial, industrial, or other non-residential facilities,  
16 uses, buildings, or structures that generate wastewater. It includes any development that is not  
17 herein defined as residential development.  
18  
19 "Connection Charges" means charges or assessments by the County against a property owner for  
20 connection to the public sewer system. These charges are further defined in Section 13.04.070  
21 and do not include permit fees, plan review and inspection fees, or sewer service charges.  
22  
23 "Department" means the Pierce County Public Works and Utilities Department or in the future  
24 that department of Pierce County responsible for the administration of the sewer facilities owned  
25 by Pierce County.  
26  
27 "Developer" means any person, or the heirs, successors, or assigns of such person, who owns  
28 and/or proposes or intends to develop any parcel of real property wherein there is located or is to  
29 be located any building or structure.  
30  
31 "Director" means the Director of the Pierce County Public Works and Utilities Department or  
32 designee.  
33  
34 "Duplex" means a two-family dwelling, consisting of a detached building containing two  
35 complete living units sharing a common wall or floor with not more than two kitchens,  
36 designated and/or used to house not more than two families living independently of each other  
37 and including all necessary household functions of each such family. A duplex shall be  
38 considered a multi-family dwelling.  
39  
40 "Effluent" means treated or untreated wastewater that flows out of a treatment plant, sewer, or  
41 industrial outfall. It also refers to wastewater discharged from a septic tank or on-site sewage  
42 system.  
43  
44 "Force Main" means a sewer pipe connected to a pump station that transports wastewater under  
45 pressure and/or against the force of gravity.  
46



1 “Holding Tank” means a tank that is a component of an on-site sewage system designed to  
2 receive and temporarily store wastewater from one or more facilities or dwellings for removal,  
3 dispersal, and ultimate disposal of the wastewater at another location.

4  
5 "Industrial Wastes" means the liquids, solids, or other wastes resulting from any process of  
6 industry, or from the development of any natural resource.

7  
8 “Interceptor Line” means a sewer pipe that transmits larger volumes of wastewater from  
9 collector lines to the wastewater treatment plant.

10  
11 "Manager" means the Wastewater Utility Manager of the Pierce County Public Works and  
12 Utilities Department or designee.

13  
14 "Mutual Maintenance Agreement and Easement" means a legally binding agreement between  
15 two or more property owners for the purpose of connecting two or more structures to a single  
16 building sewer located on private property and specifying for the mutual maintenance of the  
17 single building sewer by the property owners.

18  
19 "On-Site Sewage System" (OSS) means an integrated system of components, located on or  
20 nearby the property it serves, that conveys, stores, treats, and provides subsurface soil treatment  
21 and disposal of wastewater. An OSS is not connected to the public sewer system and is  
22 regulated by the Tacoma Pierce County Health Department.

23  
24 "Permit" means written authorization from the Department granting the property owner,  
25 applicant, registered sewer contractor, or the owner’s duly authorized representative permission  
26 to make the required building sewer connections to the side sewer stub or to make repairs,  
27 alterations, disconnections, caps, or any other sewer construction or repair, or commence,  
28 continue, amend, or increase the wastewater discharge from a residential or commercial  
29 development as stipulated in this Sewer Code.

30  
31 “Pierce County Sewer Standards” means any and all requirements and limitations identified in  
32 the specifications, details, plans, manuals, guidelines, and checklists as developed and updated  
33 by the Department for public and private sewer facilities.

34  
35 "Plumbing Outlet" means the part of the lowest horizontal piping of a drainage system of a  
36 structure that receives waste from other drainage pipes inside the walls of a structure and  
37 conveys it to a building sewer.

38  
39 “Pretreatment” means the reduction of the amount of pollutants, the elimination of pollutants, or  
40 the alteration of the nature of pollutant properties in wastewater prior to (or in lieu of)  
41 introducing such pollutants into the public sewer system. This reduction or alteration can be  
42 obtained by physical, chemical, or biological processes; by process changes; or by other means  
43 (except by diluting the concentration of the pollutants unless allowed by an applicable  
44 pretreatment standard).

45  
46 "Private Sewer Facilities" means any wastewater collection, transmission, storage, treatment, or  
47 disposal facility owned by the owner(s) of the property or properties that are served by said



1 facilities. Private sewer facilities, which include side sewer stubs, shall be operated and  
2 maintained by said private property owner(s) unless responsibility for operation and maintenance  
3 is otherwise assigned through an agreement, easement, or contract with a public sewer provider  
4 or private entity.

5  
6 "Public Right-of-Way" means the property in which the County has any form of ownership or  
7 title and which is held for public utilities purposes, regardless of whether or not any public sewer  
8 or water facilities exists thereon or whether or not it is used, improved, or maintained for public  
9 sewer or water facilities.

10  
11 "Public Sewer Facilities" means any wastewater collection, transmission, storage, treatment, or  
12 disposal facility constructed within the public right-of-way, perpetual easement dedicated to the  
13 County, or on property owned by the County within the County's service area. Public sewer  
14 facilities shall be owned, operated, and maintained by the County.

15  
16 "Public Sewer System" means all public and private sewer facilities used in the collection,  
17 transmission, storage, treatment, or disposal of wastewater and connected, directly or indirectly,  
18 to public sewer facilities.

19  
20 "Pump Station" means a mechanical device installed in a sewer that move the liquids to a higher  
21 elevation or through a force main.

22  
23 "Registered Sewer Contractor" means any contractor who is duly registered pursuant to the  
24 requirements of this Sewer Code to construct, install, repair, reconstruct, excavate, or connect  
25 any building sewer, side sewer stub, or sewer line extension to the public sewer system.

26  
27 "Registered Professional Engineer" means an individual or corporation holding a currently valid  
28 license to practice engineering in the State of Washington.

29  
30 "Residential Development" means any facilities, uses, buildings, or structures for human  
31 habitation that generates wastewater, including, but not limited to: private houses; accessory  
32 dwelling units; each unit of a duplex, triplex, fourplex, apartment building, condominium, or  
33 townhouse; or a mobile home.

34  
35 "Residential Equivalent" (RE) means that service unit which, for purposes of sewer service  
36 measurement, is 220 gallons per day (GPD), having a waste strength of not greater than 225  
37 milligrams per liter of BOD and not greater than 225 milligrams per liter of Total Suspended  
38 Solids (TSS).

39  
40 "Septage" means the liquid or solid material removed from a septic tank, cesspool, portable  
41 toilet, or other OSS.

42  
43 "Septic Tank" means a watertight treatment receptacle receiving the discharge of wastewater  
44 from a building sewer or sewers and designed and constructed to permit separation of settleable  
45 and floating solids prior to the discharge of the liquid wastes.



1 "Sewer" means a pipe or conduit that collects and carries wastewater away from a source to a  
2 wastewater treatment plant.

3  
4 "Sewer Code" means Title 13 of the Pierce County Code.

5  
6 "Sewer Development Review Application" means an application submitted by an applicant for  
7 the review of a commercial development (pretreatment review), land use application, or any  
8 other proposal by an applicant as required by the Department or the local jurisdiction. A sewer  
9 development review application is not an authorization to repair or construct sewer improvement  
10 or make a new connection to the public sewer system.

11  
12 "Sewer Facility Plan" means a plan that identifies the sewer facilities required to convey and  
13 treat wastewater within a given area. The Sewer Facility Plan shall include location and  
14 description of disposal facilities, collector and interceptor lines, pumping and monitoring  
15 stations, control and treatment facilities, if appropriate. It may also include preliminary  
16 engineering to insure the feasibility of any future proposed facilities which are proposed as part  
17 of the plan. The preliminary engineering for the Sewer Facility Plan shall include all criteria  
18 necessary to establish sizing of the sewer facilities identified in the plan.

19  
20 "Sewer Line Extension" means the following: 1) The construction, upgrading, and/or extension  
21 of public or private sewer facilities including but not limited to collector lines, interceptor lines,  
22 and or pump stations; or 2) Those sewer facilities of sufficient complexity to require a Sewer  
23 Facilities Plan by a registered professional engineer as determined by the Director.

24  
25 "Sewer Line Extension Permit" means a permit issued to an applicant as authorization for the  
26 construction of a sewer line extension and the Department's plan review and inspection thereof.  
27 A sewer line extension permit does not authorize the connection of plumbing outlets or the  
28 discharge of wastewater to the public sewer system.

29  
30 "Sewer Service Area" means the geographical area identified in the Unified Sewer Plan for  
31 existing or planned sewer service. It represents the area served by the public sewer system.

32  
33 "Sewer Service Permit" means a permit issued to an applicant for the repair, capping,  
34 abandonment, and/or construction of sewer improvements that do not meet the definition of a  
35 "sewer line extension" and the Department's plan review and inspection thereof. A sewer  
36 service permit may also be issued to an applicant as authorization for the connection of plumbing  
37 outlets or the discharge of wastewater to the public sewer system, or a proposed increase in  
38 wastewater discharge to the public sewer system with or without proposed sewer improvements.

39  
40 "Side Sewer Stub" means that portion of a building sewer constructed from a collector line to a  
41 property line or the edge of a perpetual easement of a property being served. The side sewer stub  
42 shall be considered part of the building sewer and shall be maintained by the property owner.

43  
44 "Side Sewer Tee" means the tee fitting at the point at which the side sewer stub joins the  
45 collector line.

46



1 "Structure" means anything constructed erected or placed, the use of which requires location or  
2 attachment to something having location on the ground, and shall in addition, include but not be  
3 limited to, trailers, mobile homes and house trailers, but shall not include fences and retaining  
4 walls.

5  
6 "Total Suspended Solids" (TSS) means a measure of the particulate matter contained in  
7 wastewater.

8  
9 "Treatment" means chemical, biological, or mechanical procedures applied to wastewater to  
10 remove, reduce, or neutralize contaminants.

11  
12 "Unified Sewer Plan" (USP) means the planning document prepared by the Department to  
13 identify the system of the sewer facilities required to convey and treat wastewater within the  
14 Sewer Service Area. The Unified Sewer Plan serves as the "sewerage general plan" that is  
15 required to be adopted by the County pursuant to RCW Chapter 36.94.

16  
17 "Wastewater" means water-carried wastes from residential, commercial, or industrial facilities  
18 together with other waters which may inadvertently enter the system through ground water  
19 infiltration and surface water inflow. This term is used interchangeably with the term "sewage".  
20

21 "Wastewater Facilities" means the structures, equipment, and processes required to collect and  
22 treat wastewater and to dispose of its effluent and waste by-products.

23  
24 "Wastewater Treatment Plant" (WWTP) means a publicly owned facility used to provide  
25 treatment to any liquid or waterborne waste of residential, commercial or industrial origin. For  
26 purposes of this Sewer Code, it specifically refers to the Chambers Creek Regional WWTP and  
27 any other WWTP facility in which the County has ownership interest.  
28

29 **13.04.015 Abbreviations and Acronyms.**

30 The following acronyms shall have the designated meanings in this Sewer Code:

31  
32 "BOD" means Biochemical Oxygen Demand.

33  
34 "DOE" means Washington State Department of Ecology.

35  
36 "DOH" means Washington State Department of Health.

37  
38 "GPD" means gallons per day.

39  
40 "mg/l" means milligrams per liter.

41  
42 "OSS" means On-Site Sewage System.

43  
44 "PCC" means Pierce County Code.

45  
46 "RCW" means Revised Code of Washington.  
47



1 “RE” means Residential Equivalent.

2  
3 “TPCHD” means Tacoma-Pierce County Health Department.

4  
5 “TSS” means Total Suspended Solids.

6  
7 “ULID” means Utility Local Improvement District.

8  
9 “USP” means Unified Sewer Plan.

10  
11 “WAC” means Washington Administrative Code.

12  
13 “WWTP” means Wastewater Treatment Plant.

14  
15 **13.04.020 Administration.**

16 A. **Responsibilities of the Department.** The Sewer Utility Division of the Department has  
17 the responsibility for the maintenance, operation, preservation, improvement, and  
18 administration of sewer and water utility facilities owned by Pierce County.

19 B. **Authority of the Director.** The Director shall be the administrator of the public sewer  
20 system. Overall authority for the execution, administration, and interpretation of the  
21 rates and regulations in this Sewer Code resides with the Director. Such authority shall  
22 include the power: to determine questions of applicability or interpretation of rates or  
23 regulations; to adopt or modify implementing procedures; to enforce regulations or grant  
24 exemptions; to order specific actions or forbearance; and to impose other additional  
25 requirements in furtherance of this Sewer Code. These decisions shall be made when  
26 deemed reasonably necessary in the interest of the public. The Director shall have the  
27 authority to delegate, as necessary, specific authority to carry out the execution,  
28 administration, and interpretation of these rates and regulations.

29 C. **Interdepartmental Cooperation and Agreements.** The Director may, insofar as  
30 practicable, make use of services of the other County departments, offices, and agencies.  
31 Interdepartmental agreements between the Department and other departments of the  
32 County may be authorized when necessary.

33 D. **Contracts – General.** The Department may enter into contracts with entities such as an  
34 existing water and/or wastewater district, municipal corporation, other government  
35 agency, political subdivision, person, firm, or corporation for the establishment,  
36 maintenance and/or operation of any sewer or water facilities. The Director shall not be  
37 authorized to obligate the Department to any such contract, but shall perform all  
38 preparatory work necessary prior to presentation of such proposed contracts to the Pierce  
39 County Executive for execution.

40 Such contracts may include but are not limited to the following types:

- 41 1. Contracts with such entities whereby the Department agrees to establish, maintain,  
42 or operate sewer and/or water facilities for such entity;
- 43 2. Contracts with such entities whereby such entity agrees to establish, maintain, or  
44 operate sewer and/or water facilities for the Department;
- 45 3. Contracts with such entities whereby the Department may utilize any sewer and/or  
46 water facilities owned and/or operated by such entity for any lawful purpose;





4. Contracts with such entities whereby such entity may utilize all or a portion of Pierce County's sewer and/or water facilities for any lawful purpose;
5. Contracts with property owners whereby such owners agree to construct off-site sewer and/or water facilities; and
6. Contracts with property owners of large job-producing developments for the amortization of connection charges pursuant to County Ordinance No. 2010-67s.

7 **E. Contract Requirements.** All contracts entered into between the Department and other  
8 entities shall contain the minimum following information:

- 9 1. complete description of all the duties, obligations, and commitments of both parties;
- 10 2. legal description of all properties covered under the contract;
- 11 3. required payments, connection charges, fees, deposits and assessments;
- 12 4. other information/items deemed necessary by the Director; and
- 13 5. requirements of other agencies, the State of Washington, and/or United States  
14 Government for the type of service being provided in the contracts.

15 **F. Review, Inspection, and Construction of Proposed Sewer Facilities.** Prior to the  
16 construction, installation, and operation of any public or private sewer facility governed  
17 by the provisions of this Sewer Code, the Department shall require any property owners,  
18 developers, or other entities to submit a Sewer Facility Plan to the Department for  
19 approval and/or obtain a sewer service permit and pay all required fees and connection  
20 charges, except as otherwise provided in Section 13.04.075. A Sewer Facility Plan  
21 required by this Sewer Code shall conform to Pierce County Sewer Standards and  
22 include information of sufficient scope and detail so as to allow the Director to make a  
23 determination that the Sewer Facility Plan meets the minimum requirements of the  
24 Department.

25 The Department shall conduct the review of any Sewer Facility Plan prior to  
26 commencement of construction and shall also conduct inspections of the sewer facility  
27 installation prior to operation to ascertain whether the installation complies with the  
28 approved Sewer Facility Plan and all other requirements, standards and/or provisions of  
29 this Sewer Code. The Department will conduct a television inspection of all interceptor  
30 and collector lines installed by the property owner, developer, or other entity. If defects  
31 are discovered by the Department, the property owner, developer, or other entity will be  
32 responsible for reimbursing the Department for all costs incurred to re-televise the lines  
33 after the defects have been resolved.

34 **G. Design Criteria and Construction Standards.** The Department shall ensure that the  
35 design and construction of new or improved sewer facilities are consistent with the most  
36 current version of DOE's Criteria for Sewage Works Design and Pierce County Sewer  
37 Standards as prescribed and interpreted by the Director.

38 In cases where specific design or construction criteria are not prescribed by the  
39 Sewer Code or Pierce County Sewer Standards, the following guidelines shall be  
40 followed to determine the required criteria:

- 41 1. All sewer facilities shall be designed and constructed in a manner that minimizes  
42 inflow and infiltration into the public sewer system.
- 43 2. All sewer facilities shall be designed and constructed in a manner that minimizes the  
44 number of pressure sewer connections.
- 45 3. All sewer facilities shall be designed and constructed in a manner that provides the  
46 least lifecycle cost to the Department.



- 1 4. All sewer facilities shall be designed and constructed in a manner that allows  
2 perpetual and unrestricted access for maintenance and operation of the facilities.  
3 5. All sewer facilities shall be designed and constructed in a manner that minimizes  
4 public exposure to sewage spills and sewer-related odors and noise.

5 **H. Sewer Utility Funds.** The County shall by separate resolutions/ordinances create the  
6 necessary Sewer Utility Funds to properly account for any and all revenues received for  
7 the use of sewers as set forth herein, from revenues received from the sale of by-  
8 products from the WWTP, or from any other source for rentals or services rendered by  
9 the Department. All expenses for the maintenance, operation, preservation,  
10 improvement, and administration of the public sewer system shall be charged to these  
11 funds.

12 **I. Authorization of Inspection of Existing Sewer Facilities.** The Department shall be  
13 authorized to enter upon premises connected to the public sewer system at all reasonable  
14 hours for inspection purposes. In the event that entry is refused, necessary steps shall be  
15 taken to make application for a search warrant to accomplish the appropriate inspection.  
16 If the sewer facilities or its appurtenances are in conflict with the provisions of this  
17 Sewer Code, the owner of the premises shall be notified to cause the sewer or its  
18 appurtenances to be so altered, repaired, or reconstructed at the property owner's  
19 expense so as to make them conform to the requirements of this Sewer Code within a  
20 reasonable time limit established by the Director from the time of receipt of such notice.  
21

22 **13.04.030 Required Use of Public Sewer System.**

23 **A. General.** All matters pertaining to the collection, treatment, and disposal of wastewater  
24 and/or industrial wastes within the Sewer Service Area shall be subject to this Section  
25 and all other Sections and/or Appendices in this Sewer Code.

26 **B. Connection Requirements.** Within the Sewer Service Area, the following connection  
27 requirements are applicable:

28 1. Within ULID Areas.

- 29 a. New Development - Any applicant who proposes new residential or commercial  
30 development on any lot or parcel of real property within the boundaries of a  
31 ULID shall be required to connect the plumbing outlets from any existing and  
32 proposed buildings or structures to the public sewer system; and  
33 b. Existing Buildings or Structures - The owner of any lot or parcel of real property  
34 within the boundaries of a ULID shall be required to connect the plumbing  
35 outlets from any existing and proposed buildings or structures to the public sewer  
36 system.

37 2. Outside ULID Areas.

- 38 a. New Development - Any applicant who proposes new residential or commercial  
39 development on any lot or parcel of real property within a horizontal distance of  
40 300 feet from any existing available sewers shall be required to connect the  
41 plumbing outlets from any existing and proposed buildings or structures to the  
42 public sewer system. The horizontal distance shall be measured along a straight  
43 line from the available connection point to the closest property line; and  
44 b. Existing Buildings or Structures - The owner of any lot or parcel of real property  
45 within a horizontal distance of 300 feet from any existing available sewers and  
46 has existing residential or commercial buildings or structures that are currently  
47 served by an OSS shall be required to connect the plumbing outlets from any



1 existing buildings or structures to the public sewer system under any of the  
2 following conditions:

- 3 i. When the TPCHD has determined that the failure of the existing OSS cannot  
4 be repaired or replaced;
- 5 ii. When the TPCHD has determined that there is a proposed change in use of  
6 any facility, residence, or other structure that exceeds the wastewater strength  
7 or capacity of the existing OSS; or
- 8 iii. When the TPCHD has determined that the continued use of the existing OSS  
9 threatens public health.

10 The horizontal distance shall be measured along a straight line from the available  
11 connection point to the closest property line.

12 The owner of any such property connecting to the public sewer system shall be  
13 required to submit any required Sewer Facility Plan, obtain the required sewer permits,  
14 and pay all applicable fees and connection charges, except as otherwise provided in  
15 Section 13.04.075, and take any other action required by the provisions of this Sewer  
16 Code.

17 **C. Time and Manner of Connections and Repairs.** The owner of any lot or parcel of real  
18 property required to make a connection to the public sewer system pursuant to  
19 subsection B of this Section shall make such connection within 60 days after the date of  
20 written notification of available public sewer facilities from the Director. All required  
21 connections to the public sewer system shall be made in a permanent and sanitary  
22 manner in accordance with the provisions of this Sewer Code and shall be sufficient to  
23 carry all the wastewater from all buildings or structures into the public sewer system.  
24 Each toilet, sink, stationary washstand, washing machine, dishwasher, floor drain and  
25 other type of equipment discharging wastewater shall be connected to the public sewer  
26 system.

27 All plumbing outlets shall be connected to the public sewer system before the  
28 completion of the construction of any buildings or structures or before any occupancy or  
29 use thereof is allowed.

30 Any needed repair to any public or private sewer facilities shall be made within 30  
31 days after the date of written notification from the Director to the owner of the property  
32 served. In the event of an emergency, the Director may establish a shorter time limit for  
33 the repair to be made or, if the property owner cannot be located or does not promptly  
34 make such repairs, the Department may make the repairs under the procedure of  
35 subsection D of this Section.

36 **D. Failure to Connect or Repair Sewer Facilities.** If any required connections of or  
37 repairs to public or private sewer facilities are not completed as prescribed in subsection  
38 C of this Section, the Department may make the connections or repairs for and at the  
39 total expense of the property owner or developer provided the Department takes the  
40 following steps:

- 41 1. Notifies the property owner or developer that the connections or repairs are  
42 delinquent and informs the property owner or developer that the Department intends  
43 to make the connections or repairs;
- 44 2. Notifies the property owner or developer that the Department shall charge the  
45 property owner or developer for all costs associated with the connections or repairs;  
46 and



1 3. Notifies the property owner or developer that any failure to reimburse the  
2 Department for all costs shall result in the County filing a lien upon the property as  
3 provided for in Section 13.04.095.

4 E. **Financial Conditions.** Except as otherwise provided in Section 13.04.075, the payment  
5 of all connection charges or assessments shall be required as set forth in Section  
6 13.04.070 from any applicant requesting:

- 7 1. increased usage or other benefits over and above what the property was previously  
8 assessed or charged; or
- 9 2. a first-time connection to the public sewer system.

10 F. **Affordable Housing.** Any applicant requesting a waiver of connection charges and  
11 sewer permit and/or plan review application fees for a first-time connection to the public  
12 sewer system shall be required to meet the requirements for affordable housing as  
13 prescribed in PCC Chapter 18A.65 and may only be available if sufficient funds have  
14 been appropriated by the Pierce County Council to the Sewer Utility Funds to replace  
15 those charges and fees waived or refunded to the applicant.

16  
17 **13.04.035 Unlawful Use of Public and Private Sewer Facilities.**

18 A. **Unlawful Wastewater Disposal Facilities.** It shall be unlawful for any person or entity  
19 to construct or install any holding tank, septic tank, cesspool, portable toilet, or other  
20 OSS facility within the boundaries of a ULID or within other portions of the Sewer  
21 Service Area where any permanent public sewer facilities are available. This restriction  
22 does not apply to temporary wastewater disposal systems, such as those used at  
23 construction sites.

24 B. **Unlawful Discharge of Septage.** It shall be unlawful for any person or entity to  
25 discharge the contents of any holding tank, septic tank, cesspool, portable toilet, or OSS  
26 into the public sewer system except in accordance with the provisions in Section  
27 13.06.190 related to hauled wastes.

28 C. **Unlawful Deposit of Waste.** It shall be unlawful for any person or entity to place,  
29 throw, dump, deposit, or permit to be deposited any human excrement, garbage, dirt,  
30 rocks, sticks, debris, or other foreign matter into the public sewer system. Any  
31 wastewater, waste, or other matter having the characteristics described in the most  
32 current Industrial Pretreatment Regulations (Chapter 13.06) shall, under no conditions,  
33 be discharged into or be placed where they might find their way into, or be allowed to  
34 run, leak, leach, or escape into any part of the public sewer system.

35 D. **Unlawful Discharge of Storm and Other Waters.** It shall be unlawful for any person  
36 or entity to discharge or cause to be discharged any storm drainage water, surface water,  
37 roof runoff, or subsurface drainage into the public sewer system without the written  
38 consent of the Director. Persons discharging swimming pool water, unpolluted cooling  
39 water, or unpolluted industrial cooling or process water into the public sewer system  
40 shall be subject to commercial sewer service charges based on flow, BOD, and TSS  
41 levels.

42 E. **Limitations on Discharge Locations.** It shall be unlawful for any person or entity to  
43 discharge any wastes directly into a manhole or other opening in the public sewer  
44 system other than through an approved building sewer without the written authorization  
45 of the Director in compliance with this Sewer Code.



- 1 F. **Unlawful Damage to Sewer Facilities.** It shall be unlawful for any person or entity to  
2 willfully or negligently break, damage, destroy, uncover, deface or tamper with any  
3 structure, appurtenance, or piece of equipment of the public sewer system.
- 4 G. **Unlawful Connections or Disturbances.** It shall be unlawful for any person or entity  
5 to make or cause to be made any connection to, opening into, use, alteration and/or  
6 disturbance of the public sewer system without receiving a permit in compliance with  
7 this Sewer Code.  
8

9 **13.04.040 Development Review.**

- 10 A. **General.** The Department shall have the right to review plans, specifications, and  
11 application submittals for all proposed development within the Sewer Service Area for  
12 compliance with the requirements set forth in the Sewer Code and the Pierce County  
13 Sewer Standards. The Department shall also have the right to set conditions of approval  
14 of said applications to mitigate their impact on the public sewer system including but not  
15 limited to payment of additional connection charges, submittal of sewer service or sewer  
16 line extension permit applications, installation of pretreatment devices, acquisition and  
17 recording of easements, and future development restrictions and conditions.
- 18 B. **Sewer Development Review Applications.** Prior to the construction, installation, or  
19 operation of any development or facility within the Sewer Service Area, the Department  
20 may require any property owners, developers, or applicants to submit a Sewer  
21 Development Review application to the Department for approval and pay all required  
22 review fees. A Sewer Development Review application shall conform to the  
23 Department's standard plans and forms and shall include information of sufficient scope  
24 and detail so as to allow the Department to make a determination of the impacts that the  
25 development or facility may have on the public sewer system.
- 26 C. **Terms and Fees.** A Sewer Development Review application is valid for 12 months  
27 from the date of application.
- 28 1. **Extension Requests.** Sewer Development Review applications may be extended an  
29 additional 12 months from the original expiration date provided that:
- 30 a. The applicant submits to the Department a written request for a 12-month  
31 expiration extension prior to the current date of expiration, and  
32 b. The applicant pays an additional application fee in the amount of 25% of the  
33 original Sewer Development Review application fees.
- 34 If an application expires prior to approval, but the applicant still wishes to obtain  
35 approval of the proposal, a new application shall be submitted, and the County shall  
36 again collect all applicable fees as prescribed in Section 13.04.090.
- 37 2. **Application Fees.** Sewer Development Review application fees shall be a prescribed  
38 in Section 13.04.090.  
39

40 **13.04.045 Pretreatment Requirements.**

- 41 A. **Pretreatment Review and User Classification.** When a property owner or business  
42 owner proposes to change the use, business practices, or ownership of a commercial  
43 property, tenant space, or business, they shall first be required to undergo a review of  
44 their proposal to determine whether or not pretreatment of their wastewater discharge  
45 will be required. Each user shall be classified as either an Insignificant, Minor, or  
46 Significant Industrial User and shall be required to submit plans and documents as  
47 required by the Manager to determine the likelihood that the wastewater discharged



1 from any existing or proposed uses into the public sewer system will not conform to the  
2 standards as prescribed in the most current Industrial Pretreatment Regulations in  
3 Chapter 13.06. The applicant will be notified in writing of any conditions of approval  
4 including, but not limited to, required business practices, design and installation of  
5 pretreatment devices, testing requirements, installation or repair of sample point(s),  
6 and/or payment of additional connection charges.

- 7 **B. Pretreatment Facilities – Approval and Construction.** When the Manager  
8 determines that the wastewater from any existing or proposed uses into the public sewer  
9 system does not conform or is unlikely to conform in the future to the Prohibited  
10 Discharge Standards under Chapter 13.06, the owner of the discharging property shall be  
11 required, at the owner’s expense, to bring it into conformance through the use of  
12 pretreatment facilities. Pretreatment facilities may include grease interceptors, oil/water  
13 separators, chemical or biochemical plants, sedimentation chambers, and any devices or  
14 equipment which causes a change of any nature in the characteristics of the matter being  
15 treated.

16 Prior to the construction, operation, or modification of any pretreatment facilities,  
17 the owner shall obtain approval in writing from the Manager. The pretreatment facilities  
18 shall include all necessary features of construction and allow for the testing of material  
19 passing through them. Such pretreatment facilities shall be open to the inspection of the  
20 Department at any time. Written approval from the Manager of any pretreatment  
21 facilities shall not guarantee that the pretreatment facility will operate as designed; the  
22 property owner and/or the owner's registered professional engineer will assume this  
23 liability and shall be responsible for compliance with all regulations.

24 The Sewer Facility Plan and other pertinent information relating to proposed  
25 pretreatment facilities shall be prepared by a registered professional engineer and shall  
26 be submitted for the approval of the Manager and the DOE and/or the DOH when  
27 required by law.

28 Any expenses incurred by the Department in reviewing the Sewer Facility Plan shall  
29 be paid by the property owner or the owner's representative before the Manager’s  
30 approval shall be granted.

- 31 **C. Pretreatment Facilities – Operation and Maintenance.** When pretreatment facilities  
32 are provided for any wastewaters, such facilities shall be maintained continuously in  
33 satisfactory and effective operation by the property owner and/or user at their own  
34 expense. The property owner and/or user shall, at the Manager’s discretion, submit to  
35 the Department certified monthly operational records and tests to monitor the  
36 performance of the pretreatment facilities. The form of such operational records and  
37 tests shall be prescribed by the Manager.

- 38 **D. Determination of Character of Waste Matter.** Before any wastewater whose  
39 discharge might reasonably be considered a violation of this Sewer Code is discharged  
40 into the public sewer system, the controlling characteristics of such matter shall be  
41 determined to the satisfaction of the Manager. The responsibility of initiating such  
42 determinations and the costs involved with submitting the results of the determinations  
43 to the Department shall lie solely with the owner and/or user. Verification of these  
44 results and the decision as to whether the matter may be discharged to the public sewer  
45 system shall be the responsibility of the Manager. Any previous discharges into the  
46 public sewer system do not constitute a valid right to discharge such matter. If at any  
47 time, the Manager determines that any matter being discharged into the public sewer



1 system does not conform to the requirements of this Sewer Code, the Manager may  
2 immediately order the stoppage of the discharge of such matter and/or termination of  
3 sewer service to the discharging property.

4 E. **Tests of Wastes and Location of Sampling.** All measurements, tests, and analyses of  
5 the characteristics of wastewaters referenced in this Section shall be determined by  
6 analysis of the samples obtained at a control manhole or other location as approved by  
7 the Manager. Such tests and analyses shall be performed by an appropriately certified,  
8 independent testing laboratory and shall be conducted at the sole expense of the owner  
9 and/or user.

10 F. **Commercial or Industrial Wastes – Sample Point.** When required by the Manager,  
11 the owner and/or user of any property served by a building sewer carrying commercial  
12 or industrial wastes shall install a suitable sample point in the building sewer to facilitate  
13 observation, sampling, and measurement of the wastes. When required, the sample  
14 point shall be fully accessible, safely located, and constructed in accordance with plans  
15 approved by the Manager. Such plans shall be in accordance with the most current  
16 Pierce County Sewer Standards. The sample point shall be installed by a registered  
17 sewer contractor at the property owner's and/or user's expense and shall be maintained  
18 by the property owner and/or user so as to be safe and accessible at all times by the  
19 Department.

20 G. **Uncontaminated Wastewater.** Whenever any customer of the public sewer system  
21 uses water for irrigation, cooling, heating, processing, or any other purpose that  
22 produces uncontaminated wastewater satisfactory for direct discharge into storm drains  
23 or surface waterways, the property owner shall, at their sole expense, separate this water  
24 from other wastewater prior to discharging it into a storm drain or surface waterway as  
25 approved by the appropriate county, State and/or federal departments.

26  
27 **13.04.050 Types and Methods of Providing Sewer Service.**

28 A. **Permanent Sewer Facilities.** The primary means of wastewater collection and disposal  
29 in urbanizing areas shall be construction and extension of permanent sewer facilities.  
30 This construction shall be in accordance with the USP, the County's Capital Facilities  
31 Plan, approved Sewer Facility Plans, and the Pierce County Sewer Standards.

32 B. **Sewer Service for Areas Outside Pierce County's Jurisdiction.** Wastewater  
33 originating in any areas outside Pierce County's jurisdiction and outside the Sewer  
34 Service Area may be discharged into the public sewer system upon mutual execution of  
35 a contract with the municipal corporation having authority to regulate the discharge  
36 within the area of origin. Sewer service for areas outside the County's jurisdiction but  
37 within the Sewer Service Area shall be in conformance with this Sewer Code and the  
38 USP, which has been developed and adopted pursuant to the provisions of RCW Chapter  
39 36.94.

40 C. **Utility Local Improvement District – Establishment.** As prescribed in RCW Chapter  
41 36.94, Pierce County shall have the power to establish ULIDs for the purpose of  
42 constructing or reconstructing sewer and water facilities and to levy special assessments  
43 to pay for such improvements.

44 D. **Connection of Non-ULID Properties to Existing Public Sewer System.** Any  
45 applicant desiring sewer service by the connection of the applicant's property to an  
46 existing ULID or any public sewer facilities may do so provided that:



- 1 1. The applicant obtains the required sewer permits as outlined in this Sewer Code and
- 2 pays the applicable connection charges and other required fees; and
- 3 2. The capacity of the existing facilities is determined by the Director to be available in
- 4 an amount to sufficiently accommodate the wastewater generated by the added
- 5 development.

6 **E. Sewer Line Extension Facilities.** Any applicant electing to obtain sewer service by the

- 7 construction of a sewer line extension may do so provided:
- 8 1. The applicant pays connection charges as required under Section 13.04.070 and the
  - 9 Plan Review and Inspection Fees as outlined in Section 13.04.090;
  - 10 2. The capacity in existing facilities is determined by the Director to be available to
  - 11 sufficiently accommodate the wastewater generated by the added development;
  - 12 3. The proposed sewer facility is consistent with the USP, the County's Capital
  - 13 Facilities Plan, and approved Sewer Facility Plans; and
  - 14 4. The sewer line extension is designed and constructed in accordance with the current
  - 15 Pierce County Sewer Standards and the requirements of this Sewer Code.

16  
17 **13.04.055 Sewer Service Permits and Sewer Line Extension Permits.**

18 **A. General.** The applicant shall apply for a sewer service permit and/or sewer line

19 extension permit on a special form furnished by the Department. The permit application

20 shall be supplemented by any plans, specifications, or other information considered

21 pertinent at the discretion of the Director or as required by this Sewer Code. A sewer

22 service permit and/or sewer line extension permit shall be required for any new

23 connection to the public sewer system or for any modification, repair, disconnection,

24 inspection, or addition to an existing building sewer or sewer line extension, or

25 discharge of additional wastewater.

26 **B. Term and Fees.** A sewer service permit or sewer line extension permit is valid for 12

27 months from the date of application.

- 28 1. **Extension Requests Prior to Permit Issuance.** Sewer service permits or sewer line
- 29 extension permits may be extended an additional 12 months from the original
- 30 expiration date provided that:
  - 31 a. The applicant submits to the Department a written request for a 12-month
  - 32 expiration extension prior to the current date of expiration; and
  - 33 b. The applicant pays an additional permit fee in the amount of 25% of the Plan
  - 34 Review fees.

35 If a permit expires prior to issuance, but the applicant still wishes to connect to the

36 public sewer system, a new permit application shall be submitted, and the County

37 shall again collect all applicable permit fees as prescribed in Section 13.04.090.

- 38 2. **Extension Requests After Permit Issuance.** At the time a permit is issued, the
- 39 permit expiration date shall be automatically extended to a date that is 12 months
- 40 after the date of issuance.

41 After issuance, but prior to final inspection, sewer service permits or sewer line

42 extension permits may be extended an additional 12 months from the current

43 expiration date provided that:

- 44 a. The applicant submits to the Department a written request for a 12-month
- 45 expiration extension prior to the current date of expiration; and
- 46 b. The applicant pays an additional permit fee in the amount of 25% of the
- 47 Inspection fees.





1 If a permit expires after issuance, but the applicant still wishes to connect to the  
2 public sewer system, a new permit application shall be submitted, and the County  
3 shall again collect all applicable permit fees as prescribed in Section 13.04.090.

4 **C. Sewer Service Permit or Sewer Line Extension Permit Requirements.** Sewer  
5 service permits or sewer line extension permits shall be obtained in the following  
6 manner:

- 7 1. Permits shall be issued only upon proper application to the Department;
- 8 2. All work authorized under a sewer service permit or sewer line extension permit  
9 shall be performed by a registered sewer contractor;
- 10 3. Sewer service permits or sewer line extension permits shall not be transferable  
11 unless a written request from the applicant is approved by the Director. No person,  
12 including any registered sewer contractor, shall perform any sewer work pursuant to  
13 any other applicant's permit;
- 14 4. A sewer service permit or sewer line extension permit shall be issued prior to  
15 commencement of construction and only after approval of any required Sewer  
16 Facility Plan by the Department and only after the applicant pays all applicable fees  
17 and connection charges, except as otherwise provided in Section 13.04.075;
- 18 5. No sewer service permit for residential buildings allowing connection to the public  
19 sewer system shall be issued before the construction of the sewer line extension  
20 receives final inspection approval and is accepted by the Department. An interim  
21 sewer service permit for building sewer construction for model homes and for any  
22 applicant-proposed sewer lines not connected to the public sewer system may be  
23 issued at the discretion of the Department; and
- 24 6. The permit must be posted on the construction site prior to commencing the work  
25 and must be readily accessible to the Department.

26  
27 **13.04.060 Construction of Sewer Facilities.**

28 **A. Plan Review and Inspection of Sewer Line Extensions and Building Sewers.** The  
29 Department shall require the applicant to submit a Sewer Facility Plan for any new  
30 construction or extensions of private or public sewer facilities and/or connections to the  
31 public sewer system.

32 The Sewer Facility Plan shall conform to the most current Pierce County Sewer  
33 Standards.

34 At the time of submittal of the Sewer Facility Plan for review, the applicant shall pay  
35 the required Plan Review fees as prescribed in Section 13.04.090. If, after review of the  
36 Sewer Facility Plan, the Department finds that additional Plan Review fees are required,  
37 the applicant shall pay said additional Plan Review fees prior to approval of the Sewer  
38 Facility Plan.

39 Prior to issuance of a permit to construct improvements in accordance with said  
40 approved Sewer Facility Plan, the applicant shall pay the required Inspection fees as  
41 prescribed in Section 13.04.090. Inspection of construction shall be made by the  
42 Department to ascertain that the installation meets all the requirements of the approved  
43 Sewer Facility Plan and Pierce County Sewer Standards. Approval by the Department  
44 shall be required prior to connection to the public sewer system.

45 **B. Required Contractor Registration for Sewer Line Extensions and Building Sewers.**  
46 To assure proper construction in the connection of any building sewers or sewer line  
47 extensions, no person may construct, install, repair, reconstruct, excavate, or connect a



1 building sewer or sewer line extension to the public sewer system unless the person is a  
2 sewer contractor holding a valid unsuspended current Certificate of Registration issued  
3 by the Department of Labor and Industries of the State of Washington pursuant to RCW  
4 Chapter 18.27. The registered sewer contractor shall also be registered with the  
5 Department with a listed specialty in a related field (i.e., General/Journeyman,  
6 Excavation/Grading, or Sanitary Systems/Side Sewer) and shall have filed with Pierce  
7 County a currently valid Street Obstruction Bond. Any contractors that violate any  
8 portion of this Sewer Code may be suspended or barred from the Department's  
9 registration list for a period of time to be determined by the Director.

- 10 C. **Private Operation of Pumping Facilities.** Pumping facilities installed on private  
11 property by and at the expense of a property owner shall be owned, operated, and  
12 maintained by the property owner. No pumping facility will be permitted to serve more  
13 than three separate dwelling units (or 3 REs) unless it contains two pumps. The private  
14 pumping facility and force main will be permitted to serve only those structures located  
15 on a single parcel of property.

16 The Sewer Facility Plan for the pumping facilities must be prepared by a registered  
17 professional engineer and must be submitted to the Department for review and approval.  
18 Department approval of the pumping facilities shall not guarantee that the pumping  
19 facility will operate as designed.

20 The Department shall not accept for review the Sewer Facility Plan for any pumping  
21 facility prior to the payment of the plan review fee outlined in this Sewer Code.

- 22 D. **Building Sewer for Each Building – Exceptions.** A single building sewer shall be  
23 provided for each building unless the connection of more than one building to a single  
24 building sewer is approved in writing by the Director prior to the construction of such  
25 building sewer. No more than one residential, industrial, or commercial building shall  
26 be connected to a single building sewer, unless otherwise approved in writing by the  
27 Director.

- 28 E. **Mutual Maintenance Agreement and Easement.** If it is determined that a special  
29 condition(s) requires more than one separately owned building or structure to be served  
30 by a single building sewer or private collector line, written authorization to do so must  
31 be obtained from the Director after the owners of the properties have entered into a  
32 Perpetual Reciprocal Easement, Mutual Maintenance Agreement and Covenant Running  
33 With The Land. This agreement shall include perpetual mutual easements for the  
34 private sewer facilities and provisions for mutual maintenance and access purposes.  
35 This agreement shall be signed by the property owners to be served by the private  
36 facility and recorded with the County Auditor with a copy furnished to the Department  
37 prior to the issuance of a permit for the approval of the building sewer or private  
38 collector line.

- 39 F. **Reuse of Old Building Sewers.** Old building sewers, including septic tank lines, may  
40 be reused only when they are found on examination and test by the Department to meet  
41 all current requirements of this Sewer Code. This examination and test shall be at the  
42 applicant's expense.

- 43 G. **Protection of Excavations and Restoration of Public Property.** All excavations for  
44 building sewer or sewer line extension installations shall be adequately guarded with  
45 barricades and lights in accordance with Pierce County Sewer Standards and local  
46 regulations so as to protect the public from hazard. Streets, sidewalks, parkways, and



1 other public property disturbed in the course of the work shall be restored to original  
2 condition or better.

3 H. **Backwater Valve Requirement.** As a prerequisite for connecting to the public sewer  
4 system, the Department shall require the property owner of any structure having a  
5 plumbing drain located below the rim elevation of the nearest upstream manhole to  
6 install an approved backwater valve to prevent wastewater from backing into the  
7 structure.

8 I. **Information from the County.** The property owner shall be responsible for obtaining  
9 from the Department the approximate location and elevation of the side sewer wye, tee,  
10 or stub at the point of connection and, in the case of new construction, for planning the  
11 building and plumbing outlet to provide adequate slope for connecting the building  
12 sewer to the side sewer stub. The property owner shall be responsible for determining  
13 the available grade between plumbing outlet and the side sewer wye, tee or stub. All  
14 Department-supplied information shall be field checked by the property owner or the  
15 owner's representative prior to design and construction. The County is not liable for  
16 inaccurate information provided to the Department by others.

17 J. **Conveyance of Sewers to the County.** Any sewer constructed in a public right-of-way  
18 or sewer easement area shall be dedicated to the County and thereafter shall be  
19 considered a public sewer facility under the jurisdiction of the County subject to  
20 acceptance by the Department and provided that:

- 21 1. All charges, inspection fees, and other payments due to the County as provided for in  
22 this Sewer Code shall be paid and, if applicable, legal documents shall be executed  
23 dedicating and acknowledging sewer easements for all portions of the facility  
24 located on private property. The cost of all aspects of the conveyance shall be at no  
25 cost to the County;
- 26 2. At the discretion of the Director, a sewer to be constructed in a private road may be  
27 required to be conveyed to the County. The property owner(s) of record of the  
28 private road(s) (for all new short plats, formal plats and large lot subdivisions) shall  
29 grant a perpetual easement to the County for the right of immediate entry and  
30 continued access for the construction, improvement, maintenance and repair of  
31 sewer and water facilities;
- 32 3. Prior to the Department accepting such a conveyance, the property owner and/or  
33 developer shall certify that the facility, as constructed, complies with Pierce County  
34 Sewer Standards as required under Section 13.04.020 and other applicable Sections  
35 of this Sewer Code; and
- 36 4. Upon completion of installation, the sewer facility shall be conveyed to the County  
37 free and clear of all liens or encumbrances.

38 K. **Disconnection of Building Sewer and Sewer Line Extensions.** No building or  
39 structure may be disconnected from a building sewer and no building sewer or sewer  
40 line extension may be disconnected from the public sewer system for any reason without  
41 prior written notification to, and approval by the Director. No approval shall be given  
42 unless the disconnection is lawful under this Code and other applicable laws, and  
43 satisfactory protection is given by the owner or his contractor to the public sewer system  
44 including, but not limited to, the satisfactory capping of the building sewer.

45 L. **Performance and Maintenance Bonds.** Any owner or developer who constructs any  
46 sewer facilities pursuant to this Sewer Code shall furnish to the County a performance  
47 bond naming the County as beneficiary or payee in a minimum amount of one hundred



1 percent (100%) of the value of the improvements to be constructed within the existing  
2 public rights-of-way and easements dedicated to the County. Said performance bond in  
3 a penal sum equal to a minimum of the amount described above shall be conditioned  
4 upon the performance by the owner of all undertakings, covenants, terms, conditions,  
5 and agreements, and upon the prompt payment by the owner to all persons supplying  
6 labor and materials for the completion of the work. Such bond shall be executed by the  
7 owner and a corporate bonding company licensed to transact such businesses in the State  
8 of Washington and approved by the Pierce County Risk Management Department.

9 The performance bond shall be replaced after the construction is completed and  
10 accepted by the Department for operation with a maintenance bond equal to the greater  
11 of \$5,000.00 or ten percent (10%) of the value of improvements of that which is to be  
12 dedicated to the County. The maintenance bond shall insure against defects appearing  
13 or developing in the material or workmanship within a period of up to two years after  
14 acceptance for operation. At the end of the guarantee period, the bond shall be released  
15 provided no latent defects have been discovered on the project. The expense of the bond  
16 shall be borne by the owner. If at any time a surety on any such bond is declared  
17 bankrupt or loses its right to do business in the State of Washington, the owner shall  
18 substitute an acceptable bond (or bonds) in such form and sum and signed by such other  
19 surety or sureties as may be satisfactory to the County. The premiums on such bonds  
20 shall be paid by the owner.

21  
22 **13.04.070 Connection Charges.**

- 23 A. **Connection Charges – General.** The owner of any development within the Sewer  
24 Service Area receiving permanent sewer service through the formation of a ULID, by  
25 connection to an existing ULID, or by the extension of or connection to the public sewer  
26 system shall be required to pay connection charges. Except as otherwise provided in  
27 Section 13.04.075, all connection charges shall be paid in full as follows:  
28 1. All connection charges for residential development shall be paid prior to sewer  
29 service permit issuance;  
30 2. All connection charges for commercial development within unincorporated Pierce  
31 County shall be paid prior to final building inspection; and  
32 3. All connection charges for commercial development within a city or town shall be  
33 paid prior to sewer service permit issuance.
- 34 B. **Mode of Connection Charges for Non-ULID Development.** The method or mode of  
35 determining the required connection charges to pay the cost of providing permanent  
36 sewer service to a given service area or development not located within a ULID shall be  
37 determined by dividing the total cost of providing the service into three categories and  
38 developing respective charges for each category. The three categories of connection  
39 charges shall be defined as: area charge; latecomers charge; and treatment plant capacity  
40 charge. The three charges and other related terms shall be defined as follows:  
41 1. **Capital Cost.** The capital cost shall be defined as those costs associated with all  
42 design, engineering, construction, inspection, financing, latecomer carrying, and  
43 administrative costs and any other such costs mandated either now or in the future by  
44 federal, State, and/or local government agencies that are associated with the  
45 following types of public sewer facilities:  
46 a. Existing County-funded public sewer facilities;  
47 b. Existing undersized ULID-funded facilities that benefit non-ULID properties;



- 1 c. Existing applicant-funded public sewer facilities for which the County  
2 reimbursed the applicant for all or a portion of the capital costs; and  
3 d. Future County-funded public sewer facilities as prescribed in the most recent  
4 version of the USP or the County's Capital Facilities Plan.
- 5 2. **Interest Rate.** The interest rate shall be defined as the annual cost to the  
6 Department for borrowing funds in any given year.
- 7 3. **Bond Interest Rate (BIR).** The bond interest rate shall be defined as the percent  
8 interest on borrowed funds if the Department sold bonds to finance public sewer  
9 facility construction in January of each year following year zero and shall be  
10 established by the Department yearly.
- 11 4. **Year Zero.** The year zero shall be defined as the year in which all public sewer  
12 facility construction (for a single ULID or other permanent public sewer facility  
13 capital construction project) is completed.
- 14 5. **Carrying Costs.** The carrying costs shall be defined as all financing costs incurred  
15 by the Department resulting from the capital costs associated with a public sewer  
16 facility after the facility is built, financed, and operating. These costs shall be  
17 established by the Department in January of each year following year zero.
- 18 6. **Consumer Price Index.** The Consumer Price Index for All Urban Consumers  
19 (CPI-U) shall be defined as the data published by the Bureau of Labor Statistics  
20 (BLS) to measure changes in the prices of goods and services for the Seattle-  
21 Tacoma-Bremerton Standard Metropolitan Statistical Area (or succeeding index).
- 22 7. **Area Charge.** The area charge shall be defined as a portion of or all the capital  
23 cost(s) associated with all pump stations, force mains, collector and interceptor  
24 lines, appurtenances, and any incremental capital costs associated with the public  
25 sewer facilities and may include other capital costs deemed appropriate by the  
26 Director.
- 27 8. **Latecomers Charge.** The latecomers charge shall be defined as a portion of or all  
28 the capital costs associated with applicant-funded public sewer facilities for which  
29 the County has contractual obligations to reimburse the applicants from a portion of  
30 the connection charges paid by property owners within a designated area that is  
31 served by the applicant-funded public sewer facilities. Any capital costs associated  
32 with County participation in these public sewer facilities shall be included in the  
33 capital cost associated with the formulation of the area charge. The Latecomers  
34 Charge shall also include an administrative fee as calculated pursuant to Section  
35 13.10.050.
- 36 9. **Treatment Plant Capacity Charge.** The treatment plant capacity charge shall be  
37 defined as a portion of or all the capital cost(s) associated with the treatment of  
38 wastes and the disposal of wastewater treatment by-products and may include other  
39 capital costs deemed appropriate by the Director.
- 40 C. **Mode of Connection Charges for ULID Development.** After the official assessment  
41 roll for any ULID has been confirmed, any additional connection charges imposed on  
42 any development within the ULID shall be calculated as prescribed in subsection B of  
43 this Section.
- 44 D. **Exceptions to Mode of Assessment.** When special conditions or circumstances exist,  
45 the County may allow deviations from the mode of assessment as prescribed in the  
46 specific ordinance that created the ULID, or charge in lieu of assessment as prescribed in  
47 subsection B of this Section, provided that the deviation is consistent for all



1 development within a given service area and that the deviation and resulting mode of  
2 assessment, or charge in lieu of assessment, is specifically defined in a County  
3 ordinance.

4 E. **Latecomers Agreements.** If an applicant constructs public sewer facilities with  
5 capacity in excess of that required to serve the applicant's property, the applicant may be  
6 eligible to apply for a Latecomers Agreement with the County pursuant to Chapter  
7 13.10.

8 F. **Area Charge Adjustment for Critical Areas and Open Spaces.** If any property  
9 seeking connection to the public sewer system contains areas within it that are not  
10 capable of development due to the existence of wetlands, flood hazard areas, fish and  
11 wildlife habitat areas, aquifer recharge areas or geologically hazardous areas  
12 (collectively known as critical areas), or has voluntarily set aside certain portions of the  
13 property for open spaces as shown on a project plans, and the method prescribed in this  
14 Section or in any County ordinance uses the site square footage as a factor in the  
15 calculation of the area charge, the square footage of the critical areas may be excluded  
16 from the total square footage of the property for purposes of calculating the area charge  
17 component of the connection charges. If the ordinances and regulations governing  
18 critical areas are amended or repealed such that the area subject to exclusion can be  
19 developed, then subsequent connection charges shall include the area previously  
20 excluded. Critical areas or open spaces may not be excluded if the areas are used in  
21 calculating density to meet a particular zoning criteria for developing the property.  
22 Nothing in this Section shall preclude the use of the area charge formula described in  
23 Section 13.04.080 in the calculation of connection charges for a particular property.

24 G. **Expansion or Increase in Residential Equivalents.** If any property already connected  
25 to the public sewer system expands its use or produces increased wastewater discharges  
26 which are greater than the number of RE units previously purchased for the property  
27 through connection charges or ULID assessments, the Department shall have the right to  
28 require that the owner of the property pay additional connection charges. Such  
29 additional connection charges shall only be imposed for the net increase over and above  
30 the number of RE units for which the property has been assessed or for which  
31 connection charges have already been paid. Any property owner who fails to pay these  
32 additional connection charges is subject to the provisions in Section 13.04.095.

33 H. **Excess BOD or TSS Charges.** If any property already connected to the public sewer  
34 system produces wastewater discharges with BOD and/or TSS levels which are greater  
35 than those levels previously estimated or approved for the property, the Department  
36 shall have the right to require that the owner of the property pay additional connection  
37 charges. Such additional connection charges shall only be imposed for the net increase  
38 over and above the BOD and/or TSS levels for which the property has been originally  
39 assessed or for which connection charges have already been paid. Any property owner  
40 who fails to pay these additional connection charges is subject to the provisions in  
41 Section 13.04.095.

42 I. **Mode of Connection Charges for Development Outside Sewer Service Area.** The  
43 method or mode of determining any connection charges to pay the cost of providing  
44 permanent sewer service to development outside the Sewer Service Area shall be  
45 determined and set forth as part of the contract with the municipal corporation having  
46 authority for providing sewer service to the development.  
47



1 **13.04.075 Deferral of Connection Charges.**

2 The owner/seller of single or multi-family residential property within unincorporated Pierce  
3 County that is being constructed or improved for resale may make a request at the time of any  
4 sewer service permit application for a voluntary contractual lien against the title to this property  
5 for the deferral of payment of all connection charges prescribed by this Chapter to the closing of  
6 sale, provided that said owner/seller agrees to the following:

- 7 A. The voluntary contractual lien shall be contingent upon full payment by the said  
8 owner/seller of the Lien Administrative Fee prescribed in Section 13.04.090 and the  
9 availability of complete and accurate information to record the voluntary contractual  
10 lien;
- 11 B. The sewer service permit shall not be issued to the said owner/seller until the voluntary  
12 contractual lien has been recorded by County staff;
- 13 C. The said owner/seller shall be responsible for payment of interest on the said connection  
14 charges based on a rate of three percent per annum and accrued from the date of sewer  
15 service permit issuance until the date of full payment of said connection charges;
- 16 D. The said owner/seller shall be responsible for full payment of said connection charges  
17 and accrued interest to the County either by no later than the closing date of sale or by  
18 no later than two years from the date of sewer service permit issuance, whichever comes  
19 first. In no case shall building occupancy occur prior to the full payment of the deferred  
20 connection charges and any accrued interest. Notice of the prohibition on occupancy  
21 shall be included on all certificates of occupancy issued by Pierce County;
- 22 E. In the event that the said property is sold within two years from the date of sewer service  
23 permit issuance, full payment of said connection charges and accrued interest shall be  
24 made by the closing/escrow agent or title company to the County from the sale proceeds  
25 of the said owner/seller;
- 26 F. Upon confirmation of full payment of said connection charges and accrued interest to  
27 the County, the voluntary contractual lien shall be released by County staff;
- 28 G. If the said owner/seller fails to make full payment of said connection charges and  
29 accrued interest within the timeframes set forth in this Section, then said owner/seller  
30 shall also become liable for a penalty in the amount of ten percent of the unpaid balance  
31 of said connection charges (exclusive of any accrued interest); and
- 32 H. If the said owner/seller fails to make full payment of said connection charges, accrued  
33 interest, and any penalty within 60 days after the timeframes set forth in this Section, the  
34 County may bring suit in foreclosure by civil action in the Pierce County Superior  
35 Court.

36  
37 **13.04.080 Calculation of Connection Charges.**

- 38 A. **General.** Unless a County ordinance prescribing the method of calculating the  
39 connection charges rate for a given area has been adopted, the following connection  
40 charge formulas shall be used to calculate the connection charges required to connect to  
41 the public sewer system within the Sewer Service Area. These formulas use the  
42 definitions described in Section 13.04.070. Taken together, these charges shall  
43 constitute the connection charges. In any of the formulas described in subsection B of  
44 this Section, the County reserves the right to substitute the Consumer Price Index (CPI)  
45 for the Bond Interest Rate (BIR).



1        **B. Connection Charges Formulas.**

- 2        1. **Area Charge Formula.** The area charge may include a portion of or all of the year  
3        zero capital costs associated with the construction of the public sewer system. For  
4        each parcel, the area charge in year N following year zero shall be as follows:

5  
6        
$$\text{Area Charge} = (A/B) \times C \times D$$

7  
8        Where A = Total year zero capital costs for public sewer facilities serving a  
9        designated area as described in Section 13.04.070;

10        B = The total anticipated wastewater flow generated within a designated  
11        area expressed in REs;

12        C = The estimated or actual flow in gallons per day (GPD) of a proposed  
13        or existing user divided by 220 GPD (1 RE); and

14        D =  $[(1 + \text{BIR year zero}) \times \dots (1 + \text{BIR year N})]$ .

- 15  
16        2. **Latecomers Charge Formula.** The latecomers charge may include a portion of or  
17        all of the eligible year zero capital costs associated with one or more applicant-  
18        funded public sewer facilities for which the County has contractual obligation(s) to  
19        reimburse the applicant(s) plus an administrative fee. The calculation of the  
20        reimbursable costs and administrative fee shall be governed by the latecomers  
21        agreement(s) associated with the applicant-funded public sewer facilities for the  
22        duration of the agreement(s). The administrative fee shall be calculated pursuant to  
23        Section 13.10.050.

- 24        3. **Treatment Plant Capacity Charge Formula.** The treatment plant capacity charge  
25        may include a portion of or all of the year zero capital costs of all treatment plant  
26        facilities serving a designated area plus any associated financing costs. For each  
27        property, the treatment plant capacity charge in year N following year zero shall be  
28        as follows:

29  
30        
$$\text{Treatment Plant Capacity Charge} = (A/B) \times C \times D \times E \times F$$

31  
32        Where A = Total year zero capital costs for the  
33        WWTP(s) serving a designated area;

34        B = The total rated capacity of the WWTP(s) serving a designated area  
35        expressed in REs;

36        C = The estimated GPD flow of a proposed user divided by 220 GPD  
37        (1 RE); however, in all cases the RE shall not be less than 1.0;

38        D = The estimated BOD of the proposed user (a minimum of 225 mg/l)  
39        divided by 225 mg/l times 3.E;

40        E = The estimated TSS of the proposed user (a minimum of 225 mg/l)  
41        divided by 225 mg/l; and

42        F =  $[(1 + \text{BIR year zero}) \times \dots (1 + \text{BIR year N})]$ .

- 43  
44        4. **Affordable Housing Connection Charge Waiver.** Sewer connection charges paid  
45        to the Department for new residential construction may be waived if a proposed  
46        development meets the requirements of PCC Chapter 18A.65 and if sufficient funds





1 have been appropriated by the Pierce County Council to the Sewer Utility Funds to  
2 replace those connection charges waived or refunded to the applicant.

3  
4 **13.04.090 Fees.**

5 **A. Sewer Service Permit Fees.**

6 1. **Plan Review Fees.** At the time a sewer service permit is applied for, the applicant  
7 shall pay the applicable sewer service permit Plan Review fees as set forth in Table  
8 13.04.090 A.1 to offset all Department costs associated with the permitting,  
9 administration, and plan review of any proposed sewer facilities. Upon review of  
10 the sewer service permit application, the Department may require Plan Review fees  
11 to be paid on a time and materials basis as prescribed in subsection D of this Section  
12 in lieu of those permit Plan Review fees set forth in Table 13.04.090 A.1.  
13

**Table 13.04.090 A.1 - Sewer Service Permit Plan Review Fees**

Residential Building Sewer (Base Fee).....	\$50.00
with private pump station and force main (new design or re-design).....	add \$719.00
with private pump station and force main (pre-approved design).....	add \$15.00
with new sewer tap .....	add \$15.00
Commercial Building Sewer (Base Fee).....	\$50.00
with new or revised private pump station and force main.....	add \$1,367.00
with new sewer tap.....	add \$100.00
with new grease interceptor.....	add \$1,340.00
with new oil-water separator.....	add \$1,460.00
with new misc. pretreatment device .....	add \$1,400.00
Deferral Lien Administrative Fee .....	\$250.00
Expiration Date Extension (prior to issuance) .....	25% of original Plan Review Fees
Payment of Additional Connection Charges Only.....	No Fee

14  
15 2. **Inspection Fees.** Prior to sewer service permit issuance, the applicant shall pay the  
16 applicable sewer service permit Inspection fees as set forth in Table 13.04.090 A.2 to  
17 offset all Department costs associated with the construction, administration, and  
18 inspection of any proposed sewer facilities. Upon review of the sewer service permit  
19 application, the Department may require Inspection fees to be paid on a time and  
20 materials basis as prescribed in subsection D of this Section in lieu of those permit  
21 Inspection fees set forth in Table 13.04.090 A.2.  
22  
23  
24  
25  
26  
27  
28



**Table 13.04.090 A.2 - Sewer Service Permit Inspection Fees**

Residential Building Sewer (Base Fee).....	\$90.00
with private pump station and force main (new design or re-design).....	add \$88.00
with private pump station and force main (pre-approved design).....	add \$88.00
with new sewer tap.....	add \$630.00
Commercial Building Sewer (Base Fee).....	\$135.00
with new or revised private pump station and force main.....	add \$782.00
with new sewer tap.....	add \$630.00
with new grease interceptor.....	add \$277.00
with new oil-water separator.....	add \$286.00
with new misc. pretreatment device.....	add \$282.00
Re-inspection Fee.....	\$100.00
Expiration Date Extension (after permit issuance).....	25% of original Inspection Fees

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11

**B. Sewer Line Extension Permit Fees.**

1. **Plan Review Fees.** At the time a sewer line extension permit is applied for, the applicant shall pay the applicable sewer line extension permit Plan Review fees as set forth in Table 13.04.090 B.1 to offset all Department costs associated with the permitting, administration, and plan review of any proposed sewer facilities. Upon review of the sewer line extension permit application, the Department may require Plan Review Fees to be paid on a time and materials basis as prescribed in subsection D of this Section in lieu of those permit Plan Review fees set forth in Table 13.04.090 B.1.

**Table 13.04.090 B.1 - Sewer Line Extension Permit Plan Review Fees**

Sewer Line Extension (Base Fee) .....	\$2,805.00
with Gravity Sewer Main .....	add \$1.15 per Linear Foot (L.F.) of gravity main
with Public Pump Station .....	add \$1,675.00 plus \$0.92 per L.F. of force main
with Private Pump Station .....	add \$206.00 plus \$0.39 per L.F. of force main
with Low-Pressure System .....	add \$433.00 plus \$0.56 per L.F. of low-pressure main
with Latecomers Agreement .....	add \$600.00
Expiration Date Extension (prior to issuance) .....	25% of original Plan Review Fees

12  
13  
14  
15  
16  
17



2. **Inspection Fees.** Prior to sewer line extension permit issuance, the applicant shall pay the applicable sewer line extension permit Inspection fees as set forth in Table 13.04.090 B.2 to offset all Department costs associated with the construction, administration, and inspection of any proposed sewer facilities. Upon review of the sewer line extension permit application, the Department may require Inspection fees to be paid on a time and materials basis as prescribed in subsection D of this Section in lieu of those permit Inspection fees set forth in Table 13.04.090 B.2.

**Table 13.04.090 B.2 - Sewer Line Extension Permit Inspection Fees**

Sewer Line Extension (Base Fee) .....	\$2,359.00
with Gravity Sewer Main .....	add \$1.26 per Linear Foot (L.F.) of gravity main
with Public Pump Station .....	add \$8,141.00 plus \$3.49 per L.F. of force main
with Private Pump Station .....	add \$200.00 plus \$0.29 per L.F. of force main
with Low-Pressure System .....	add \$289.00 plus \$0.38 per L.F. of low-pressure main
Expiration Date Extension (after permit issuance) .....	25% of original Inspection Fees

C. **Sewer Development Review Application Fees.** At the time a sewer development review application is applied for, the applicant shall pay the applicable sewer development review application fees as set forth in Table 13.04.090 C to offset all Department costs associated with the permitting, administration, and review of any proposed developments, businesses, sewer facilities, plats, or proposals. Upon review of the sewer development review permit application, the Department may require review fees to be paid on a time and materials basis as prescribed in subsection D of this Section in lieu of those application fees set forth in Table 13.04.090 C.

1  
2  
3  
4  
5  
6  
7  
8  
  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40



**Table 13.04.090 C - Sewer Development Review Application Fees**

Commercial Pretreatment Review:

Insignificant Industrial User.....	\$100.00
Minor Industrial User (Base Fee).....	\$484.00
with new or revised Accidental Spill Prevention Plan.....	add \$302.00
Significant Industrial User (Base Fee) .....	\$857.00
with new or revised Accidental Spill Prevention Plan.....	add \$302.00
with new or revised Industrial Wastewater Discharge Permit .....	add \$1,400.00

Plat, Boundary Line Adjustment, and Lot Combination Review:

Sewered Properties\*:

Formal Plat, Short Plats or Large Lot review.....	\$520.00 plus \$2.94 per lot
Formal Plat Alteration review .....	\$350.00
Formal Short Plat or Large Lot Amendment review.....	\$350.00
Binding Site Plan review .....	\$520.00 plus \$2.94 per lot
Binding Site Plan Revision review.....	\$350.00
Boundary Line Adjustment or Lot Combination/Segregation review .....	\$377.00

If property is within a ULID\* ..... add \$80.00

Non-Sewered Properties\*:

Formal Plat, Short Plats or Large Lot review.....	\$130.00
Formal Plat Alteration review .....	\$130.00
Formal Short Plat or Large Lot Amendment review.....	\$130.00
Binding Site Plan review .....	\$130.00
Binding Site Plan Revision review.....	\$130.00
Boundary Line Adjustment or Lot Combination/Segregation review .....	\$130.00

If property is within a ULID\* ..... add \$80.00



**Table 13.04.090 C - Sewer Development Review Application Fees (Continued)**

Land Use Application Review:

Preliminary Plat or Preliminary Short Plat review:

In Unincorporated Pierce County* .....	\$130.00
In other land use jurisdictions .....	\$180.00

Other Land Use Application Review (Variance, Conditional Use, Environmental Checklist, Non-Conforming Use, etc.):

In Unincorporated Pierce County* .....	\$130.00
In other land use jurisdictions .....	\$180.00

Miscellaneous Plan Review:

Water Sub-metering Plan Review .....	\$435.00
Waiver Request Review .....	\$70.00

Pre-Development Review:

Site Specific Sewer Information Letter (Base Fee).....	\$50.00
Existing Single-Family Residence or Duplex .....	add \$0.00
Existing Apartments, Condos, Mobile Home Parks.....	add \$50.00
Existing Commercial Buildings .....	add \$50.00
Proposed Residential or Commercial Developments.....	add \$100.00
Pre-Development Major Conference and Memo* .....	\$300.00

Application Expiration Date Extension.....25% of Application Fees

\* For properties within Unincorporated Pierce County, these fees shall be collected under the appropriate Pierce County land use permit at the time of application by Pierce County Planning and Land Services. A separate Sewer Development Review Application will not be required by the Department.

1  
2  
3  
4  
5  
6  
7  
8  
9

- D. Time and Materials Charges.** The Department reserves the right to require customers, owners, users, applicants, developers, and contractors to pay plan review and/or inspection fees on a time and materials basis as follows:
1. Time and materials charges for plan review and inspection fee shall provide for all costs of service performed or paid for by the Department including but not limited to planning, engineering review of plans, legal services, inspection of construction, and all other technical and administrative services provided relative to extensions to the existing public sewer system;



2. The Department's costs incurred during the duration of the project from plan review through completion of construction will be based on time, equipment, and material utilized. Department personnel and equipment time rates will be in accordance with the latest established County weighted rates inclusive of overhead costs. Material costs will be based on the actual costs of materials plus fifteen percent (15%).
3. The Department will keep an accurate accounting of costs incurred. Should the total Department costs exceed the amount of the non-refundable fee, the owner/applicant must pay the additional fees within 30 days following billing by the Department and prior to the Department granting final approval of the sewer facilities. Failure to do so will result in the Department filing a lien against the subject property for the unpaid balance. The processing of the lien will be in the manner outlined in Section 13.04.095.

E. **Other Fees.** Administrative processing costs incurred by the Department for items not related to plan review and inspection as outlined herein shall be paid in full prior to the Department granting final approval of the applicant's submittal. A non-refundable \$50.00 fee must accompany each separate submittal. The fee shall be credited against the final Department costs as prescribed in subsection D of this Section. If the applicant elects not to have the Department complete the processing of the item submitted, the applicant shall still be responsible for reimbursing the Department for all expenses incurred. The Department shall withhold granting approval of the applicant's submittal until all costs have been paid in full. Failure of the applicant to pay the fees within 30 days of notification shall result in the Department filing and processing a lien as prescribed in Section 13.04.095. Administrative processing costs shall include, but not be limited to, the following items:

1. Preparation of easements and/or legal descriptions;
2. Processing of basin plans, updates and amendments thereto;
3. Advertising expenses;
4. Public hearing expenses;
5. Rental of meeting rooms; and
6. Travel expenses.

F. **Affordable Housing Plan Review Fee Waiver.** Plan review and inspection fees for new residential construction may be waived if a proposed development meets the requirements of PCC Chapter 18A.65 and if sufficient funds have been appropriated by the Pierce County Council to the Sewer Utility Funds to replace those fees waived or refunded to the applicant.

G. **Lien Administrative Fee for Deferred Connection Charges.** At the time of application for a sewer service permit, any owner/seller of property requesting a voluntary contractual lien for the deferral of the payment of all connection charges as provided in Section 13.04.075 shall pay a non-refundable fee, the amount of which shall be determined by the Director, to cover all administrative costs incurred by the Department, including but not limited to the costs for Department staff to process the voluntary contractual lien document, provided that this fee shall not exceed \$250.00 unless otherwise approved by the Pierce County Council through ordinance. This fee shall be waived whenever a fee for the deferral of impact fees is collected pursuant to PCC Section 4A.10.080. In addition, the owner/seller shall pay the filing fees for the recording and release of the voluntary contractual lien.



1 H. **Refund of Permit Fees.** Sewer service permit fees, sewer line extension permit fees,  
2 and sewer development review fees are not refundable unless the applications and/or  
3 fees were erroneously required by Department staff, or the application is cancelled in  
4 writing by the applicant within three full business days from the date of payment.  
5

6 **13.04.095 Payment Provisions and Delinquencies.**

- 7 A. Any outstanding connection charges, time and materials charges, fees, or penalties as set  
8 forth in this Chapter are due 30 days after the billing date or date of written notice,  
9 whichever is sooner. Such charges, fees, or penalties become delinquent if not paid  
10 when due.
- 11 B. If such charges, fees, or penalties are not paid in full when due, then a penalty shall be  
12 added equal to ten percent (10%) of the total amount as a one-time late penalty, and  
13 interest shall accrue on the unpaid balance from the due date at a rate of eight percent  
14 (8%) per year. The interest shall be applied monthly on the entire unpaid balance,  
15 excluding any accrued interest, foreclosure costs, and all lien recording and release fees.
- 16 C. A partial payment of any such past due charges, fees, or penalties shall be applied to the  
17 below costs as they are applicable in the following order of priority:  
18 1. Foreclosure costs;  
19 2. Lien recording and release fees;  
20 3. Taxes and fees;  
21 4. Accrued interest;  
22 5. Penalty payments; and  
23 6. Delinquent charges, fees, or penalties – oldest first.
- 24 D. If not paid in full 60 days after the billing date or date of written notice, whichever is  
25 sooner, any outstanding connection charges shall be collected in the manner set forth in  
26 Section 13.13.045. Time and materials charges, fees, and penalties shall be collected as  
27 otherwise provided by law.  
28

29 **13.04.100 Violations and Penalties.**

30 The purpose of the penalty provisions in this Section is to discourage violations of the Sewer  
31 Code. They are not intended to reflect, offset, or compensate for the actual, consequential, or  
32 other damages which may result from such violations and are not in lieu of any other penalty,  
33 sanction, or right of action provided by law. Should a conflict exist between the below penalty  
34 provisions and a more specific penalty provision within the Sewer Code, the specific provision  
35 shall prevail.

- 36 A. Any person who fails to comply with the provisions of this Sewer Code may be assessed  
37 a civil penalty as follows:  
38 1. **Notice of Violations.**  
39 a. The Director shall serve, by certified mail with return receipt requested or  
40 personal service, any person or entity violating any provision of this Sewer Code  
41 with a written notice of Sewer Code violation. Such notice shall describe the  
42 violation with reasonable particularity and order appropriate corrective actions to  
43 be taken or additional investigative action to be performed within a specified  
44 time period. The violator shall immediately cease all violations and complete all  
45 ordered actions within the provided period.  
46 b. Any notice of violation may be appealed to the Hearing Examiner in accordance  
47 with PCC Section 1.22.090 as an appeal to an administrative order or decision.



1 An appeal request must be submitted in writing to the Director within 30 days of  
2 the date the notice of violation is received. Failure to appeal is a waiver of all  
3 rights to challenge the allegations within the notice of violation.

4 **2. Civil Penalties.**

- 5 a. If the violator fails to comply with the notice of violation, the Director may  
6 impose a penalty not to exceed \$1,000 per violation. The Director shall deliver  
7 the notice of penalty by certified mail with return receipt requested or personal  
8 service.
- 9 i. Each Sewer Code violation constitutes a separate violation, for which the  
10 Director may impose a separate penalty.
- 11 ii. Each day that a person fails to comply with the terms of a notice of violation  
12 constitutes a separate violation, for which the Director may impose an  
13 additional penalty by delivery of another notice of penalty. Each additional  
14 notice of penalty is subject to the mitigation and appeal processes available to  
15 the recipient under subsection A.2.b of this Section.
- 16 iii. Any person or entity who, through act or omission, aids in a Sewer Code  
17 violation shall be considered to have committed the violation for purposes of  
18 the civil penalty.
- 19 iv. A civil penalty constitutes a personal obligation of the person to whom the  
20 notice of civil violation is directed. Payment shall not excuse the violation or  
21 allow it to continue.
- 22 b. A person who receives a notice of penalty has three options, each of which must  
23 be performed within 30 days of receipt of the notice of penalty:
- 24 i. Submit payment of the penalty in full;
- 25 ii. Submit in writing a request that the Director mitigate the penalty. By  
26 submitting a mitigation request, the right to appeal the notice of penalty  
27 under subsection A.2.b.iii of this Section is waived. The mitigation request  
28 shall identify in detail all facts supporting the request. Upon receipt of the  
29 Director's decision, payment shall be due within 14 days; or
- 30 iii. Appeal the notice of penalty to the Hearing Examiner in accordance with  
31 PCC Section 1.22.090, as an appeal to an administrative order or decision. A  
32 notice of penalty appeal request must be submitted in writing to the Director.  
33 The only issue to be presented the Hearing Examiner during an appeal of a  
34 notice of penalty shall be whether the property owner has made progress in  
35 correcting the violations identified in the notice of violation that led to the  
36 issuance of the civil penalty. Payment shall be due within 30 calendar days  
37 of receipt of the Hearing Examiner's decision.

38 **B. Criminal Penalties.** It shall be a misdemeanor for any person or entity to knowingly  
39 perform any act in violation of any of the provisions of this Sewer Code or to knowingly  
40 fail to comply with a notice of violation.

- 41 1. A misdemeanor under this subsection shall be punishable by a fine of not more than  
42 \$1,000 or by imprisonment of not more than 90 days, or both.
- 43 2. The imposition of a penalty for any violation shall not excuse the violation or allow  
44 it to continue.
- 45 3. Each person or entity found guilty of a misdemeanor shall be deemed guilty of a  
46 separate offense for each day during any portion of which any violation of any





1 provision of this Sewer Code is committed, continued, or permitted by such person  
2 or entity.

3 C. **Recovery of Costs Incurred by the County.** Any person or entity who willfully or  
4 negligently breaks, damages, destroys, uncovers, defaces, or tampers with any structure,  
5 appurtenance, or piece of equipment which is a part of the public sewer system or who  
6 willfully or negligently throws, dumps, or otherwise introduces any dirt, rocks, sticks,  
7 debris or any other foreign matter or unpermitted waste into the public sewer system  
8 shall be liable to the County for all costs, including personnel costs and reasonable  
9 attorney fees, to repair, replace, or restore the public sewer system.

10 A bill issued by the Department for collection of costs incurred by the County under  
11 this subsection may be appealed to the Hearing Examiner in accordance with PCC  
12 Section 1.22.090 as an appeal to an administrative order or decision. The appeal must  
13 be submitted in writing to the Director within 30 days of the date of the bill. Payment  
14 shall be due within 30 calendar days of receipt of the Hearing Examiner's decision.

15  
16 **13.04.110 Compliance with Other Regulations.**

17 Applicants may be subject to other federal, State, and local regulations. It shall be the  
18 responsibility of applicants to contact other agencies and County departments to secure any  
19 required permits and approvals.

20  
21 **13.04.120 Severability.**

22 If any provision of this Chapter or its application is held invalid or unconstitutional, the  
23 remainder of the Chapter or the application of the provision to other persons or circumstances  
24 shall not be affected.  
25



Chapter 13.06

**INDUSTRIAL PRETREATMENT REGULATIONS**

**Sections:**

- 13.06.010 Purpose and Policy.**
- 13.06.020 Administration.**
- 13.06.030 Definitions.**
- 13.06.040 Abbreviations and Acronyms.**
- 13.06.050 Prohibited Discharge Standards.**
- 13.06.060 Federal Categorical Pretreatment Standards.**
- 13.06.070 State Requirements.**
- 13.06.080 Local Limits.**
- 13.06.090 Additional Standards of Treatment.**
- 13.06.100 Pierce County's Right of Revision.**
- 13.06.110 Special Agreement.**
- 13.06.120 Dilution.**
- 13.06.130 Providing and Maintaining Pretreatment Facilities.**
- 13.06.140 Reports for Industrial Facilities.**
- 13.06.150 Deadline for Compliance with Applicable Pretreatment Requirements.**
- 13.06.160 Additional Pretreatment Measures.**
- 13.06.170 Minor Industrial User Permits.**
- 13.06.180 Accidental Discharge/Slug Control Requirements.**
- 13.06.190 Hauled Wastes.**
- 13.06.200 Fees and Charges.**
- 13.06.210 Wastewater Discharges: Pretreatment Review.**
- 13.06.220 Wastewater Discharge Permit.**
- 13.06.230 Wastewater Discharge Permitting: Existing SIU.**
- 13.06.240 Wastewater Discharge Permitting: New Source and New User.**
- 13.06.250 Wastewater Discharge Permitting: Extra Jurisdictional Users.**
- 13.06.260 Wastewater Discharge Permit Application Contents.**
- 13.06.270 Signatory Requirements.**
- 13.06.280 Wastewater Discharge Permit Decisions.**
- 13.06.290 Wastewater Discharge Permit Contents.**
- 13.06.300 Wastewater Discharge Permit Appeals.**
- 13.06.310 Wastewater Discharge Permit Duration.**
- 13.06.320 Wastewater Discharge Permit Modification.**
- 13.06.330 Wastewater Discharge Permit Transfer.**
- 13.06.340 Wastewater Discharge Permit Revocation.**
- 13.06.350 Wastewater Discharge Permit Reissuance and Renewal.**
- 13.06.360 Public Notice.**
- 13.06.370 Baseline Monitoring Report.**
- 13.06.380 Final Compliance Report (Initial Compliance Report).**
- 13.06.390 Periodic Compliance Report.**
- 13.06.400 Compliance Schedules for Meeting Pretreatment Standards.**
- 13.06.410 Notification of Significant Production Changes.**



- 1 **13.06.420 Hazardous Waste Notification.**
- 2 **13.06.430 Notice of Potential Problems, Including Spills and Slug Loadings.**
- 3 **13.06.440 Non-Compliance Reporting.**
- 4 **13.06.450 Notification of Changed Discharge.**
- 5 **13.06.460 TO Reporting.**
- 6 **13.06.470 Reports from Unpermitted Users.**
- 7 **13.06.480 Record Keeping.**
- 8 **13.06.490 Sampling Requirements for Users.**
- 9 **13.06.500 Analytical Requirements.**
- 10 **13.06.510 County Monitoring of User's Wastewater.**
- 11 **13.06.520 Inspection and Sampling.**
- 12 **13.06.530 Monitoring Facilities.**
- 13 **13.06.540 Denial of Access.**
- 14 **13.06.550 Confidential Information.**
- 15 **13.06.560 Publication of Users in Significant Non-Compliance.**
- 16 **13.06.570 Enforcement and Penalties.**
- 17 **13.06.580 Permits, Approvals, and Uses.**
- 18 **13.06.590 General Enforcement Provisions.**
- 19 **13.06.600 Penalties.**
- 20 **13.06.610 Revocation, Modification, and Expiration.**
- 21 **13.06.620 Remedies Non-Exclusive.**
- 22 **13.06.630 Severability.**
- 23 **Table.**

24

25 **13.06.010 Purpose and Policy.**

26 These Regulations set forth uniform requirements for users of the Publicly Owned Treatment  
 27 Works (POTW) for Pierce County (County) and enable the County to comply with all applicable  
 28 State and federal laws, including the Clean Water Act (33 USC 1251 *et seq.*) and the General  
 29 Pretreatment Regulations (40 CFR Part 403). The objectives of these Regulations are:

- 30 A. to prevent the introduction of pollutants into the POTW that will interfere with the  
 31 operation of, or cause damage to, the POTW;
- 32 B. to prevent the introduction of pollutants into the POTW that will pass through the  
 33 POTW inadequately treated into receiving waters or will otherwise be incompatible with  
 34 the POTW;
- 35 C. to ensure that the quality of the wastewater treatment plant biosolids is maintained at a  
 36 level which allows its utilization in compliance with applicable statutes and regulations;
- 37 D. to protect the general public, and to protect POTW personnel who may be affected by  
 38 wastewater, solids, and biosolids in the course of their employment;
- 39 E. to improve the opportunity to recycle and reclaim wastewater and biosolids from the  
 40 POTW;

41 These Regulations shall apply to all users of the POTW. The Industrial Pretreatment  
 42 Regulations authorize the issuance of wastewater discharge permits; authorize monitoring,  
 43 compliance, and enforcement activities; establish administrative review procedures; authorize  
 44 requirements for users to monitor and report; and provide for the setting of fees for the equitable  
 45 distribution of costs resulting from the program established herein.



1 **13.06.020 Administration.**

2 Except as otherwise provided herein, the Pierce County Wastewater Utility Manager  
3 (Manager), shall administer, implement, and enforce the provisions of this Chapter. The  
4 Manager shall have the authority to delegate, as necessary, specific authority to carry out the  
5 execution, administration, and interpretation of these Regulations.  
6

7 **13.06.030 Definitions.**

8 Unless a provision explicitly states otherwise, the following terms and phrases, as used in this  
9 Chapter, shall have the meanings hereinafter designated:  
10

11 “Act” means the Federal Water Pollution Control Act, also known as the Clean Water Act, as  
12 amended, 33 U.S.C. 1251 et seq.  
13

14 “All Known, Available, and Reasonable Methods of Prevention, Control, and Treatment”  
15 (AKART) means AKART determinations consider all the potential treatment technologies,  
16 including zero discharge and pollution prevention, best management practices (BMPs), which  
17 may be applicable to the facility. AKART determinations include an economic analysis of the  
18 cost of zero discharge and any treatment processes. The County makes AKART determinations  
19 on a case-by-case basis.  
20

21 “Applicable Pretreatment Standards” means, for any specified pollutant, Pierce County  
22 prohibitive standards, Pierce County specific pretreatment standards (local limits), State of  
23 Washington pretreatment standards, or EPA's Categorical Pretreatment Standards (when  
24 effective), whichever standard is appropriate or most stringent.  
25

26 “Approval Authority” means the Washington Department of Ecology is the Approval Authority  
27 within the State of Washington.  
28

29 “Authorized Representative of the User” means:

- 30 1. If the user is a corporation:
  - 31 a. The president, secretary, treasurer, or a vice-president of the corporation in charge of  
32 a principal business function, or any other person who performs similar policy or  
33 decision-making functions for the corporation; or
  - 34 b. The manager of one or more manufacturing, production, or operation facilities  
35 provided the manager is authorized to make management decisions which govern the  
36 operation of the regulated facility including having the explicit or implicit duty of  
37 making major capital investment recommendations and initiating and directing other  
38 comprehensive measures to assure long-term compliance with environmental laws  
39 and regulations; can ensure that the necessary systems are established or actions  
40 taken to gather complete and accurate information for control mechanism  
41 requirements; and where authority to sign documents has been assigned or delegated  
42 to the manager in accordance with corporate procedures;
- 43 2. If the user is a partnership or sole proprietorship, a general partner or proprietor,  
44 respectively;
- 45 3. If the user is a federal, State, or local governmental facility, a director or highest official  
46 appointed or designated to oversee the operation and performance of the activities of the  
47 government facility, or designee.



1 4. The individuals described in paragraphs 1 through 3 above may designate another  
2 authorized representative if the authorization is in writing, the authorization specifies the  
3 individual or position responsible for the overall operation of the facility from which the  
4 discharge originates, or having overall responsibility for environmental matters for the  
5 company, and the written authorization is submitted to the County.  
6

7 “Batch Discharge” means any single discharge that is specifically allowed under a wastewater  
8 discharge permit, or that requires the prior approval of the Manager before discharge to the  
9 County public sewer system may begin.  
10

11 “Best Management Practices” (BMPs) means schedules of activities, prohibitions of practices,  
12 maintenance procedures, and other management practices to implement the prohibitions listed in  
13 part 13.06.050 of this code. BMPs also include treatment requirements, operating procedures  
14 and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage  
15 from raw material storage.  
16

17 “Biochemical Oxygen Demand” (BOD) means the quantity of oxygen utilized in the biochemical  
18 oxidation of organic matter under standard laboratory procedures for five days at 20° Celsius,  
19 usually expressed as a concentration [milligrams per liter (mg/l)].  
20

21 “Biosolids” means municipal sewage solids (sludge) that is a primarily organic product resulting  
22 from the wastewater treatment process that can be beneficially recycled under applicable  
23 regulations.  
24

25 “Bypass” means the intentional diversion of waste streams from any portion of a user's treatment  
26 facility.  
27

28 “Categorical Pretreatment Standard” or “Categorical Standard” means any regulation containing  
29 pollutant discharge limits promulgated by the U.S. EPA in accordance with Sections 307(b) and  
30 (c) of the Act (33 U.S.C. 1317) which apply to a specific category of users and which appear in  
31 40 CFR Chapter I, Subchapter N, Parts 405-471.  
32

33 “Categorical User” means a user covered by one of EPA's Categorical Pretreatment Standards  
34

35 “Certification” means a statement required under 40 CFR 403.12(b) for baseline monitoring  
36 reports for existing sources, and under 40 CFR 403.12(d) for 90-day compliance reports from  
37 new sources. In 40 CFR 403.12(b)(6) it defines this as a statement reviewed by an authorized  
38 representative of the user and certified by a qualified professional indicating whether the  
39 applicable Pretreatment Standards are being met on a consistent basis, and, if not, whether  
40 additional operation and maintenance (O&M) and/or additional pretreatment is required for the  
41 user to meet the applicable Pretreatment Standards and Requirements. The certification  
42 requirements are found in Section 13.06.260 of this Chapter, and are in addition to the signatory  
43 requirements under Section 13.06.270 which apply to all user reports and permit applications.  
44

45 “Composite Sample” means the sample resulting from the combination of individual wastewater  
46 samples taken at selected intervals based on an increment of either flow or time.  
47



1 “Contaminant” means any substance that is discharged to the County public sewer system other  
2 than clean drinking water and/or storm and surface water runoff.

3  
4 “Color” means the optical density at the visual wave length of maximum absorption, relative to  
5 distilled water. One-hundred percent transmittance is equivalent to zero (0.0) optical density.

6  
7 “Cooling Water” means water used for heat transfer (cooling or heating) further defined as  
8 either: 1) Non-Contact Cooling Water, which does not come into direct contact with any raw  
9 material, intermediate product, waste product, or finished product. It may be generated from any  
10 use, such as air conditioning, heat exchangers, cooling or refrigeration to which the only  
11 pollutant added is heat; or 2) Contact Cooling Water, which is polluted by the addition of  
12 biocides, slimicides, corrosion inhibitors, product contact, other pollutants, or concentration of  
13 natural ambient concentrations of pollutants to the point where it can no longer be disposed of as  
14 clean water.

15  
16 “County” means the County Government of Pierce County, Washington. It also refers to the  
17 unincorporated areas of Pierce County.

18  
19 “Dangerous Waste” means any waste so defined by Washington Administrative Code (WAC)  
20 173-303-080 through -110.

21  
22 “Director” means the individual designated by Pierce County as the Director of the Pierce  
23 County Public Works and Utilities Department or designee.

24  
25 “Domestic User (Residential User)” means any non-commercial user of the POTW who  
26 contributes, causes, or allows the contribution of wastewater into the County POTW that is of a  
27 similar volume and/or chemical make-up as that of a residential dwelling unit. Discharges from  
28 a residential dwelling unit typically include up to 220 gallons of flow per day, 225 mg/l of BOD  
29 and 225 mg/l of TSS.

30  
31 “Environmental Protection Agency” (EPA) means the United States Environmental Protection  
32 Agency or, where appropriate, the Regional Water Division Director, or other duly authorized  
33 official of said agency.

34  
35 “Existing Source” means a categorical industrial user which is a source of discharge for which  
36 construction or operation commenced prior to the publication by EPA of proposed categorical  
37 pretreatment standards, which will be applicable to such source if the standard is thereafter  
38 promulgated in accordance with Section 307 of the Act.

39  
40 “Existing User” means a user which is discharging wastewater prior to the effective date of this  
41 Chapter. Any person that buys an existing facility that is discharging non-domestic wastewater  
42 will be considered an "existing user" if no significant changes are made in the manufacturing  
43 operation.

44  
45 “Grab Sample” means a sample which is taken from a waste stream on a one-time basis without  
46 regard to the flow in the waste stream and without consideration of time.



1 “Indirect Discharge or Discharge” means the introduction of pollutants into the POTW from any  
2 non-domestic source regulated under Sections 307(b), (c), or (d) of the Act and by applicable  
3 State and local regulations.

4  
5 “Insignificant Industrial User” means an industrial user of the POTW identified by the County as  
6 having no significant process wastewater discharge and/or accidental discharge or spill potential.

7  
8 “Interference” means a discharge which alone or in conjunction with a discharge or discharges  
9 from other sources, either: (1) inhibits or disrupts the POTW, its treatment processes or  
10 operations; (2) inhibits or disrupts its solids processes, utilization, or disposal; or (3) is a cause of  
11 a violation of the County's NPDES permit or of the prevention of sewage sludge/biosolids use or  
12 disposal in compliance with any of the following statutory/regulatory provisions or permits  
13 issued (or more stringent State or local regulations): Section 405 of the Clean Water Act; the  
14 Solid Waste Disposal Act (SWDA), including Title II commonly referred to as the Resource  
15 Conservation and Recovery Act (RCRA); any federal or State regulations contained in any  
16 federal or State biosolids/sludge management plan prepared pursuant to Subtitle D of the  
17 SWDA; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection,  
18 Research, and Sanctuaries Act.

19  
20 “Manager” means the individual designated by Pierce County as the Wastewater Utility Manager  
21 of the Pierce County Public Works and Utilities Department or designee.

22  
23 “Maximum Allowable Discharge Limit” means the maximum concentration (or mass loading) of  
24 a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or  
25 composited sample collected, independent of the industrial flow rate and the duration of the  
26 sampling event.

27  
28 "May" means permissive. (Shall is mandatory.)

29  
30 “Medical Wastes” means infectious agents, such as isolation wastes, human blood and blood  
31 products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes,  
32 potentially contaminated laboratory wastes, and dialysis wastes.

33  
34 “Minor Industrial User” (MIU) means an industrial user of the POTW identified by the County  
35 as having the potential to discharge a waste stream that, when taken with the waste stream from  
36 other industrial users, may have a significant impact on the POTW. MIUs without waste  
37 streams that have potential for accidental spills to the sewer may be classified as Dry MIUs and  
38 may or may not be subject to ASPP requirements.

39  
40 “New Source” means:

- 41 1. Any building, structure, facility, or installation from which there is (or may be) a  
42 discharge of pollutants; the construction of which commenced after the publication of  
43 proposed pretreatment standards under Section 307(c) of the Act, which will be  
44 applicable to such source if such standards are thereafter promulgated in accordance  
45 with that Section, provided that:
  - 46 a. The building, structure, facility, or installation is constructed at a site at which no  
47 other source is located; or



- 1 b. The building, structure, facility, or installation totally replaces the process or  
2 production equipment that causes the discharge of pollutants at an existing source; or  
3 c. The production or wastewater generating processes of the building, structure,  
4 facility, or installation are substantially independent of an existing source at the same  
5 site. In determining whether these are substantially independent, factors such as the  
6 extent to which the new facility is integrated with the existing plant, and the extent to  
7 which the new facility is engaged in the same general type of activity as the existing  
8 source, should be considered.
- 9 2. Construction on a site at which an existing source is located results in a modification  
10 rather than a new source if the construction does not create a new building, structure,  
11 facility, or installation meeting the criteria of Sections (1)(b) or (c) above but otherwise  
12 alters, replaces, or adds to existing process or production equipment.
- 13 3 Construction of a new source as defined under this paragraph has commenced if the  
14 owner or operator has:
- 15 a. Begun, or caused to begin, as part of a continuous on-site construction program  
16 (1) any placement, assembly, or installation of facilities or equipment; or  
17 (2) significant site preparation work including clearing, excavation, or removal of  
18 existing buildings, structures, or facilities which is necessary for the placement,  
19 assembly, or installation of new source facilities or equipment; or  
20 b. Entered into a binding contractual obligation for the purchase of facilities or  
21 equipment which is intended to be used in its operation within a reasonable time.  
22 Options to purchase or contracts which can be terminated or modified without  
23 substantial loss, and contracts for feasibility, engineering, and design studies do not  
24 constitute a contractual obligation under this paragraph.

25  
26 “New User” means, while "new sources" are exclusively categorical industries, "new users"  
27 includes all users that apply to the County for a new building permit or occupy an existing  
28 building and plan to (or begin to) discharge a new source of wastewater to the County's public  
29 sewer system after the effective date of this Chapter. New Users may be found to be Significant  
30 Industrial Users, Minor Industrial Users, or Insignificant Industrial Users upon review of the  
31 user's permit application and other relevant information submitted to the County.

32  
33 “Other Wastes” means substances such as decayed wood, sawdust, shavings, bark, lime, refuse,  
34 ashes, offal, oil, tar, chemicals, and all other substances except sewage and industrial wastes.

35  
36 “Pass Through” means the occurrence of a discharge which exits the POTW into waters of the  
37 United States in quantities or concentrations which, alone or in conjunction with a discharge or  
38 discharges from other sources, is a cause of a violation of any requirement of the County's  
39 NPDES permit (including an increase in the magnitude or duration of a violation) or causes the  
40 POTW's effluent to violate a water quality standard for which permit limits would be applicable  
41 if a potential to violate the standard was known.

42  
43 “Permit” means the Industrial Wastewater Discharge permit authorizing the permittee to  
44 discharge non-domestic wastewater into the County’s sewer system. A permit is issued under  
45 the authority of this Chapter, and prescribes discharge requirements and limitations.

46  
47 “Permittee” means a person or user issued an industrial wastewater discharge permit.





1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46  
47

“Person” means any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity; or their legal representatives, agents, or assigns. This definition includes all federal, State, or local governmental entities.

“pH” means a measure of the acid or alkaline nature of a substance, expressed in standard units of the hydrogen ion concentration.

“Pollutant” means any substance discharged into a POTW or the public sewer system which, if discharged directly, would alter the chemical, physical, biological, or radiological characteristics or properties of waters of the State [i.e., pH, temperature, TSS, turbidity, color, BOD, Chemical Oxygen Demand (COD), metals, organics, toxicity, odor].

“Pretreatment” means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to (or in lieu of) introducing such pollutants into the POTW. This reduction or alteration can be obtained by physical, chemical, or biological processes; by process changes; or by other means (except by diluting the concentration of the pollutants unless allowed by an applicable pretreatment standard).

“Pretreatment Requirements” means any substantive or procedural requirement related to pretreatment, or the County’s Pretreatment Program, imposed on a user, other than a pretreatment standard.

“Pretreatment Standards or Standards” means prohibited discharge standards, categorical pretreatment standards, and local limits established by the County or any standard of treatment based upon AKART and included in a discharge permit.

“Process Wastewater” means wastewater discharged from one or more industrial processes or industrial cleanup procedures. Process wastewater does not include domestic waste or non-contact cooling or heating water. Process wastewater may refer to one process discharge or several commingled process discharges.

“Prohibited Discharge Standards” or “Prohibited Discharges” means absolute prohibitions against the discharge of certain substances; these prohibitions appear in Section 13.06.050.

“Publicly Owned Treatment Works” (POTW) means a "treatment works," as defined by Section 212 of the Act (33 U.S.C. 1292) which is owned by, or under the jurisdiction or control of, the County. This definition includes any devices or systems used in the collection, conveyance, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature. For purposes of this Chapter, the POTW shall be the County’s public sewer system.

“Self Monitoring Reports” means a report submitted to the County by the User containing information generated by the User, such as sampling test results on wastewater discharges quality or quantity.

1 “Septic Tank Waste” means any sewage from holding tanks such as chemical toilets, and septic  
2 tanks or from tanks within campers, trailers, and vessels holding human and/or kitchen wastes.

3  
4 “Sewage” means water-carried human wastes, or a combination of water-carried wastes from  
5 residences, business buildings, institutions and industrial establishments, together with such  
6 ground, surface, storm, or other waters as may be present. This term is used interchangeably  
7 with the term "wastewater".

8  
9 “Sewer” means any pipe, conduit, ditch, or other device used to collect and transport sewage or  
10 stormwater from the generating source.

11  
12 "Shall" means mandatory. ("May" is permissive.)

13  
14 “Significant Industrial User” (SIU) means:

- 15 1. A user subject to categorical pretreatment standards; or
- 16 2. A user that:
  - 17 a. Discharges an average of 25,000 gpd or more of process wastewater to the POTW  
18 (excluding sanitary, non-contact cooling, heating, and boiler blowdown wastewater);
  - 19 b. Contributes a process waste stream which makes up five percent (5%) or more of the  
20 average dry weather hydraulic or organic capacity of the POTW; or
  - 21 c. Is designated as such by the County on the basis that it has a reasonable potential for  
22 adversely affecting the POTW's operation or for violating any pretreatment standard  
23 or requirement.
- 24 3. Upon a finding that a user meeting the criteria in subsection 2 has no reasonable  
25 potential for adversely affecting the POTW's operation or for violating any applicable  
26 pretreatment standard or requirement, the County may at any time, on its own initiative,  
27 or in response to a petition received from a user [and in accordance with procedures in  
28 40 CFR 403.8(f)(6)] determine that such user should not be considered a significant  
29 industrial user.

30  
31 “Significant Non-compliance” means significant non-compliance occurs when a violation or  
32 series of violations by an industrial user meets one or more of the following criteria:

- 33 1. Chronic violations of wastewater discharge limits, defined as those in which sixty-six  
34 percent (66%) or more of all the measurements taken during a six month period exceed  
35 a numeric Pretreatment Standard or Requirement, including instantaneous limits, as  
36 defined by Section 13.06.030;
- 37 2. Technical review criteria (TRC) violations, defined as those in which thirty-three  
38 percent (33%) or more of all measurements for each pollutant parameter taken during a  
39 six month period equal or exceed a numeric Pretreatment Standard or Requirement,  
40 including instantaneous limits, as defined by Section 13.06.030, multiplied by the  
41 applicable TRC (TRC = 1.4 for BOD, TSS, fats, oils, and grease (FOG), and 1.2 for all  
42 other pollutants except pH);
- 43 3. Any other violations(s) of a pretreatment standard or requirement, including  
44 instantaneous limits, as defined in Section 13.06.030, that the Manager determines to  
45 have caused, alone or in combination with other discharges, an interference or pass-  
46 through, or endangered the health of the general public or sewage treatment personnel;



- 1 4. Any discharge of a pollutant that causes an imminent endangerment to human health,  
2 welfare, or to the environment, or results in the POTW's exercise of its emergency  
3 authority to halt or prevent such a discharge;
- 4 5. Failure to meet a compliance schedule milestone contained in an Industrial Wastewater  
5 Discharge Permit or enforcement order for starting or completing construction, or  
6 attaining final compliance;
- 7 6. Failure to provide, within 45 days after the due date, required reports, such as baseline  
8 monitoring reports, 90-day compliance reports, periodic self-monitoring reports, or other  
9 reports required by compliance schedules;
- 10 7. Failure to accurately report non-compliance; or
- 11 8. Any other violation or group of violations, which may include a violation of Best  
12 Management Practices, which the Manager finds will adversely affect the operation and  
13 implementation of the County's Pretreatment Program.

14  
15 "Slug Load" means any discharge of a non-routine, episodic nature, including, but not limited to,  
16 an accidental spill or a non-customary batch discharge at a flow rate or concentration which  
17 could cause pass through or interference to the POTW and/or violates the pretreatment standards  
18 of this Chapter.

19  
20 "Standard Industrial Classification (SIC) Code" means a classification pursuant to the "Standard  
21 Industrial Classification Manual" issued by the United States Office of Management and Budget.

22  
23 "State" means State of Washington.

24  
25 "Storm Sewer" means a sewer which carries storm and surface waters and drainage, but from  
26 which sewage and polluted industrial wastes are excluded.

27  
28 "Storm Water" means any flow occurring during or following any form of natural precipitation,  
29 and resulting from such precipitation, including snow melt, and which is not contaminated by  
30 any industrial process.

31  
32 "Total Suspended Solids" (TSS) means the total suspended matter that floats on the surface of, or  
33 is suspended in, water, wastewater, or other liquid, and which is removable by laboratory  
34 filtering, following the methods prescribed by 40 CFR Part 136.

35  
36 "Toxic Organics/Toxic Pollutant" means one of the pollutants, or combination of those  
37 pollutants, listed as toxic in regulations promulgated by EPA under Section 307 (33 U.S.C. 1317)  
38 of the Act (found in Appendix A of 40 CFR Part 423), and also including other substances that  
39 exhibit toxic effects on living organisms.

40  
41 "Treatment Plant Effluent" means the discharge from the POTW into waters of the State or the  
42 United States.

43  
44 "Upset" means an exceptional incident in which a discharger unintentionally and temporarily is  
45 in a state of noncompliance with the standards set forth in this Chapter due to factors beyond the  
46 reasonable control of the Discharger, and excluding noncompliance to the extent caused by



1 operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of  
2 preventive maintenance, or careless or improper operation thereof.

3  
4 “User (Industrial User)” means any person, business, or corporation with a source of wastewater  
5 discharge which does not qualify that person, business, or corporation as a Domestic User as  
6 defined in this subsection.

7  
8 “Wastewater” means liquids and water-carried industrial wastes and sewage from residential  
9 dwellings, commercial buildings, industrial and manufacturing facilities, institutions, etc.,  
10 whether treated or untreated, which are contributed to the POTW.

11  
12 “Wastewater Discharge Permit” means an authorization or equivalent control document issued  
13 by the County to users discharging wastewater to the POTW. The permit may contain  
14 appropriate pretreatment standards and requirements as set forth in this Chapter or in other  
15 applicable regulations.

16  
17 “Wastewater Treatment Plant” or “Treatment Plant” means that portion of the POTW which is  
18 designed to provide treatment of wastewater.

19  
20 **13.06.040 Abbreviations and Acronyms.**

21 The following abbreviations shall have the designated meanings (The use of the singular  
22 shall be construed to include the plural and the plural shall include the singular as indicated by  
23 the context of its use.):

24  
25 “ASPP” means Accidental Spill Prevention Plan.

26  
27 “BMPs” means Best Management Practices.

28  
29 “BOD” means Biochemical Oxygen Demand.

30  
31 “CFR” means Code of Federal Regulations.

32  
33 “COD” means Chemical Oxygen Demand.

34  
35 “EPA” means U.S. Environmental Protection Agency.

36  
37 “gpd” means gallons per day.

38  
39 “LEL” means Lower Explosive Limit.

40  
41 “mg” means milligrams.

42  
43 “mg/l” means milligrams per liter.

44  
45 “NPDES” means National Pollutant Discharge Elimination System.

46  
47 “O&M” means Operations and Maintenance.



1  
2 “POTW” means Publicly Owned Treatment Works.

3  
4 “RCRA” means Resource Conservation and Recovery Act.

5  
6 “RCW” means Revised Code of Washington.

7  
8 “SIU” means Significant Industrial User.

9  
10 “SWDA” means Solid Waste Disposal Act (42 U.S.C. 6901, et seq.).

11  
12 “TSS” means Total Suspended Solids.

13  
14 “USC” means United States Code.

15  
16 “WAC” means Washington Administrative Code.

17  
18 **13.06.050 Prohibited Discharge Standards.**

19 A. **General Prohibitions:** No user shall introduce or cause to be introduced into the  
20 POTW any pollutant or wastewater which causes pass through or interference. These  
21 general prohibitions apply to all users of the POTW whether or not they are subject to  
22 categorical pretreatment standards or any other national, State, or local pretreatment  
23 standards or requirements.

24 B. **Specific Prohibitions:** No user shall introduce or cause to be introduced into the  
25 POTW the following pollutants, substances, or wastewater:

- 26 1. Any pollutants including liquids, solids, or gases which by reason of their nature or  
27 quantity are, or may be, sufficient either alone or by interaction with other  
28 substances to cause fire or explosion. Waste streams shall not have a closed-cup  
29 flashpoint of less than 140° F (60° C) using the test methods specified in 40 CFR  
30 261.21;
- 31 2. Pollutants which result in the presence of toxic gases, vapors, or fumes within the  
32 POTW in a quantity that may cause acute worker health and safety problems;
- 33 3. Wastewater having a pH less than 5.5 or more than 11.0. In no case can a  
34 wastewater cause corrosive structural damage to the POTW or equipment, or cause  
35 the POTW's effluent to be less than 6.0 or greater than 9.0 (40 CFR 133.102(c)(2));
- 36 4. Solid (greater than 1/4" in any dimension) or viscous substances which will or may  
37 cause obstruction to the flow in a sewer or other interference with the operation of  
38 the POTW;
- 39 5. Grease, animal guts or tissues, paunch manure, bones, hair, hides or fleshings,  
40 entrails, whole blood, feathers, ashes, sand, spent lime, stone or marble dust, metal,  
41 glass, grass clippings, rags, spent grains, waste paper, wood, plastic, gases, tar,  
42 asphalt residues, residues from refining or processing of fuel or lubricating oil,  
43 dental amalgams, clay materials, glass grinding and polishing wastes in amounts  
44 that would adversely affect the POTW or the treatment plant effluent, residues or  
45 biosolids;



- 1 6. Pollutants, including oxygen-demanding pollutants (BOD, etc.), released in a  
2 discharge at a flow rate and/or pollutant concentration which, either singly or by  
3 interaction with other pollutants, will cause interference with the POTW;
- 4 7. Wastewater having a temperature which will inhibit biological activity in the  
5 treatment plant resulting in interference, but in no case wastewater which causes the  
6 temperature at the introduction into the treatment plant to exceed 104° F (40 C)  
7 unless the Approval Authority, upon the request of the POTW, approves alternate  
8 temperature limits;
- 9 8. Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin, in  
10 excess of the local limits, or in amounts that will cause interference or pass through;
- 11 9. Any of the following non-polluted discharges unless approved by the Manager  
12 under extraordinary circumstances, such as lack of direct discharge alternatives due  
13 to combined sewer service or need to augment sewage flows due to septic  
14 conditions:
  - 15 a. Non-contact cooling water in significant volumes.
  - 16 b. Stormwater, and other direct inflow sources such as wells, surface waters, roof  
17 drains, etc.
  - 18 c. Wastewater significantly affecting system hydraulic loading, which do not  
19 require treatment or would not be afforded a significant degree of treatment by  
20 the system such as swimming pool drainage, condensate, deionized water, non-  
21 contact cooling water, and unpolluted wastewater;
- 22 10. Trucked or hauled pollutants, except as specifically approved by the Manager and at  
23 discharge points designated by the County;
- 24 11. The contents of any tank or other vessel owned or used by any person in the  
25 business of collecting or pumping sewage, effluent, septage, or other wastewater  
26 unless said person has first obtained testing and approval as may be generally  
27 required by the County and paid all fees assessed for the privilege of said discharge;
- 28 12. Wastewater which imparts color which cannot be removed by the treatment  
29 process, such as, but not limited to, dye wastes and vegetable tanning solutions,  
30 which consequently imparts color to the treatment plant's effluent, thereby violating  
31 the County's NPDES permit or other applicable regulations. Color (in combination  
32 with turbidity) shall not cause the treatment plant effluent to reduce the depth of the  
33 compensation point for photosynthetic activity by more than ten percent (10%)  
34 from the seasonably established norm for aquatic life;
- 35 13. Wastewater containing any radioactive wastes or isotopes except as specifically  
36 approved by the Manager in compliance with applicable State or federal regulations  
37 and when such person is licensed for the use of those radioactive materials by the  
38 Department of Health and the waste meets all requirements of WAC Section 246-  
39 221-190, "Disposal by release into sanitary sewerage systems", and the average  
40 concentration limits as defined in WAC Section 246-221-190 Appendix A, Table I,  
41 Column 2, and WAC Section 246-221-300 Appendix B;
- 42 14. Any sludges, screenings, or other residues from the pretreatment of industrial  
43 wastes or from industrial processes, unless specifically authorized by the Manager;
- 44 15. Medical wastes, except as authorized by the Manager;
- 45 16. Wastewater causing, alone or in conjunction with other sources, the treatment  
46 plant's effluent to fail a toxicity test;



- 1 17. Detergents, surface-active agents, or other substances in amounts which may cause  
2 excessive foaming in the POTW;
- 3 18. Any substance which will cause the POTW to violate its NPDES permit and/or  
4 other disposal system permits;
- 5 19. Any wastewater, which in the opinion of the Manager, can cause harm either to the  
6 sewers, sewage treatment process, or equipment; have an adverse effect on the  
7 receiving stream; or can otherwise endanger life, limb, public property, or constitute  
8 a nuisance, unless allowed under special agreement by the Manager (except that no  
9 special waiver shall be given from categorical pretreatment standards, unless  
10 authorized by federal pretreatment regulations);
- 11 20. Any dangerous, hazardous, or extremely hazardous wastes as defined in rules  
12 published in Chapter 173-303 of Washington Administrative Code or in EPA rules  
13 40 CFR Part 261 except as authorized by the County in an industrial pretreatment  
14 permit or other applicable permit, control mechanism, or applicable regulation.
- 15 21. Persistent pesticides and/or pesticides, such as those regulated by the Federal  
16 Insecticide Fungicide Rodenticide Act (FIFRA), in amounts that would have  
17 adverse effects on the POTW, treatment plant effluent, biosolids, or the  
18 environment;
- 19 22. Any substance which may cause the POTW's effluent or treatment residues,  
20 biosolids, or scum to be unsuitable for reclamation and reuse, or which may  
21 interfere with the reclamation process. Under no circumstances can a substance be  
22 discharged to the POTW which would cause the biosolids to be rendered unsuitable  
23 for beneficial utilization, such as land application;
- 24 23. Any slug load, which shall mean any pollutant (including suspended solids and  
25 BOD), and any other matter or flow, released in a single extraordinary discharge  
26 episode of such volume or strength as to cause interference to the POTW.

27 Pollutants, substances, or wastewater prohibited by this Section shall not be processed or  
28 stored in such a manner that they could be inadvertently discharged to the POTW.  
29

### 30 **13.06.060 Federal Categorical Pretreatment Standards.**

31 The national categorical pretreatment standards found at 40 CFR Chapter I, Subchapter N,  
32 Parts 405-471 as adopted and hereafter amended by the EPA pursuant to the Act are hereby  
33 incorporated and shall be met by all Dischargers of the regulated industrial categories.  
34

### 35 **13.06.070 State Requirements.**

36 State requirements and limitations on discharges to the POTW shall be met by all users  
37 which are subject to such standards in any instance in which they are more stringent than federal  
38 requirements and limitations, or those in this Chapter or other applicable Regulations.  
39 Washington State pretreatment standards and requirements in WAC Chapter 173-216 were  
40 developed under authority of the Water Pollution Control Act (RCW Chapter 90.48) and are  
41 hereby incorporated. The version incorporated is the version current as of the date of the latest  
42 revision or version of this Ordinance. All waste materials discharged from a commercial or  
43 industrial operation into the POTW must satisfy the provisions of WAC Chapter 173-216. The  
44 following provisions unique to Washington State are required by this chapter for discharges to  
45 the County POTW:

- 46 A. Any person who constructs or modifies or proposes to construct or modify wastewater  
47 treatment facilities must first comply with the regulations for submission of plans and



1 reports for construction of wastewater facilities (WAC Chapter 173-240). The County  
2 has been delegated the authority to review and approve such plans under RCW Section  
3 90.48.110. Sources of non-domestic discharges shall request approval for such plans  
4 through the County. To ensure conformance with this requirement, proof of the  
5 approval of such Plans and one copy of each approved plan shall be provided to the  
6 Manager before commencing any such construction or modification.

- 7 B. Users shall apply to the Manager for a permit at least 60 days prior to the intended  
8 discharge of any pollutants other than domestic wastewater or wastewater which the  
9 Manager has determined is similar in character and strength to normal domestic  
10 wastewater with no potential to adversely affect the POTW. (173-216-050(1))
- 11 C. All Significant Industrial Users must apply for and obtain a permit prior to discharge.
- 12 D. All users shall apply all known, available, and reasonable methods to prevent and  
13 control waste discharges to the waters of the State (AKART). (173-216-050(3))
- 14 E. Discharge restrictions of WAC Chapter 173-303 (Dangerous Waste) shall apply to all  
15 Users. (Prohibited discharge standards have been merged with Federal prohibitions).
- 16 F. Claims of confidentiality shall be submitted according to WAC Section 173-216-080.  
17 Information which may not be held confidential includes the: Name and address of  
18 applicant, description of proposal, the proposed receiving water, receiving water quality,  
19 and effluent data. Claims shall be reviewed based on the standards of WAC Section  
20 173-216-080, RCW Chapter 42.17, WAC Chapter 173-03, and RCW Section  
21 43.21A.160.
- 22 G. Applicants for a new permit or a permit renewal or modification which allows a new or  
23 increased pollutant loading shall publish notice for each application in the format  
24 provided by the County. Such notices shall fulfill the requirements of WAC Section  
25 173-216-090. These requirement include publishing:
- 26 1. The name and address of the applicant and facility/activity to be permitted.
  - 27 2. A brief description of the activities or operations which result in the discharge
  - 28 3. Whether any tentative determination which has been reached with respect to  
29 allowing the discharge,
  - 30 4. The address and phone number of the office of the Manager or his delegate where  
31 persons can obtain additional information.
  - 32 5. The dates of the comment period (which shall be at least 30 days),
  - 33 6. How and where to submit comments or have any other input into the permitting  
34 process, including requesting a public hearing.
- 35 H. The Manager may require the applicant to also mail this notice to persons who have  
36 expressed an interest in being notified, to State agencies and local governments with a  
37 regulatory interest, and to post the notice on the premises. If the Manager determines  
38 there is sufficient public interest the County shall hold a public meeting following the  
39 rules of WAC Section 173-216-100. The Manager may assume responsibility for public  
40 notice requirements for any Person, and may waive this requirement for persons  
41 applying for a general permit, model permit, short term discharge authorization, or as a  
42 food service establishment.
- 43 I. Permit terms shall include, wherever applicable, the requirement to apply all known,  
44 available, and reasonable methods of prevention, control, and treatment.
- 45 J. All required monitoring data shall be analyzed by a laboratory registered or accredited  
46 under the provisions of WAC Chapter 173-50, except for flow, temperature, settleable  
47 solids, conductivity, pH, turbidity, and internal process control parameters. However, if





1 the laboratory analyzing samples for conductivity, pH, and turbidity must otherwise be  
2 accredited, it shall be accredited for these parameters as well.  
3

4 **13.06.080 Local Limits.**

5 Local limits are specific pollutant limitations that users must meet, which are developed by  
6 the County to help achieve the Pretreatment Program objectives specified in Section 13.06.010.  
7 Local limits are technically based limits developed specifically to protect a particular wastewater  
8 treatment plant and its biosolids, and to protect the water body that receives the plant's effluent.  
9 Local limits may be modified from time to time to adequately protect the wastewater treatment  
10 plant, to protect the environment, and to meet applicable regulations. Local limits for discharges  
11 are contained in the Table at the end of this Chapter. No person shall discharge into the POTW  
12 any wastewater containing pollutants in excess of the Local Limits set forth in the Table herein,  
13 unless otherwise authorized under the provisions of this Chapter.  
14

15 **13.06.090 Additional Standards of Treatment.**

16 The County shall require that users apply AKART for wastewater discharged to the POTW.  
17 The Manager may include limits reflective of AKART, in addition to local limits, in permits or  
18 other approvals when such AKART limits are more stringent than local limits, more appropriate  
19 than local limits, or when pollutants do not have specific local limits established. The Manager  
20 may establish treatment standards, technologies, and/or management practices for specific  
21 dischargers or categories of dischargers in interpreting this requirement.  
22

23 **13.06.100 Pierce County's Right of Revision.**

24 The County reserves the right to amend, at any time, these Regulations and any permits  
25 issued under these Regulations to provide for more stringent limitations or requirements on  
26 discharges to the POTW to reflect changes in State and/or Federal Regulations having precedent  
27 authority over County Regulations, or when otherwise necessary to meet the County's objectives  
28 for Industrial Pretreatment Regulation.  
29

30 **13.06.110 Special Agreement.**

31 The County reserves the right to enter into special agreements with users establishing terms  
32 and conditions under which they may discharge to the POTW when such agreements are  
33 necessary to address circumstances not provided for by the Industrial Pretreatment Regulations.  
34 No special agreement may waive or reduce any County, State, or Federal pretreatment standard  
35 or requirement including the requirement for an SIU to obtain a wastewater discharge permit.  
36 Categorical users may request a net/gross adjustment or variance from Federal Categorical  
37 Pretreatment Standards as provided for in 40 CFR part 403.  
38

39 **13.06.120 Dilution.**

40 No user shall ever increase the use of process water, or in any way attempt to dilute a  
41 discharge, as a partial or complete substitute for adequate treatment to achieve compliance with  
42 an applicable pretreatment standard or requirement unless expressly authorized by an applicable  
43 pretreatment standard or requirement. The Manager may impose daily mass pollutant loading  
44 limitations on users which the Manager believes may be using dilution to meet applicable  
45 pretreatment standards or requirements, or in other cases, when the imposition of mass  
46 limitations is appropriate.  
47



1 **13.06.130 Providing and Maintaining Pretreatment Facilities.**

2 Users shall provide necessary engineered wastewater treatment systems as required to  
3 comply with this Chapter and shall achieve compliance with all applicable pretreatment  
4 standards and requirements within the time limitations specified by the EPA, the State, or the  
5 Manager, whichever is more stringent. Any facilities required to pretreat wastewater to a level  
6 acceptable to the County shall be provided, operated, and maintained at the user's expense.  
7

8 **13.06.140 Reports for Industrial Facilities.**

9 Users constructing or modifying facilities for pretreatment of industrial wastewater to be  
10 discharged to the POTW shall submit to the County an engineering report, plans, and  
11 specifications, and O&M procedures which fulfill the requirements of WAC Chapter 173-240.  
12 Upon approval of the County, the O&M procedures may be combined with the engineering  
13 report, plans, and specifications, as provided for under WAC Chapter 173-240. Approval of the  
14 engineering report, plans, and specifications and O&M procedures by the County shall be  
15 obtained by the user before discharging to the POTW.

16 The review and approval of such reports, plans, and procedures will in no way relieve the  
17 user from the responsibility of maintaining compliance or modifying the facility as necessary to  
18 produce a discharge acceptable to the County under the provisions of this Chapter.

19 The Manager may waive or modify all or portions of these requirements upon finding that  
20 such requirements would not contribute significantly to meeting the goals of the pretreatment  
21 program. The user must submit a written request to the Manager for such modification and  
22 provide engineering reports and other supporting documentation.  
23

24 **13.06.150 Deadline for Compliance with Applicable Pretreatment Requirements.**

25 Compliance by existing categorical users covered by Categorical Pretreatment Standards  
26 shall be within three years of the date the Standard is effective unless a shorter compliance time  
27 is specified in the appropriate Standard. The County shall establish a final compliance deadline  
28 date for any existing user not covered by Categorical Pretreatment Standards or for any  
29 categorical user when the local limits for said user are more restrictive than EPA's Categorical  
30 Pretreatment Standards.

31 New source dischargers and new users are required to comply with applicable pretreatment  
32 standards within the shortest feasible time (not to exceed 90 days from the beginning of  
33 discharge). New Sources and new users shall install and have in operating condition, and shall  
34 startup all pollution control equipment required to meet applicable pretreatment standards before  
35 beginning to discharge.

36 Any wastewater discharge permit issued to a categorical user shall not contain a compliance  
37 date beyond any deadline date established in EPA's Categorical Pretreatment Standards. Any  
38 other existing user or a categorical user that must comply with a more stringent local limit, which  
39 is in non-compliance with any local limits, shall be provided with a compliance schedule placed  
40 in a wastewater discharge permit or compliance order, to insure compliance within the shortest  
41 time feasible.  
42

43 **13.06.160 Additional Pretreatment Measures.**

- 44 A. Whenever deemed necessary, the Manager may require users to restrict their discharge  
45 during peak flow periods, designate that certain wastewater be discharged only into  
46 specific sewers, relocate and/or consolidate points of discharge, separate domestic  
47 sewage Waste streams from industrial Waste streams, provide flow equalization or



1 storage, and such other conditions as may be necessary to protect the POTW, determine  
2 the user's compliance with the requirements of this Chapter, and meet the objectives of  
3 this Chapter.

4 B. Grease, oil, and sediment interceptors or separators shall be provided when, in the  
5 opinion of the Manager, they are necessary for the proper handling of wastewater  
6 containing excessive amounts of fats, oils, greases, sediment, grit, or sand. All  
7 interception units shall be of type and capacity approved by the Manager and shall be so  
8 located to be easily accessible for cleaning and inspection. A sampling point shall be  
9 provided as close as possible to the unit. Such interceptors shall be inspected, cleaned,  
10 and repaired regularly, as needed, by the user at user's expense.

11 C. Users with the potential to discharge flammable substances may be required to install  
12 and maintain an approved combustible gas detection meter.  
13

#### 14 **13.06.170 Minor Industrial User Permits.**

15 The County reserves the right to establish general permits, best management practices, or  
16 reasonable treatment standards for any category of minor industrial user, and to determine the  
17 applicability of these standards to any particular user. To ensure that minor industrial users are  
18 uniformly providing reasonable treatment, the County may establish or adopt treatment standards  
19 to be applied at the end of a particular process in lieu of local limits set forth in Section  
20 13.06.080 which apply at the user's point of discharge to the POTW. When specific process  
21 standards are less stringent than local limits, the Manager will ensure that adequate protection of  
22 the POTW is maintained.  
23

#### 24 **13.06.180 Accidental Discharge/Slug Control Requirements.**

25 The Manager may require any user to develop and implement an accidental discharge/slug  
26 control plan, also known as an Accidental Spill Prevention Plan (ASPP). Where deemed  
27 necessary by the County, facilities to prevent accidental discharges or slug discharges of  
28 pollutants shall be provided and maintained at the user's cost and expense. An accidental spill  
29 prevention plan/slug control plan showing facilities and operating procedures to provide this  
30 protection shall be submitted to the County for review and approval. The County shall determine  
31 which user is required to develop a plan and require said plan to be submitted within a scheduled  
32 time frame after notification by the County. Each user shall implement its ASPP as approved by  
33 the County. Review and approval of such plans and operating procedures by the County shall  
34 not relieve the user of any expense, loss, damage, or other liability which may be incurred as a  
35 result of damage to the POTW or the environment, fish kills, or any other damage to person or  
36 property; nor shall such review and approval relieve the user of any fines, civil penalties, or other  
37 liability which may be imposed by this Chapter or other applicable law.

38 A. Any user required to develop and implement an accidental discharge/slug control plan  
39 shall submit a plan which addresses, at a minimum, the following:

- 40 1. Description of discharge practices, including non-routine batch discharges;
- 41 2. Description of stored chemicals;
- 42 3. Description of all potential discharge pathways to the POTW;
- 43 4. Procedures for immediately notifying the POTW of any accidental or slug discharge.  
44 Such notification must also be given for any discharge which would violate any of  
45 the standards in Sections 13.06.050 through 13.06.090; and
- 46 5. Procedures to prevent adverse impact from any accidental or slug discharge. Such  
47 procedures include, but are not limited to, inspection and maintenance of storage



1 areas, handling and transfer of materials, loading and unloading operations, control  
2 of plant site runoff, worker training, building of containment structures or  
3 equipment, measures for containing hazardous or toxic pollutants (including  
4 solvents), and/or measures and equipment for emergency response.

- 5 B. Users shall notify the County Wastewater Treatment Plant Superintendent immediately  
6 upon the occurrence of a "slug" or "accidental discharge" of substances regulated by this  
7 Chapter. The notification shall include location of discharge, date and time thereof, type  
8 of waste, concentration and volume, and corrective actions. Any user who discharges a  
9 slug load shall be liable for any expense, loss, or damage to the POTW, in addition to  
10 the amount of any fines imposed on the County under State or federal law.
- 11 C. Within five days following an accidental discharge, the user shall submit to the Manager  
12 a detailed written report describing the cause of the discharge and the measures to be  
13 taken by the user to prevent similar future occurrences. Such notification shall not  
14 relieve the user of any expense, loss, damage, or other liability which may be incurred as  
15 a result of damage to the POTW or the environment, fish kills, or any other damage to  
16 person or property; nor shall such notification relieve the user of any fines, civil  
17 penalties, or other liability which may be imposed by this Chapter or other applicable  
18 law.
- 19 D. The County may require signs to be permanently posted in conspicuous places on the  
20 user's premises advising employees whom to call in the event of a slug or accidental  
21 discharge, and may require that employers instruct all their employees who may cause or  
22 discover such a discharge with respect to emergency notification procedures.

23  
24 **13.06.190 Hauled Wastes.**

- 25 A. Hauled waste, such as septic tank waste, may be introduced into the POTW only with  
26 specific prior approval by the Manager, only at a designated receiving point, and at such  
27 times as are established by the Manager. Such wastes shall not violate this Chapter or  
28 any other federal, State or local requirements or regulations. Wastewater discharge  
29 permits or authorizations for hauled wastes shall be issued by the Manager.
- 30 B. The Manager may require sampling of each hauled load to ensure compliance with  
31 applicable pretreatment standards. The Manager may require the hauler to provide a  
32 waste analysis of any load prior to discharge.
- 33 C. Haulers must provide a waste-tracking form for every load. This form shall include, at a  
34 minimum, the name and address of the waste hauler, permit number or authorization  
35 reference, truck identification, sources of waste, and volume and characteristics of  
36 waste.
- 37 D. Fees for dumping hauled wastes may be established as part of the user fee system as  
38 authorized in Section 13.06.200 and/or as established in the Pierce County Sewer Utility  
39 Administrative Regulations.
- 40 E. The Manager retains the right to refuse to accept any or all hauled wastes.

41  
42 **13.06.200 Fees and Charges.**

- 43 A. The County may adopt reasonable fees for reimbursement of costs of setting up and  
44 operating the County's Pretreatment Program which may include:  
45 1. Fees for wastewater discharge permit applications including the cost of processing  
46 such applications;



2. Fees for reviewing and responding to accidental discharge procedures and construction;
  3. Fees for filing appeals; and
  4. Other fees as the County may deem necessary to carry out the requirements contained herein.
- B. The County may charge a user on a time-and-materials basis to recover its costs for activities such as monitoring, inspection, surveillance, review of reports, and enforcement procedures, (including the cost of collecting and analyzing a user's discharge), when such activities are necessary for the County to comply with regulations and requirements pertaining to the administration of the Pretreatment Program.
- C. The County may charge a user on a time-and-materials basis to recover its costs for activities undertaken as a result of the user being in violation of any of the provisions of this Chapter.

These fees relate solely to the matters covered by these Regulations and are separate from all other fees, fines, or penalties chargeable by the County.

**13.06.210 Wastewater Discharges: Pretreatment Review.**

It shall be unlawful to discharge wastewater, industrial wastes, or other wastes to the POTW, except as authorized by the Manager in accordance with the provisions of these Regulations. The County is obligated under Federal law to identify all Users potentially subject to the pretreatment program, and the character and volume of pollutants discharged by such Users. To satisfy this requirement, all sources of non-domestic discharges to the POTW must complete a Pretreatment Review Application form and complete other forms which the Manager determines appropriate to provide the information needed to categorize each User. The Manager shall be authorized to categorize each User, provide written notice of a User's categorization and what it means, and revise this categorization at any time.

**13.06.220 Wastewater Discharge Permit.**

No SIU shall discharge wastewater into the POTW without first obtaining a wastewater discharge permit from the Manager. Any violation of the terms and conditions of a wastewater discharge permit shall be deemed a violation of this Chapter and subjects the wastewater discharge permittee to the sanctions set out in this Chapter. Obtaining a wastewater discharge permit does not relieve a permittee of its obligation to comply with all federal, State, and local pretreatment standards or requirements, or with any other requirements of federal, State, and local law.

The Manager may require other users, including minor dischargers and waste haulers, to obtain wastewater discharge permits (as necessary) to carry out the purposes of this Chapter.

**13.06.230 Wastewater Discharge Permitting: Existing SIU.**

Any SIU, without an existing wastewater discharge permit, that was discharging wastewater into the POTW prior to the effective date of this Chapter, and that wishes to continue such discharges in the future shall, within 60 days after notification by the Manager, submit a permit application to the County in accordance with Section 13.06.260 and shall not cause or allow discharges to the POTW to continue after 180 days of the effective date of these Regulations except in accordance with a wastewater discharge permit or authorization issued by the Manager.



1 **13.06.240 Wastewater Discharge Permitting: New Source and New User.**

2 At least 90 days prior to their anticipated start-up, New Sources, users that become a New  
3 Source subsequent to the promulgation of an applicable categorical pretreatment standard, and  
4 New Users considered by the County to fit the definition of an SIU, shall apply for a wastewater  
5 discharge permit and must submit to the County at least the information listed in Section  
6 13.06.260. New Sources and New Users cannot discharge without first receiving a wastewater  
7 discharge permit or authorization from the County. Both New Sources and New Users which are  
8 required to have a wastewater discharge permit shall include in their application information on  
9 any method of pretreatment they intend to use to meet applicable pretreatment standards, and  
10 shall provide at least estimates of the information requested in Section 13.06.260.

11  
12 **13.06.250 Wastewater Discharge Permitting: Extra Jurisdictional Users.**

13 Any municipal corporation or user located outside of the County's jurisdiction or Sewer  
14 Service Area that intends to discharge to the County's POTW must comply with these  
15 Regulations. Prior to allowing wastewater to be into the POTW, the County shall be empowered  
16 and obliged to enter into an agreement or contract with the municipal corporation or user to affix  
17 responsibilities in an enforceable manner to ensure that the pretreatment program is fully and  
18 equitably administered.

19  
20 **13.06.260 Wastewater Discharge Permit Application Contents.**

21 All users required to obtain a wastewater discharge permit must submit, as required by the  
22 County, the following information, along with information required in a permit application form  
23 provided by the County. Categorical users submitting the following information shall have  
24 complied with federal pretreatment regulation 40 CFR 403.12(b). New Sources and New Users  
25 which have not begun discharging shall make estimates of the data required in subsections E and  
26 F of this Section, and shall submit a "90 day compliance report" within 90 days after startup  
27 containing the sampling information required by subsections E and F. Newly identified users,  
28 and users subject to newly promulgated categorical standards shall submit actual data from  
29 sampling to fulfill the requirements of these Sections.

- 30 A. **Identifying Information.** The user shall submit the name and address of the facility  
31 including the name of the operator and owners.
- 32 B. **Standard Industrial Classification (SIC) Code.** The user shall submit the Standard  
33 Industrial Classification number(s) according to the Standard Industrial Classification  
34 manual, Bureau of the Budget, 1972, as amended, which apply to the facility.
- 35 C. **Permits.** The user shall submit a list of any environmental control permits held by or  
36 for the facility.
- 37 D. **Description of Operations.** The user shall submit a brief description of the nature,  
38 average rate of production, and SIC codes of the operation(s) carried out by such user,  
39 including a list of all raw materials and chemicals used or stored at the facility which  
40 are, or could accidentally or intentionally be, discharged to the POTW; number of  
41 employees; hours of operation; each product produced by type, amount, process or  
42 processes, and rate of production; type and amount of raw materials processed (average  
43 and maximum per day) and the time and duration of discharges. This description should  
44 also include a schematic process diagram which indicates points of discharge to the  
45 POTW from the regulated or manufacturing processes. The user shall submit site plans,  
46 floor plans, mechanical and plumbing plans and details to show all sewers, sewer



1 connections, inspection manholes, sampling chambers, and appurtenances by size,  
2 location, and elevation.

3 E. **Flow Measurement.** (Estimate if not discharging yet.)

4 1. **Categorical User.** The user shall submit information showing the measured average  
5 daily and maximum daily flow, in gallons per day, to the POTW from each of the  
6 following:

- 7 a. Regulated or manufacturing process streams;
- 8 b. Other streams as necessary to allow use of the combined waste stream formula of  
9 40 CFR 403.6(e); and
- 10 c. Total discharge flow to the POTW.

11 2. **Non-Categorical User.** The user shall submit information showing the measured  
12 average daily and maximum daily flow, in gallons per day, to the POTW from the  
13 total process flow, wastewater pretreatment facility flow, and total plant flow or  
14 individual manufacturing process flow, as required by the County. The County may  
15 allow for verifiable estimates of these flows where justified by cost or feasibility  
16 considerations.

17 F. **Measurements of pollutants.** (Estimate if not discharging yet.)

18 1. **Categorical User:**

- 19 a. The user shall identify the applicable pretreatment standards for each regulated  
20 or manufacturing process.
- 21 b. In addition, the user shall submit the results of sampling and analysis identifying  
22 the nature and concentration (or mass), where required by the Categorical  
23 Pretreatment Standard or as required by the County, of regulated pollutants  
24 (including standards contained in Section 13.06.080 and in the Table, as  
25 appropriate) in the discharge from each regulated or manufacturing process.  
26 Both daily maximum and average concentration (or mass, where required) shall  
27 be reported. Samples shall be representative of daily operations and shall  
28 conform to sampling and analytical procedures outlined in Sections 13.06.490  
29 and 13.06.500.
- 30 c. Where an alternate concentration or mass limit has been calculated in accordance  
31 with 40 CFR 403.6(e) for a categorical user covered by a categorical  
32 pretreatment standard this adjusted limit along with supporting data shall be  
33 submitted as part of the application.

34 2. **Non-Categorical User:**

- 35 a. The user shall identify the applicable pretreatment standards for its wastewater  
36 discharge.
- 37 b. In addition, the user shall submit the results of sampling and analysis identifying  
38 the nature and concentration (or mass where required by the County) of regulated  
39 pollutants contained in Sections 13.06.050 through 13.06.080, as appropriate in  
40 the discharge. Both daily maximum and average concentration (or mass, where  
41 required) shall be reported. Samples shall be representative of daily operations  
42 and shall conform to sampling and analytical procedures outlined in Sections  
43 13.06.490 and 13.06.500.
- 44 c. Where the County has developed alternate concentration or mass limits because  
45 of dilution, this adjusted limit, along with supporting data, shall be submitted as  
46 part of the application.



1 G. **Certification.** A statement, as outlined in Section 13.06.270, reviewed by an authorized  
2 representative of the user and certified by a professional engineer or other individual  
3 recognized by the Manager as a qualified professional, indicating whether the applicable  
4 Pretreatment Standards are being (or will be, if not discharging yet) met on a consistent  
5 basis, and, if not, whether additional O&M and/or additional pretreatment is required for  
6 the user to meet the applicable Pretreatment Standards and Requirements;

7 H. **Compliance Schedule.** If additional pretreatment and/or O&M will be required to meet  
8 the applicable Pretreatment Standards; the shortest schedule by which the user will  
9 provide such additional pretreatment and/or O&M. The user's schedule shall conform  
10 with the requirements of Section 13.06.400. The completion date in this schedule shall  
11 not be later than the compliance date established pursuant to Section 13.06.400.

12 I. **Other Information.** Any other information as may be deemed necessary by the  
13 Manager to evaluate the wastewater discharge permit application.

14 When the user's categorical Pretreatment Standard has been modified by the combined waste  
15 stream formula (40 CFR 403.6(e)), and/or a Fundamentally Different Factors variance (40 CFR  
16 403.13) *at the time* the user submits the report required by this Section, the information required  
17 by subsections G and H of this Section shall pertain to the modified limits. If the categorical  
18 Pretreatment Standard is modified by the combined waste stream formula (40 CFR 403.6(e)),  
19 and/or a Fundamentally Different Factors variance (40 CFR 403.13) *after* the user submits the  
20 report required by subsections G and H of this Section, a new permit application containing the  
21 revised sections shall be submitted by the user within 60 days after the modified limit is  
22 approved.

23 Incomplete or inaccurate applications will not be processed and will be returned to the user  
24 for revision.

### 25 26 **13.06.270 Signatory Requirements.**

27 All wastewater discharge permit applications and user reports must be signed by an  
28 authorized representative of the user and contain the following statement:

29  
30 "I certify under penalty of perjury under the laws of the State of Washington that this  
31 document and all attachments were prepared under my direction or supervision in  
32 accordance with a system designed to assure that qualified personnel properly gather and  
33 evaluate the information submitted. Based on my inquiry of the person or persons who  
34 manage the system, or those persons directly responsible for gathering the information,  
35 the information submitted is to the best of my knowledge and belief, true, accurate, and  
36 complete. I am aware that there are significant penalties for submitting false information,  
37 including the possibility of fine and imprisonment for knowing of violations."

38  
39 Such declarations shall include the date and place of execution.

### 40 41 **13.06.280 Wastewater Discharge Permit Decisions.**

42 The Manager will evaluate the data furnished by the user and may require additional  
43 information. Within 30 days of receipt of a complete wastewater discharge permit application,  
44 the Manager will determine whether or not to proceed with issuance of a wastewater discharge  
45 permit. If the Manager determines a permit is to be issued, a draft permit shall be submitted for  
46 comment within 30 days of full evaluation and acceptance of the data furnished. A final permit  
47 shall be issued within 30 days of completion of regulatory review and public comment processes;





1 resolution of any applicable, outstanding regulatory, permit, or compliance issues; and payment  
2 of any applicable fees, charges, assessments, or fines. The Manager may deny any application  
3 for a wastewater discharge permit.

4  
5 **13.06.290 Wastewater Discharge Permit Contents.**

6 Wastewater discharge permits shall include such conditions as are reasonably deemed  
7 necessary by the Manager to prevent pass through or interference, protect the quality of the water  
8 body receiving the treatment plant's effluent, protect worker health and safety, facilitate biosolids  
9 management, and protect against damage to the POTW.

10 A. Wastewater discharge permits must contain the following conditions:

- 11 1. A statement that indicates wastewater discharge permit duration, which in no event  
12 shall exceed five years;
- 13 2. A statement that the wastewater discharge permit is non-transferable without prior  
14 notification and approval from the County, and provisions for furnishing the new  
15 owner or operator with a copy of the existing wastewater discharge permit;
- 16 3. Applicable pretreatment standards and requirements, including effluent limits and  
17 Best Management Practices based on AKART methods of prevention, control and  
18 treatment and any special State requirements;
- 19 4. Applicable self monitoring, sampling, reporting, notification, submittal of technical  
20 reports, compliance schedules, and record-keeping requirements. These  
21 requirements shall include an identification of pollutants to be monitored, sampling  
22 location, sampling frequency, and sample type based on federal, State, and local law;
- 23 5. Requirement for notification to the County where self-monitoring results indicate  
24 non-compliance;
- 25 6. Requirement to report a by-pass or upset of a pretreatment facility;
- 26 7. Requirement for the SIU who reports non-compliance to repeat the sampling and  
27 analysis and submit results to the County within the required time frame of  
28 becoming aware of the violation (when applicable).
- 29 8. A statement of applicable civil, criminal, and administrative penalties for violation  
30 of pretreatment standards and requirements, and any applicable compliance  
31 schedule.
- 32 9. Requirements for the development and implementation of slug discharge and spill  
33 control plans or other special conditions including management practices necessary  
34 to adequately prevent accidental, unanticipated, or non-routine discharges;

35 B. Wastewater discharge permits may contain, but need not be limited to, the following  
36 conditions:

- 37 1. Limits on the average and/or maximum rate of discharge, time of discharge, and/or  
38 requirements for flow regulation and equalization;
- 39 2. Requirements for approval of reports in accordance with WAC Chapters 173-216  
40 and 173-240, and installation of pretreatment technology, pollution controls, or  
41 construction of appropriate containment devices designed to reduce, eliminate, or  
42 prevent the introduction of pollutants into the treatment works;
- 43 3. Development and implementation of waste minimization plans to reduce the amount  
44 of pollutants discharged to the POTW;
- 45 4. The unit charge or schedule of user charges and fees for the management of the  
46 wastewater discharged to the POTW;



- 1 5. Requirements for installation and maintenance of inspection and sampling facilities  
2 and equipment;
- 3 6. A statement that compliance with the wastewater discharge permit does not relieve  
4 the permittee of responsibility for compliance with all applicable federal and State  
5 pretreatment standards, including those which become effective during the term of  
6 the wastewater discharge permit;
- 7 7. Any special agreements the Manager chooses to continue or develop between the  
8 County and user;
- 9 8. Other conditions as deemed appropriate by the Manager to ensure compliance with  
10 this Chapter, and State and federal laws, rules, and regulations.

11  
12 **13.06.300 Wastewater Discharge Permit Appeals.**

13 Any person, including the user, may appeal to the Director the terms of a wastewater  
14 discharge permit.

- 15 A. The appeal must be in writing and served upon the Director within ten days from  
16 issuance of the permit. The appealing party must indicate the wastewater discharge  
17 permit provisions objected to, the reasons for this objection, and the alternative  
18 condition, if any, it seeks to place in the wastewater discharge permit. A fee of \$250.00  
19 must be paid at the time of filing the appeal.
- 20 B. The filing of the appeal does not stay the wastewater discharge permit.
- 21 C. The Director shall issue a written decision within 30 days after service of the appeal.  
22 The decision may uphold, revoke, or modify the conditions of the wastewater discharge  
23 permit.

24  
25 **13.06.310 Wastewater Discharge Permit Duration.**

26 Wastewater discharge permits shall be issued for a specified time period, not to exceed five  
27 years. A wastewater discharge permit may be issued for a period less than five years, at the  
28 discretion of the Manager. Each wastewater discharge permit will indicate a specific date upon  
29 which it will expire. (Ord. 99-26 § 2 (part), 1999)

30  
31 **13.06.320 Wastewater Discharge Permit Modification.**

32 The Manager may modify the wastewater discharge permit for good cause including, but not  
33 limited to, the following:

- 34 A. To incorporate any new or revised federal, State, or local pretreatment standards or  
35 requirements;
- 36 B. To address significant alterations or additions to the user's operation, processes, or  
37 wastewater volume or character since the time of wastewater discharge permit issuance;
- 38 C. A change in the POTW that requires either a temporary or permanent reduction,  
39 modification, or elimination of the authorized discharge;
- 40 D. Information indicating that the permitted discharge poses a threat to the County's  
41 POTW, County personnel, biosolids, treatment processes, or the receiving waters;
- 42 E. Violation of any terms or conditions of the wastewater discharge permit;
- 43 F. Misrepresentations or failure to fully disclose all relevant facts in the wastewater  
44 discharge permit application or in any required reporting;
- 45 G. Revision of or a grant of variance from categorical pretreatment standards pursuant to 40  
46 CFR 403.13;
- 47 H. To correct typographical or other errors in the wastewater discharge permit; or



1 I. To reflect a transfer of the facility ownership and/or operation to a new owner/operator.

2  
3 **13.06.330 Wastewater Discharge Permit Transfer.**

4 Wastewater discharge permits may be reassigned or transferred to a new owner and/or  
5 operator if the permittee gives at least 30 days advance notice to the Manager, and the Manager  
6 approves the wastewater discharge permit transfer. Failure to provide adequate advance notice  
7 may result in a delay or denial of permit reassignment or transfer, and renders the wastewater  
8 discharge permit void as of the date of facility transfer. The notice to the Manager must include  
9 a written certification by the new owner and/or operator which:

- 10 A. States that the new owner and/or operator has no immediate intent to change the  
11 facility's operations and processes;  
12 B. Identifies the specific date on which the transfer is to occur; and  
13 C. Acknowledges full responsibility for complying with the existing wastewater discharge  
14 permit.

15 Provided that the above occurs and that there were no significant changes to the  
16 manufacturing operation or wastewater discharge, the new owner will be considered an existing  
17 user and be covered by the existing limits and requirements in the previous owner's permit.  
18

19 **13.06.340 Wastewater Discharge Permit Revocation.**

20 Wastewater discharge permits may be revoked for, but revocation is not limited to, the  
21 following reasons:

- 22 A. Cessation of operations or failure to obtain approval for the transfer of a permitted  
23 facility;  
24 B. Failure to notify the County prior to changing conditions and/or changes in wastewater  
25 characteristics;  
26 C. Failure to complete or disclose or misrepresentation of relevant facts in a wastewater  
27 survey or wastewater discharge permit application;  
28 D. Falsifying self-monitoring reports;  
29 E. Tampering with monitoring equipment;  
30 F. Refusing to allow the County timely access to the facility premises and records;  
31 G. Failure to meet discharge limitations;  
32 H. Failure to pay fines, fees, or sewer charges;  
33 I. Failure to meet compliance schedules;  
34 J. Causing the County to invoke its emergency provision as cited in Section 13.06.610.  
35 K. Violation of any pretreatment standard or requirement, or any terms of the wastewater  
36 discharge permit, or this Chapter.

37 Notice of revocation of a wastewater discharge permit will be made by first class mail to the  
38 address specified in the permit. All wastewater discharge permits issued to a particular user are  
39 void upon the issuance of a new wastewater discharge permit to that user.  
40

41 **13.06.350 Wastewater Discharge Permit Reissuance and Renewal.**

42 A user required to have a wastewater discharge permit shall apply for wastewater discharge  
43 permit reissuance by submitting a complete wastewater discharge permit application, in  
44 accordance with Section 13.06.260, a minimum of 90 days prior to the expiration of the user's  
45 existing wastewater discharge permit. At the request of a user, the County may authorize the  
46 user to omit specified portions of a discharge permit application if the information omitted is  
47 already on file, available, and up to date with the County. A user whose existing wastewater



1 discharge permit has expired and has submitted its re-application in the time period specified  
2 herein, shall be deemed to have an effective wastewater discharge permit until the County issues  
3 or denies the new wastewater discharge permit. A user whose existing wastewater discharge  
4 permit has expired and who failed to submit its re-application in the time period specified herein,  
5 will be deemed to be discharging without a wastewater discharge permit, and will be subject to  
6 enforcement by the County.

7  
8 **13.06.360 Public Notice.**

9 Public notice of issuance, modification, and renewal of wastewater discharge permits and  
10 modifications of the Industrial Pretreatment Regulations shall be given in accordance with WAC  
11 Chapter 173-216.

12  
13 **13.06.370 Baseline Monitoring Report.**

14 Within either 180 days after the effective date of a categorical pretreatment standard, or the  
15 final administrative decision on a category determination under 40 CFR 403.6(a)(4), whichever  
16 is later, users currently discharging to or scheduled to discharge to the POTW which are covered  
17 by new or existing categorical regulations (new sources) shall submit to the County a report  
18 containing the information listed in Section 13.06.260. The report shall be signed as required  
19 under Section 13.06.270. The report shall include the method of pretreatment the user intends to  
20 use to meet applicable categorical standards and give estimates of the anticipated flow and  
21 quantity of pollutants discharged.

22  
23 **13.06.380 Final Compliance Report (Initial Compliance Report).**

- 24 A. Within 90 days following the date for final compliance by "New Sources" with  
25 applicable pretreatment standards and requirements, or within 90 days following  
26 commencement of the introduction of wastewater into the POTW by a "New Source" or  
27 "New User" as defined herein, the affected user shall submit to the Manager a report  
28 containing the information outlined in Section 13.06.260.
- 29 B. Users subject to equivalent mass or concentration limits established by the Manager in  
30 accordance with 40 CFR 403.6(c) shall include a reasonable projection of their long-  
31 term production rate. Users subject to categorical pretreatment standards expressed in  
32 terms of allowable pollutant discharge per unit of production (or other measure of  
33 operation), shall include the user's actual production during the appropriate sampling  
34 period.

35  
36 **13.06.390 Periodic Compliance Report.**

- 37 A. Any user required to have an industrial waste discharge permit and perform self-  
38 monitoring shall submit to the Manager, at dates specified in the permit, a report  
39 compiling the results of all effluent sampling over the previous reporting period. The  
40 frequency of monitoring shall be as prescribed within the industrial waste discharge  
41 permit. At a minimum, SIU's shall sample their discharge, or have it sampled by the  
42 County at least twice per year.
- 43 B. The report shall include a record of the concentrations (and mass if specified in the  
44 wastewater discharge permit) of the pollutants that were measured and a record of all  
45 flow measurements (average and maximum) taken at the designated sampling locations,  
46 as required in the industrial waste discharge permit. The report shall also include any  
47 additional information required by this Chapter or the wastewater discharge permit.



1 Production data shall be reported if required by the wastewater discharge permit. Both  
2 daily maximum and average concentration (or mass, where required) shall be reported.  
3 If a user sampled and analyzed more frequently than what was required by the Manager  
4 or by this Chapter, using methodologies in 40 CFR Part 136, it must submit all results of  
5 such sampling and analysis of the discharge during the reporting period.

- 6 C. Any user subject to equivalent mass or concentration limits established by the County or  
7 by unit production limits specified in the applicable categorical standards, shall report  
8 production data as outlined in Section 13.06.260.
- 9 D. If the Manager calculated limits to factor out dilution flows or non-regulated flows, the  
10 user will be responsible for providing flows from the regulated process flows, dilution  
11 flows, and non-regulated flows.
- 12 E. Flows shall be reported on the basis of actual measurement; provided, however, that the  
13 Manager may accept reports of average and maximum flows estimated by verifiable  
14 techniques if the Manager determines that an actual measurement is not feasible.
- 15 F. Sampling shall be representative of the user's daily operations and shall be taken in  
16 accordance with the requirements specified in Section 13.06.490.
- 17 G. The Manager may require reporting by users that are not required to have an industrial  
18 wastewater discharge permit if information or data is needed to establish a sewer charge,  
19 determine the treatability of the effluent, or determine any other factor which is related  
20 to the operation and maintenance of the sewer system.
- 21 H. The Manager may require self-monitoring by the user, or if requested by the user, may  
22 agree to perform the periodic compliance monitoring needed to prepare the periodic  
23 compliance report required under this Section. If the County agrees to perform such  
24 periodic compliance monitoring, it may charge the user for such monitoring, based upon  
25 the costs incurred by the County for the sampling, analyses, and reporting. The County  
26 is under no obligation to perform periodic compliance monitoring for a user.  
27

28 **13.06.400 Compliance Schedules for Meeting Pretreatment Standards.**

- 29 A. The Manager may require a user to submit a compliance schedule for meeting  
30 pretreatment requirements. The schedule shall contain increments of progress, in the  
31 form of dates for the commencement and completion of major events leading to the  
32 construction and operation of additional pretreatment, required for the user to meet the  
33 applicable pretreatment standards (e.g., hiring an engineer, completing preliminary  
34 plans, completing final plans, obtaining permits, executing contracts, commencing  
35 construction, completing construction, final compliance with standards).
- 36 B. No increment referred to in subsection A of this Section shall exceed nine months,  
37 unless an extension is granted by the County.
- 38 C. Not later than 14 days following each date in the schedule and the final date for  
39 compliance, the user shall submit a progress report to the Manager including, at a  
40 minimum, whether or not it complied with the increment of progress to be met on such  
41 date and, if not, the date on which it expects to comply with this increment of progress,  
42 the reason for delay, and the steps being taken by the user to return the construction to  
43 the schedule established. In no event shall more than 9 months elapse between such  
44 progress reports.  
45  
46  
47



1 **13.06.410 Notification of Significant Production Changes.**

2 Any user operating under a wastewater discharge permit incorporating equivalent mass or  
3 concentration limits shall notify the Manager within two business days after the user has a  
4 reasonable basis to know that the production level will significantly change within the next  
5 calendar month. Any user not providing a notice of such anticipated change may be required to  
6 comply with the existing limits contained in its wastewater discharge permit.  
7

8 **13.06.420 Hazardous Waste Notification.**

9 Any user that is discharging 15 kilograms of hazardous wastes as defined in 40 CFR 261  
10 (listed or characteristic wastes) in a calendar month or any facility discharging any amount of  
11 acutely hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e) is required provide a  
12 one-time notification in writing to the County, EPA Regional Waste Management Division  
13 Manager, and the Southwest Regional Director of the Department of Ecology. Any existing user  
14 exempt from this notification shall comply with the requirements contained herein within 30  
15 days of becoming aware of a discharge of 15 kilograms of hazardous wastes in a calendar month  
16 or the discharge of acutely hazardous wastes to the POTW.

17 Such notification shall include:

- 18 A. The name of the hazardous waste as set forth in 40 CFR Part 261;
- 19 B. The EPA Hazardous waste number; and
- 20 C. The type of discharge (continuous, batch, or other).
- 21 D. If an industrial user discharges more than 100 kilograms of such waste per calendar  
22 month to the POTW, the notification shall also contain the following information to the  
23 extent it is known or readily available to the industrial user:
  - 24 1. An identification of the hazardous constituents contained in the wastes;
  - 25 2. An estimation of the mass and concentration of such constituents in the Waste  
26 streams discharged during that calendar month; and
  - 27 3. An estimation of the mass of constituents in the Waste streams expected to be  
28 discharged during the following 12 months.

29 These notification requirements do not apply to pollutants already reported under the self-  
30 monitoring requirements.

31 Whenever the EPA publishes final rules identifying additional hazardous wastes or new  
32 characteristics of hazardous waste, a user shall notify the County of the discharge of such a  
33 substance within 90 days of the effective date of such regulations.  
34

35 **13.06.430 Notice of Potential Problems, Including Spills and Slug Loadings.**

36 Any user shall notify the Manager by telephone immediately of all discharges that could  
37 cause problems to the POTW, including any slug loadings, as defined in Section 13.06.030. The  
38 notification shall include the concentration and volume and corrective action. Steps being taken  
39 to reduce any adverse impact should also be noted during the notification. Any user who  
40 discharges a "slug" (or slugs) of pollutants shall be liable for any expense, loss, or damage to the  
41 POTW, including the amount of any fines imposed on the County, as a result of such slug  
42 discharge, under State or federal law.  
43

44 **13.06.440 Non-Compliance Reporting.**

45 If sampling performed by a user indicates a violation, the user shall notify the Manager by  
46 telephone and in writing within 24 hours of becoming aware of the violation. The user shall also  
47 repeat the sampling within five days of becoming aware of the violation and submit the results of



1 the repeat analysis in writing to the Manager within 30 days after becoming aware of the  
2 violation, except the user is not required to resample if:

- 3 A. The County performs sampling at the user's facility at a frequency of at least once per  
4 month; or
- 5 B. The County performs sampling at the user's facility between the time when the user  
6 performs its initial sampling and the time when the user receives the results of this  
7 sampling.

8  
9 **13.06.450 Notification of Changed Discharge.**

10 All users shall promptly notify the Manager by telephone and in writing in advance of any  
11 substantial change in the volume or character of pollutants in their discharge, including  
12 significant manufacturing process changes, pretreatment modifications, and the listed or  
13 characteristic hazardous wastes for which the user has submitted initial notification under 40  
14 CFR 403.12(p). Each User must notify the Manager of any significant changes to the User's  
15 operations or system which might alter the nature, quality, or volume of its wastewater. This  
16 notification must be made at least thirty (30) days before the desired change and be sent to both  
17 the Manager and the receiving POTW if they are different. In such cases:

- 18 A. The Manager may require the User to submit whatever information is needed to evaluate  
19 the changed condition. The Manager may also require a new or revised wastewater  
20 discharge permit application under these Regulations.
- 21 B. The Manager may issue, reissue, or modify a wastewater discharge permit applying the  
22 procedures of this code in response to a User's notice under this Section.

23  
24 **13.06.460 TO Reporting.**

25 Categorical users which are required by EPA to eliminate and/or reduce the levels of toxic  
26 organics (TOs) discharged into the POTW must follow the Categorical Pretreatment Standards  
27 for that industry. Those users must also meet the following requirements:

- 28 A. Sample, as part of the application requirements, for all the organics listed under the TO  
29 limit (no exceptions);
- 30 B. Routinely monitor for TOs as a permit condition; or
- 31 C. If no TOs are used at the facility or the user elects to develop a solvent management plan  
32 in lieu of continuously monitoring for TO the user must do the following: Routinely  
33 submit a certification statement as part of its self-monitoring report that there has been  
34 no dumping of concentrated TOs into the POTW and it is implementing the solvent  
35 management plan approved by the County.

36  
37 **13.06.470 Reports from Unpermitted Users.**

38 All users not required to obtain a wastewater discharge permit shall provide appropriate  
39 reports to the County as the Manager may require.

40  
41 **13.06.480 Record Keeping.**

42 Users subject to the reporting requirements of this Chapter shall retain and make available for  
43 inspection and copying, all records of information obtained pursuant to any monitoring activities  
44 required by this Chapter and any additional records of information obtained pursuant to  
45 monitoring activities undertaken by the user independent of such requirements. Records of  
46 analyses shall include the date, exact place, method, and time of sampling and the name of the  
47 person(s) taking the samples; the dates analyses were performed; who performed the analyses;



1 the analytical techniques or methods used; and the results of such analyses. Users must similarly  
2 maintain documentation associated with any Best Management Practices required under Sections  
3 13.06.090 and 13.06.290. These records shall remain available for a period of at least three  
4 years, or for a longer period if specified by the County. All records which pertain to matters  
5 which are the subject of administrative adjustment or any other enforcement or litigation  
6 activities brought by the County pursuant thereto shall be retained and preserved by the user until  
7 all enforcement activities have concluded and all periods of limitation with respect to any and all  
8 appeals have expired.

9  
10 **13.06.490 Sampling Requirements for Users.**

11 The County may, in wastewater discharge permits or other notification, require users to  
12 collect and analyze representative samples of their discharge(s); require users to report results to  
13 the County; and require users to follow specific sampling protocols and procedures, which may  
14 involve factors such as frequency, techniques, location, flow monitoring and proportioning,  
15 sample volume, preservation, and handling. All sample results shall indicate the time, date, and  
16 place, of sampling, and methods of analysis, and shall certify that such sampling and analysis is  
17 representative of normal work cycles and expected pollutant discharges from the user. If a user  
18 sampled and analyzed more frequently than what is required by the County, using methodologies  
19 in 40 CFR Part 136, it must submit all results of sampling and analysis of the discharge as part of  
20 its self-monitoring report.

21 Users must ensure all samples they collect to satisfy sampling requirements under this  
22 ordinance are representative of the range of conditions occurring during the reporting period.  
23 Users must ensure that, when specified, samples are collected during the specific period and also  
24 address the following:

- 25 A. Users must use properly cleaned sample containers appropriate for the sample analysis  
26 and sample collection and preservation protocols specified in 40 CFR Part 136 and  
27 appropriate EPA guidance;
- 28 B. Users must obtain samples for oil and grease, temperature, pH, cyanide, total phenols,  
29 sulfides, and volatile organic compounds using grab collection techniques;
- 30 C. For certain pollutants, Users may composite multiple grab samples taken over a 24-hour  
31 period. Users may composite grab samples for cyanide, total phenols, and sulfides  
32 either in the laboratory or in the field, and may composite grab samples for volatile  
33 organics and oil & grease in the laboratory prior to analysis;
- 34 D. For all other pollutants, users must employ 24-hour flow-proportional composite  
35 samplers unless the Manager authorizes or requires an alternative sample collection  
36 method;
- 37 E. The Manager may authorize composite samples for parameters unaffected by the  
38 compositing procedures, as appropriate;
- 39 F. The Manager may require grab samples either in lieu of or in addition to composite  
40 sampling to show compliance with instantaneous discharge limits;
- 41 G. In all cases, Users must take care to ensure the samples are representative of their  
42 wastewater discharges;
- 43 H. User sampling for the baseline monitoring and 90-day compliance reports required by  
44 Sections 13.06.370 and 13.06.380 must satisfy some specific requirements. These  
45 reports require at least four grab samples for pH, cyanide, total phenols, oil and grease,  
46 sulfide and volatile organic compounds. Users may composite samples prior to analysis  
47 if allowed in Section 13.06.490. Where historical sampling data exists, the Manager





- 1           may also authorize fewer samples; and  
2       I. For periodic monitoring reports (Section 13.06.390), the Manager may specify the  
3       number of grab samples necessary to assess and assure compliance with applicable  
4       pretreatment standards and requirements.

5  
6 **13.06.500 Analytical Requirements.**

7       All pollutant analyses, including sampling techniques, shall be performed in accordance with  
8       the techniques prescribed in 40 CFR Part 136, unless otherwise specified in an applicable  
9       categorical pretreatment standard. If 40 CFR Part 136 does not contain sampling or analytical  
10      techniques for the pollutant in question, sampling and analyses must be performed in accordance  
11      with procedures approved by the EPA or the County. Unless otherwise specified by the County,  
12      data submitted to the County, except for flow, pH, temperature, and parameters used solely for  
13      internal process control, shall be prepared by a laboratory registered or accredited under the  
14      provisions of WAC Chapter 173-50, and reports of pollutant analyses shall include a statement  
15      of compliance with this requirement.

16  
17 **13.06.510 County Monitoring of User's Wastewater.**

18       The County will follow the procedures outlined in Section 13.06.500.

19  
20 **13.06.520 Inspection and Sampling.**

21       The County shall have the right to enter the facilities of any user to ascertain whether the  
22       purpose of these Regulations, and any wastewater discharge permit or order issued hereunder, is  
23       being met and whether the user is complying with all requirements thereof. As a condition of  
24       their permit or authorization and attendant discharge rights, all users must consent to allow the  
25       Manager ready access to all parts of the premises for the purposes of inspection, sampling,  
26       records examination and copying, and the performance of any additional duties.

- 27       A. When a user has security measures which require proper identification and clearance  
28       before entry into its premises, the user shall make necessary arrangements with its  
29       security guards so that, upon presentation of suitable identification, the Manager will be  
30       permitted to enter without delay for the purposes of performing specific responsibilities.  
31       B. The Manager shall have the right to set up on the user's property, or require installation  
32       of, such devices as are necessary to conduct sampling and/or metering of the user's  
33       operations.  
34       C. Any temporary or permanent obstruction to safe and easy access to the facility to be  
35       inspected and/or sampled shall be promptly removed by the user at the written or verbal  
36       request of the Manager and shall not be replaced. The costs of clearing such access shall  
37       be borne by the user.  
38       D. Unreasonable delays in allowing the Manager access to the user's premises shall be a  
39       violation of these Regulations and shall result in immediate revocation of the permit,  
40       immediate termination of sewer service, and any other penalties allowed by law.

41  
42 **13.06.530 Monitoring Facilities.**

43       Each user shall provide and operate at its own expense a monitoring facility to allow  
44       inspection, sampling, and flow measurements of each sewer discharge to the County. Each  
45       monitoring facility shall be situated on the user's premises, except where such a location would  
46       be impractical or cause undue hardship on the user, the County may concur with a request for an  
47       alternative location. The Manager, whenever applicable, may require the construction and



1 maintenance of sampling facilities at other locations (for example, at the end of a manufacturing  
2 line or wastewater treatment system).

3 There shall be ample room in or near such sampling facility to allow accurate sampling and  
4 preparation of samples for analysis. The facility, sampling, and measuring equipment shall be  
5 maintained at all times in a safe and proper operating condition at the expense of the user.

6 All monitoring facilities shall be constructed and maintained in accordance with all  
7 applicable local construction standards and specifications.

8 The Manager may require the user to install monitoring equipment as necessary. The  
9 facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper  
10 operating condition by the user at its own expense. All devices used to measure wastewater flow  
11 and quality shall be calibrated to ensure their accuracy.

12  
13 **13.06.540 Denial of Access.**

14 If the Manager has been refused access to a building, structure, or property, or any part  
15 thereof, and is able to demonstrate probable cause to believe that there may be a violation of  
16 these Regulations, then the Manager shall seek issuance of a search and/or seizure warrant from  
17 the Pierce County Superior Court. Such warrant shall be served at reasonable hours by the  
18 Manager in the company of a uniformed police officer of the County.

19  
20 **13.06.550 Confidential Information.**

21 Information and data on a user obtained from reports, surveys, wastewater discharge permit  
22 applications, wastewater discharge permits, and monitoring programs, and from County  
23 inspection and sampling activities, shall be available without restriction, under the provisions of  
24 RCW Chapter 42.17.

25 Wastewater constituents and characteristics and other "effluent data" as defined by 40 CFR  
26 2.302 will not be recognized as confidential information. Neither shall the name and address of  
27 the applicant, the description of the proposal, the description of the project's environmental  
28 impacts as provided in the State Environmental Policy Act, or the description of the quantity and  
29 characteristics of the effluent be allowed to be kept confidential in accordance with WAC  
30 Section 173-216-080. This information shall be available to the public under the provisions of  
31 RCW Chapter 42.17.

32  
33 **13.06.560 Publication of Users in Significant Non-Compliance.**

34 The County shall publish annually, in a newspaper of general circulation in the municipality  
35 where the POTW is located, a list of the users which, during the previous 12 months, were in  
36 significant non-compliance with applicable pretreatment standards and requirements. The term  
37 significant non-compliance is defined in Section 13.06.030.

38  
39 **13.06.570 Enforcement and Penalties.**

40 The provisions of Sections 13.06.590 through 13.06.610 shall be applicable to all uses of the  
41 POTW, whether pursuant to a permit or not, that are contrary to any provision of the Pierce  
42 County Industrial Pretreatment Regulations. All provisions of any applicable State or federal  
43 regulations or statutes also apply and are not supplanted by these Regulations. Any activity or  
44 use that is contrary to this Chapter shall be an unlawful public nuisance and also subject to the  
45 provisions contained within this Chapter.



1 **13.06.580 Permits, Approvals, and Uses.**

- 2 A. **Permits and Approvals.** The Industrial Pretreatment Regulations require acquisition of  
3 permits or approvals before certain activities may be performed. It shall be unlawful to  
4 conduct these regulated activities without first obtaining a written permit or approval.  
5 When a permit or approval has been issued pursuant to the Industrial Wastewater  
6 Pretreatment Regulations, it shall be unlawful to act in a manner which is inconsistent  
7 with such permit or approval.
- 8 B. **Uses.** The Industrial Pretreatment Regulations regulate types of wastewater discharges  
9 and require permits. It shall be unlawful to discharge wastewater contrary to the  
10 provisions of these Regulations and/or any permit issued under the provisions unless  
11 such use is considered to be legally nonconforming or otherwise exempt from the  
12 Industrial Pretreatment Regulations.
- 13 C. **No Conflicting Licenses or Permits Shall be Issued.** No license, permit, or approval  
14 for uses, buildings, or activity where the same would be in conflict with any provision of  
15 the Pierce County Industrial Pretreatment Regulations, shall be issued. In the event that  
16 conflicting licenses, permits, or approvals are issued, the most restrictive license, permit,  
17 or approval shall apply while any license, permit, or approval, if issued in conflict with  
18 the provisions hereof, shall be null and void.

19  
20 **13.06.590 General Enforcement Provisions.**

- 21 A. **Responsibility for Enforcement.** It shall be the duty of the Public Works and Utilities  
22 Department to enforce the provisions of the Pierce County Industrial Pretreatment  
23 Regulations. In response to noncompliance with any requirement of these Regulations,  
24 the Manager shall apply the Enforcement Response Plan, which is a part of the State  
25 approved procedures of the Industrial Pretreatment Program. This plan ensures that the  
26 application of remedies provided for in this Section and in Sections 13.06.600 and  
27 13.06.610 are appropriate to the violation and consistent with the treatment of other  
28 Industrial Users. Any person may obtain a copy of the Enforcement Response Plan by  
29 contacting the Manager.
- 30 B. **Compliance and Cease and Desist Orders.**
- 31 1. **Authority.** When the Manager finds that a user has violated or continues to violate  
32 any provision of these Regulations, a wastewater discharge permit or order issued  
33 hereunder, or any other pretreatment standard or requirement, the Manager is hereby  
34 authorized to issue an order to the user responsible for the discharge directing that  
35 the user come into compliance and/or complete certain steps towards compliance  
36 within a time frame specified in the order. The Manager, Building Official, Fire  
37 Marshal, Planning Director, Building Inspector, Code Enforcement Officer, Sheriff,  
38 or their respective designees, are hereby authorized to issue a Cease and Desist  
39 Order when any person, firm, corporation, or agent thereof has violated or continues  
40 to or threatens to violate any provision of the Pierce County Industrial Pretreatment  
41 Regulations, a wastewater discharge permit or order issued hereunder, or any other  
42 pretreatment standard or requirement.
- 43 2. **Orders.** Failure of the user to come into compliance or meet any compliance  
44 schedule date within the time specified in the order may result in the County taking  
45 additional enforcement measures, including, but not limited to, assessment of fines  
46 or discontinuation of sewer service. Compliance orders may also contain other  
47 requirements to address the non-compliance, including additional self-monitoring,



1 and management practices designed to minimize the amount of pollutants discharged  
2 to the sewer. Cease and desist orders shall be obeyed immediately and all activity  
3 shall cease upon issuance of the order. The order shall specify each violation by  
4 reference to the specific Title, Chapter, and Section or by reference to the approved  
5 permit. Any person, firm, corporation or agent thereof subject to a cease and desist  
6 order shall immediately comply with all requirements and shall take such  
7 appropriate remedial or preventive action as may be needed to properly address a  
8 continuing or threatened violation, including halting operations and/or terminating  
9 the discharge. The order shall state that a hearing may be requested to the Director  
10 of Public Works and Utilities.

11 3. **Appeals and Decisions.** Appeals of cease and desist orders and other actions taken  
12 pursuant to this Section shall be made in writing to the Director of Public Works and  
13 Utilities. Appeals must be made within 15 days of issuance of the cease and desist  
14 order. The appeal must be in writing and specify what portion of the cease and  
15 desist order is being appealed. The appeal must be served upon the Director of  
16 Public Works and Utilities. The Director may set up a meeting within 10 days after  
17 receipt of the appeal with the appellant. After the meeting on the matter the Director  
18 shall issue a decision upholding, revoking, or modifying the prior order. The  
19 Director will issue a written decision within 30 days of the receipt of the appeal or  
20 the meeting whichever is later. The decision of the Director is final and conclusive  
21 unless otherwise determined by a court of appropriate jurisdiction.

22 C. **Additional Enforcement Powers.** The County may remove, correct, or replace any  
23 improperly constructed facility, structure, or portion thereof. All expenses incurred by  
24 the County shall be paid by the property owner. If Pierce County is required to bring an  
25 action to recover such costs, the County will recover reasonable attorney's fees and  
26 interest at twelve percent (12%) per annum to run from the date the work was completed  
27 by the County. Applicants must agree to this provision as a condition of issuance of any  
28 permit authorized by these Regulations. The County is authorized to make inspections  
29 and as required to enforce these Regulations. The County representative must be able to  
30 present proper credentials and identification before entering onto private property.

31  
32 **13.06.600 Penalties.**

33 The type of penalties levied shall be dependent upon the specific action and Industrial  
34 Pretreatment Regulation provision being violated.

35 A. **Administrative Fines.** Any person, firm, corporation, or association which has violated  
36 or continues to violate any provision of these Regulations, a wastewater discharge  
37 permit, or order issued hereunder, or any other pretreatment standard or requirement,  
38 shall be liable to the County for a maximum administrative fine of \$10,000.00 per  
39 violation, per day. Administrative fines shall be imposed in addition to any charges  
40 assessed for recovery of costs under Section 13.06.210.

41 B. **Misdemeanor.** Any person, firm, or corporation violating any of the provisions of these  
42 Regulations or failing to obtain a wastewater discharge permit, shall be deemed guilty of  
43 a misdemeanor and shall be punishable as provided by the Statutes of the State of  
44 Washington for committing a misdemeanor.

45 C. **Other Criminal Penalties.** Any person, firm, corporation, or association or any agent  
46 of any person, firm, corporation, or association who violates any County, State, or



1 federal law shall also be subject to punishment under applicable Ordinance, Code, or  
2 Regulation.

3 D. **Each Day a Separate Offense.** Each person, firm, or corporation found guilty of a  
4 violation shall be deemed guilty of a separate offense for every day during any portion  
5 of which any violation of any provision this Chapter is committed, continued, or  
6 permitted by such person, firm, or corporation and shall be punishable therefore as  
7 provided for in this Section.

8 E. **Injunction.** Violations of this Chapter constitute public nuisances. The Manager may  
9 seek injunctive relief and damages from the appropriate court for violations. A petition  
10 for injunctive relief shall not be a bar against, or a prerequisite for, taking any other  
11 action against a user.

12 F. **Additional Penalties.**

- 13 1. Failure to comply with these Regulations will be cause for withholding or  
14 withdrawing approval of the overall project plans, revocation of the approval or  
15 permit, suspension of building inspections, forfeiture of the financial guarantee  
16 submitted to the County, and/or non-acceptance of the work by the County.
- 17 2. Any person who violates any provision of the Shoreline Management Regulations  
18 shall also be subject to additional penalties as set forth in RCW Sections 90.58.210  
19 and 90.58.230.
- 20 3. The County may undertake judicial action to recover costs incurred due to unlawful  
21 discharges, including but not limited to penalties imposed on the County for  
22 violations of environmental regulations and/or damages caused or contributed to by  
23 unlawful discharges.

24  
25 **13.06.610 Revocation, Modification, and Expiration.**

26 The purpose of this Section is to provide the authority and procedures for the revocation,  
27 modification, and expiration of permits and approvals granted pursuant to these Regulations.

28 A. **Director's Authority.** The Director has the authority to revoke or modify any permit or  
29 approval and/or terminate any connection to the sewer system which was issued  
30 pursuant to the Director's review.

31 B. **Manager's Authority.** The Manager has the authority to revoke or modify any permit  
32 or approval which was issued pursuant to the Manager's review and any permit or  
33 approval for which a determination that an emergency exists has been made by the  
34 Manager. Prior to such revocation or modification, except where an emergency has  
35 been determined, the Manager or designee shall follow procedures concerning notice  
36 and appeals as required for the initial consideration thereof, provided that when any  
37 permit or approval is not exercised within the time specified in such permit or approval  
38 or, if no date is specified, within one year from the approval date of said permit or  
39 approval, the permit or approval shall automatically become null and void and no public  
40 hearing shall be required on the matter. The Manager may immediately suspend a user's  
41 discharge whenever such suspension is necessary to stop an actual or threatened  
42 discharge which reasonably appears to present or cause an imminent or substantial  
43 endangerment to the health or welfare of persons. The Manager may also immediately  
44 suspend a user's discharge that threatens to interfere with the operation of the POTW, or  
45 which presents or may present an endangerment to the environment. In the event of a  
46 user's failure to immediately comply voluntarily with the suspension order, the Manager  
47 shall take such steps as deemed necessary, including immediate severance of the sewer



1 connection, to prevent or minimize damage to the POTW, its receiving stream, or  
2 endangerment to any individuals. The Manager shall allow the user to recommence its  
3 discharge when the user has demonstrated to the satisfaction of the County that the  
4 period of endangerment has passed, unless the termination proceedings described in this  
5 Section are initiated against the user. Nothing in these Regulations shall be interpreted  
6 as requiring a hearing prior to any emergency suspension under this Section.

7 **C. Grounds for Revocation or Modification.** Such revocation or modification or  
8 termination of permits, approvals, or sewer connection shall be made on any one or  
9 more of the following grounds:

- 10 1. Any of the reasons for Wastewater Discharge Permit revocation set forth in Section  
11 13.06.340;
- 12 2. That the approval or permit was obtained by fraud;
- 13 3. That the use for which such approval or permit was granted is not being exercised;
- 14 4. That the use for which such approval or permit was granted has ceased to exist or  
15 has been suspended for one year or more;
- 16 5. That the approval or permit granted is being, or recently has been, exercised contrary  
17 to the terms or conditions of such approval or permit, or in violation of any statute,  
18 resolution, code, law, or regulation;
- 19 6. That the use for which the approval or permit was granted was so exercised as to be  
20 detrimental to the public health or safety, or so as to constitute a nuisance.

21 **D. Initiation of an Action.** An action to revoke or modify any matter set forth in  
22 subsection C of this Section may be initiated by:

- 23 1. The Manager;
- 24 2. The Director; or
- 25 3. The petition of any aggrieved party directly affected by the termination or  
26 modification together with a filing fee listed in PCC Chapter 2.05, and filed with the  
27 Director.

28 **E. Expiration.** When any permit or approval is not exercised by the expiration date  
29 indicated on the approval or permit or, if no expiration date is specified one year from  
30 the approval date, the permit or approval shall expire. No extension of the expiration  
31 date for a permit or approval shall be granted unless such extension is approved pursuant  
32 to specific provisions for the relevant permit or approval.  
33

#### 34 **13.06.620 Remedies Non-Exclusive.**

35 The provisions in Sections 13.06.590 through 13.06.610 are not exclusive remedies. The  
36 County reserves the right to take any, all, or any combination of these actions against a non-  
37 compliant user. Further, the County is empowered to take more than one enforcement action  
38 against any non-compliant user. Enforcement of pretreatment violations will generally be in  
39 accordance with the County's Enforcement Response Plan. These actions may be taken  
40 concurrently. Issuance of any enforcement action under Sections 13.06.590 through 13.06.610  
41 shall not be a bar to, or a prerequisite for, taking any other action against the user. A user in  
42 violation of these Regulations may also be in violation of other State or federal statutes (such as  
43 the Federal Clean Water Act), and is also subject to the enforcement measures of those statutes.  
44  
45  
46  
47



1 **13.06.630 Severability.**

2 If any provision of this Chapter or its application to any person or circumstance is held  
3 invalid or unenforceable, the remainder of the Chapter or the application of its provisions to  
4 other persons or circumstances shall not be affected.  
5



1 **TABLE TO CHAPTER 13.06**

2  
3  
4 Local Limits for Discharges to the Pierce County POTW

5  
6 The pollutant limits that follow are established to help achieve the Pretreatment Program  
7 objectives specified in Section 13.06.010. Unless otherwise allowed, no person shall discharge  
8 wastewater containing in excess of the following daily maximum allowable discharge limits.  
9

10

<u>Constituent</u>	<u>24 Hour Average Concentration Limit (mg/L)</u>
11 arsenic	0.10
12 cadmium	0.11
13 chromium (total)	1.00
14 chromium (hexavalent)	0.25
15 copper	1.00
16 cyanide (amenable)	0.20
17 cyanide (total)	0.64
18 lead	0.40
19 mercury	0.05
20 nickel	1.00
21 selenium	0.05
22 silver	2.00
23 zinc	2.00
24 fats, oil and grease (FOG)	100
25 Total Petroleum Hydrocarbons (TPH)	50
26 Phenol	10

27

28 The above limits apply at the point where the wastewater is discharged to the POTW (end of  
29 the pipe). All concentrations for metallic substances are for the "total" metal unless otherwise  
30 stated. The instantaneous maximum concentrations shall not exceed twice the above values.

31 The Manager may impose mass limitations in addition to, or in place of, the concentration-  
32 based limitations above: 1) where necessary for consistency with Federal Categorical  
33 Pretreatment Standards; 2) where mass limits are more appropriate; 3) where concentration limits  
34 are impractical to apply; or 4) where dischargers whose wastes, by their dilute nature, meet the  
35 pretreatment standards or requirements of these Regulations, but would have adverse effects on  
36 the POTW.

37 Where a user is subject to a categorical pretreatment standard and a local limit for a given  
38 pollutant, the more stringent limit or applicable pretreatment standard shall apply.

39 Users whose discharge exceeds 225 mg/l BOD and/or 225 mg/l TSS must obtain  
40 authorization from the Manager prior to discharge, and are subject to the BOD and TSS  
41 surcharges established in Pierce County Code Chapter 13.13.  
42





Chapter 13.08

DELINQUENT SEWER ASSESSMENTS

Sections:

- 13.08.010 Delinquent Assessments.
- 13.08.020 Conditions Precedent to Foreclosure.
- 13.08.030 Foreclosure Proceedings.
- 13.08.040 Interest and Penalties.
- 13.08.050 Sales to Collect Delinquent Assessments.
- 13.08.060 Department of Budget and Finance to Collect Sewer Assessments.
- 13.08.070 Record of Transactions.
- 13.08.075 Administrative Cancellation of Delinquent Sewer Assessments.
- 13.08.080 Governing Law.
- 13.08.090 Severability.

**13.08.010 Delinquent Assessments.**

Whenever any ULID sewer assessments or become delinquent, the collection thereof shall be enforced in the manner prescribed by RCW Chapters 35.49 and 35.50.

**13.08.020 Conditions Precedent to Foreclosure.**

- A. The County shall proceed with the foreclosure of the delinquent assessment by proceedings brought in its own name in the Superior Court of Pierce County.
- B. This notice shall be sent by certified mail to the persons whose names appear on the assessment roll as owners of the property charged with the assessments which are delinquent, at the address last known to the Pierce County Assessor-Treasurer's Office.
- C. The notice shall state the amount due on each separate lot, tract or parcel of land and the date after which the proceedings will be commenced. The Assessor-Treasurer's Office or delegate shall file with the Clerk of the Superior Court at the time of commencement of the proceeding the affidavit of the person who mailed the notices. This affidavit shall be conclusive proof of compliance with the requirements of this Section and RCW Section 35.50.030.

**13.08.030 Foreclosure Proceedings.**

The foreclosure proceedings shall be accomplished in accordance with the procedures set forth in RCW Sections 35.50.220 through 35.50.270.

**13.08.040 Interest and Penalties.**

Assessments, when delinquent, shall be subject to the interest charges provided for in the ordinance ordering the ULID improvement(s), or in the ordinance confirming the assessment roll and levying the assessment, and shall also bear a penalty of twelve percent (12%) on the assessment and the interest thereon until the date of sale.

**13.08.050 Sales to Collect Delinquent Assessments.**

The last step in foreclosing the delinquent assessments is to move for summary judgment and obtain an order of sale on the property. Once summary judgment is signed, the entire



1 assessment and foreclosure costs shall become due and must be paid to redeem the parcel from  
2 foreclosure. If the assessment remains unpaid, the property goes to sale where the minimum bid  
3 is the outstanding amount of the assessment, interest, penalty, and foreclosure costs. The  
4 successful bidder from the sale shall receive a Certificate of Sale; however, no deed can be  
5 issued until the redemption period has expired two years from the date of the sale.  
6

7 **13.08.060 Department of Budget and Finance to Collect Sewer Assessments.**

8 All ULID assessments for sewers, either current or delinquent, shall be collected by the  
9 Budget and Finance Department. The Director of Budget and Finance or designee shall execute  
10 and sign all receipts for payment of assessments.  
11

12 **13.08.070 Record of Transactions.**

13 The Budget and Finance Department shall maintain records in detail of all transactions  
14 relating to the payment of principal, interest and penalties in every ULID.  
15

16 **13.08.075 Administrative Cancellation of Delinquent Sewer Assessments.**

- 17 A. The Director is authorized to issue an order administratively canceling or writing-off any  
18 delinquent ULID sewer assessments, including the principal, interest and penalties,  
19 under the following limited circumstances:  
20 1. The County has taken all feasible legal action to enforce collection of the delinquent  
21 assessments;  
22 2. a foreclosure sale has been attempted but no one bid on the subject property at the  
23 sale;  
24 3. the ULID sewer assessment has been delinquent for more than three years;  
25 4. the Department has determined that administratively writing off a delinquent ULID  
26 sewer assessment will not have a material adverse affect on the ability of the County  
27 to repay its sewer revenue bonds or other obligations to which such ULID  
28 assessment is pledged; and  
29 5. the Department has determined that it is extremely unlikely that the delinquent ULID  
30 sewer assessment can ever be recovered.  
31 B. A copy of the order shall be transmitted to the Pierce County Assessor-Treasurer's  
32 Office and to the Budget and Finance Department so their records can be appropriately  
33 updated. Following implementation of the order, the subject property shall be disposed  
34 of pursuant to the procedures set forth in PCC Chapter 2.110.  
35

36 **13.08.080 Governing Law.**

37 In the event of any conflict between this Chapter and RCW Chapters 35.49 or 35.50, the  
38 provisions of the State statutes shall govern.  
39

40 **13.08.090 Severability.**

41 If any provision of this Chapter or its application to any person or circumstance is held  
42 invalid or unenforceable, the remainder of the Chapter or the application of the provision to other  
43 persons or circumstances shall not be affected.  
44



Chapter 13.10

LATECOMERS AGREEMENTS FOR PUBLIC SEWER FACILITIES

Sections:

- 13.10.010 Purpose.
- 13.10.020 Definitions.
- 13.10.030 Eligibility for Latecomers Agreements.
- 13.10.040 Proposals for Latecomers Agreements.
- 13.10.050 Latecomers Agreement – General Terms.
- 13.10.060 Processing of Latecomers Agreement.
- 13.10.070 Denial of Latecomers Agreement.
- 13.10.080 Appeals to Hearing Examiner.
- 13.10.090 Severability.

13.10.010 Purpose.

The purpose of this Chapter is to allow the County, pursuant to RCW Chapter 35.91, to enter into a Latecomers Agreement with an applicant for the construction of public sewer facilities (subsequently referred to as "the Improvements") by the applicant subject to future reimbursement by the County from a portion of the connection charges received from other property owners who subsequently benefit from such construction by utilizing the Improvements.

It is entirely within the County's sole discretion whether it elects to enter into any Latecomers Agreements. In order for the County to execute a Latecomers Agreement, the County must be convinced that the eligibility requirements set forth in Section 13.10.030 have been met and it is in the best interest of the County to enter into such an agreement so that the benefit to the County outweighs the cost to the County in entering into an agreement.

Conceptually, if the County elects to execute a Latecomers Agreement with the applicant to construct public sewer facilities of an adequate size, depth, and accessibility to serve the applicant's proposed or existing development (subsequently referred to as "the Development") and other properties within a County-approved sewer sub-basin (subsequently referred to as the "Tributary Service Area"), a portion of the connection charges paid by property owners within the Tributary Service Area who subsequently connect to the Improvements, will be reimbursed to the applicant to compensate for the cost of installing the Improvements.

The goal of the Latecomers Agreement is to provide a means to reimburse the applicants for costs that exceed their own pro rata share of installing the Improvements necessary to serve both the Development and the remainder of the Tributary Service Area without passing on any of the costs to the County or other property owners outside the Tributary Service Area. The agreements shall be formulated so that the applicants are not reimbursed for their own pro rata share of the costs of installing the Improvements.

13.10.020 Definitions.

The following definitions shall apply to terms used in this Chapter only. All other terms not defined in this Section shall have the same meaning as set forth in Section 13.04.010 and any amendments thereto.



1 "Administrative Fee" means the charge imposed by the County to administer the Latecomers  
2 Agreements. The Administrative Fee shall be calculated pursuant to Section 13.10.050.  
3  
4 "Applicant's Area Charge" means the portion of the applicant's connection charge related to the  
5 impact of wastewater discharges from the Development on the public sewer facilities located  
6 downstream from the point of connection of the Improvements. The treatment plant capacity  
7 charge and latecomers charge are not included in the Applicant's Area Charge. The Applicant's  
8 Area Charge shall be calculated pursuant to Section 13.04.080.  
9  
10 "Applicant's Pro Rata Share" means the Pro Rata Share times the proposed Average Dry Weather  
11 Flow from the Development.  
12  
13 "Average Dry Weather Flow" (ADWF) means the average daily wastewater flow, in Residential  
14 Equivalent (RE) units from a given drainage basin. Average Dry Weather Flow does not include  
15 inflow or infiltration, nor is it increased by diurnal curve peaking factors. For the purposes of  
16 this Chapter, one RE shall be equivalent to 220 gallons per day of wastewater flow.  
17  
18 "Development" means the applicant's proposal for development and/or subdivision or short  
19 subdivision of the Property as depicted/described by a valid Pierce County land use or building  
20 permit application.  
21  
22 "Improvements" means the public sewer facilities constructed by the applicant that are eligible  
23 for reimbursement in accordance with this Chapter.  
24  
25 "Property" means the parcel of land owned or developed by the applicant who wishes to enter  
26 into a Latecomers Agreement with the County.  
27  
28 "Pro Rata Share" means the Total Eligible Construction Cost equally divided among the  
29 properties within the Tributary Service Area including the Development. The Pro Rata Share per  
30 Residential Equivalent shall be determined by dividing the Total Eligible Construction Cost by  
31 the ADWF that is anticipated to be generated by all the properties within the Tributary Service  
32 Area including the Development. The anticipated ADWF will be calculated using the approved  
33 Tributary Service Area Map and allowable zoning densities at the time of execution of the  
34 Latecomers Agreement, with the exception that properties that are already developed or have  
35 submitted fully completed development applications will be assigned with their existing and  
36 proposed densities respectively. Parcels with existing residential buildings and less than one acre  
37 in total area shall be counted as being fully developed. Anticipated flows from properties within  
38 the Tributary Service Area that are outside the Comprehensive Urban Growth Area (CUGA)  
39 shall not be included in the calculation of the Pro Rata Share.  
40  
41 "Total Eligible Construction Cost" means the actual cost incurred by the applicant to construct  
42 the Improvements subject to the limitations set forth in Section 13.10.050.  
43  
44 "Total Reimbursable Construction Cost" means the Total Eligible Construction Cost minus the  
45 applicant's Pro Rata Share of the cost of the Improvements.  
46



1 "Tributary Properties" means the all the properties within the Tributary Service Area except the  
2 Property.

3  
4 "Tributary Service Area" means the sewer sub-basin, as approved by the County, used to  
5 determine the appropriate size, depth and location of the Improvements that are necessary to  
6 serve the properties within the Sewer Service Area, including the Development. The County  
7 may require the Tributary Service Area to include rural properties that are located within the  
8 Sewer Service Area.

9  
10 **13.10.030 Eligibility for Latecomers Agreements.**

- 11 A. To be eligible to enter into a Latecomers Agreement with the County under this Chapter,  
12 an applicant must:
- 13 1. Have submitted a complete sewer line extension permit application to the  
14 Department for a proposal to construct public sewer facilities which provide sewer  
15 line capacity in excess of that required for the applicant's development proposal (the  
16 Development), and which have adequate size, depth, and accessibility to serve the  
17 Development and all other properties (the Tributary Properties) within a County-  
18 approved sewer sub-basin (the Tributary Service Area); and
  - 19 2. Either own the real property referred to as the "Property" herein, or be a designee of  
20 the owner(s) of the Property. If the applicant is a designee of the owner(s) of the  
21 Property, the applicant must provide notarized authorization to the Department from  
22 the owner(s) of the Property indicating approval of the application and forfeiting all  
23 rights of eligibility as an applicant to enter into a Latecomers Agreement for  
24 development of the Property in accordance with this Chapter. The Department will  
25 not consider the application as fully completed until and unless such notarized  
26 authorization is provided.
- 27 B. Public sewer facilities eligible for reimbursement may include collector or interceptor  
28 lines, pump stations, force mains and all necessary appurtenances thereto. Such  
29 facilities must be constructed in accordance with the USP, the Capital Facilities Plan,  
30 any approved Sewer Facility Plan, and Pierce County Sewer Standards and must be  
31 considered permanent by the Department. Costs associated with construction of  
32 temporary sewer facilities shall not be eligible for reimbursement except as noted in  
33 Section 13.10.050.
- 34 C. All Latecomers Agreements must be executed by the applicant and the County prior to  
35 the issuance of sewer line extension permit(s) for construction of the Improvements. No  
36 Latecomers Agreements shall be considered or entered into after the associated sewer  
37 line extension permit(s) have/has been issued by the Department.
- 38 D. The Director is authorized to negotiate, on behalf of the County, with eligible Applicants  
39 to formulate Latecomers Agreements.  
40

41 **13.10.040 Proposals for Latecomers Agreements.**

- 42 A. A proposal for a Latecomers Agreement shall be submitted to the Director or an  
43 authorized designee for consideration by the County.
- 44 B. A complete proposal for a Latecomers Agreement shall, at a minimum, include:
- 45 1. A complete submittal for a sewer line extension (SWLE) permit application  
46 including, but not limited to, a proposed Sewer Facility Plan for the Improvements;
  - 47 2. An Engineer's Estimate of the construction costs for the Improvements;



- 1 3. A proposed Tributary Service Area map; and  
2 4. A Conceptual Sewerage Plan for the Tributary Service Area.
- 3 C. The Engineer's Estimate shall include an estimate of the Total Eligible Construction  
4 Costs as described in Section 13.10.050. The Engineer's Estimate must be prepared and  
5 stamped by a registered professional engineer.
- 6 D. The applicant's proposed Tributary Service Area shall include all properties which may  
7 subsequently use or require service from the Improvements, including the Development,  
8 and including property that will receive service from sewer lines connected to the  
9 Improvements. Only those properties within a defined sewer sub-basin whose  
10 wastewater could flow to the Improvements in a manner in keeping with the County's  
11 USP, the Capital Facilities Plan, any approved Sewer Facility Plan, and Pierce County  
12 Sewer Standards shall be included in the Tributary Service Area. The feasibility of a  
13 property to receive service from the Improvements does not in and of itself prescribe  
14 inclusion in the Tributary Service Area. The size and limits of the Tributary Service  
15 Area must be reviewed and approved by the Department prior to Sewer Facility Plan  
16 approval. The Tributary Service Area map must be prepared and stamped by a  
17 registered professional engineer.
- 18 E. The applicant's Conceptual Sewerage Plan shall include the proposed design to serve all  
19 of the proposed lots within the Development as well as a conceptual design to serve the  
20 rest of the Tributary Service Area. At a minimum, the Conceptual Sewerage Plan must  
21 include the proposed sewer alignment, manhole locations, rim and invert elevations,  
22 pipe diameter, pipe slope, flow calculations for design capacity and flow velocities,  
23 topography, and parcel numbers and current zoning of all the properties within the  
24 Tributary Service Area. Approval of the applicant's Conceptual Sewerage Plan for the  
25 purpose of determining the eligibility of the Improvements for reimbursement shall not  
26 be construed to be an approval of all the design elements associated with said sewerage  
27 plan as they pertain to permanent sewer service for the Tributary Service Area. The  
28 Conceptual Sewerage Plan must be prepared and stamped by a registered professional  
29 engineer.
- 30 F. The County may require additional plans, specifications, easements, and legal  
31 documents as deemed necessary by the Department to evaluate and administer the  
32 Latecomers Agreement.  
33

34 **13.10.050 Latecomers Agreement – General Terms.**

35 If the County elects to enter into a Latecomers Agreement, the following general terms and  
36 conditions shall apply to Latecomers Agreements entered into pursuant to this Chapter:

- 37 A. Construction of the Improvements shall be at the applicant's expense.  
38 B. All construction shall be in accordance with a Sewer Facility Plan approved by the  
39 Department in accordance with the USP, the Capital Facilities Plan, and Pierce County  
40 Sewer Standards.
- 41 C. Each and every parcel along the alignment of the proposed Improvements must be  
42 provided a side sewer stub for future connection. Prior to Sewer Facility Plan approval,  
43 the applicant will be required to contact the property owners located adjacent to the  
44 public sewer facilities to determine where the adjacent property owners prefer to have  
45 their side sewer stubs located. Contact shall be, at a minimum, through a certified letter  
46 to the owner of record of the properties, as indicated by the County Assessor-Treasurer's  
47 records. The applicant shall maintain a record of contacts with adjacent property owners



1 and submit a listing summarizing the results of the applicant's efforts to contact adjacent  
2 property owners including the property owner's preferred location of the side sewer stub.  
3 The preferred stub locations must be included on the Sewer Facility Plan prior to  
4 approval. Written waivers may be granted at the Director's discretion in instances where  
5 a side sewer stub is not likely to be utilized. Side sewer stubs will not be permitted to  
6 properties located in a rural designated area. This provision shall not apply to side sewer  
7 stubs or sewer main stubs extending out of manholes. In the case of manholes, the  
8 County reserves the right to require the applicant to provide, without direct  
9 compensation, side sewer stubs or sewer main stubs from manholes. The costs of  
10 installing side sewer stubs and sewer main stubs shall be included in the costs subject to  
11 reimbursement under the Latecomers Agreement.

12 D. Where a Latecomers Agreement is in force, the Department shall not allow any property  
13 owner within the Tributary Service Area to connect to the Improvements without  
14 payment to the Department of the connection charges at the time and manner required  
15 by Section 13.04.070, in addition to all other costs and charges assessed for such use or  
16 connection, including their Pro Rata Share of the Total Eligible Construction Cost. In  
17 addition, connection charges for properties located within the Tributary Service Area  
18 shall include an Administrative Fee equal to five percent (5%) of their total Area Charge  
19 and Pro Rata Share to cover the costs of administering the applicant's Latecomers  
20 Agreement with the exception that an Administrative Fee shall not be added to the  
21 connection charges associated with the Development. No charges or fees collected from  
22 any property within the Tributary Service Area other than their Pro Rata Share of the  
23 Total Eligible Construction Cost shall be utilized to reimburse the applicant.

24 E. The Total Eligible Construction Cost shall only include the following items:

- 25 1. Sewer design work limited to ten percent (10%) of the Total Eligible Construction  
26 Cost. Sewer design work shall include the following:
  - 27 a. Preparation of Conceptual Sewerage Plan and proposed Tributary Service Area  
28 map, including the engineering report and costs associated with a comprehensive  
29 plan amendment, if required;
  - 30 b. Survey work, including 2-foot interval topography, boundary, and right-of-way  
31 determination;
  - 32 c. Engineering design of public sewer facilities to the required specifications;
  - 33 d. Coordination of sewer design approval with other Pierce County departments  
34 and outside agencies, including permits or approvals for wetlands, shoreline,  
35 steep slope, and/or other sensitive-critical areas;
  - 36 e. Coordination with the appropriate agency for right-of-way access, easement, or  
37 permitting requirements;
  - 38 f. Costs associated with contacting potential users of the Improvements for the  
39 purpose of locating side sewer connections; and
  - 40 g. Preparation of construction cost estimate.
- 41 2. Property acquisition done in accordance with County guidelines, including  
42 reasonable costs associated with collateral agreements whereby improvements to  
43 property are performed in exchange for granting of easement rights. The County  
44 reserves the right to require the applicant to obtain an appraisal of the easement  
45 property in question at the applicant's expense.



- 1 3. Legal fees associated with easement or property acquisition for the actual sewer
- 2 facilities, including preparation of the legal description in support of the easement or
- 3 property acquisition.
- 4 4. Construction costs including labor, materials, construction management,
- 5 construction staking, and sales tax.
- 6 5. Construction testing related to construction of the Improvements.
- 7 6. Preparation of as-built drawings, and operations and maintenance manuals.
- 8 F. It is entirely within the Department's discretion whether it elects to allow the
- 9 construction of temporary sewer facilities that are not in accordance with the USP, the
- 10 Capital Facilities Plan, any approved Sewer Facility Plan, and Pierce County Sewer
- 11 Standards. If the Department permits the applicant to construct temporary sewer
- 12 facilities which are sized smaller or at depths higher than those required to provide
- 13 permanent sewer service to all the properties in the Tributary Service Area, then the cost
- 14 associated with the construction of the temporary sewer facilities shall not be eligible for
- 15 reimbursement unless the County requires that the temporary sewer facilities be upsized
- 16 or constructed at a depth lower than that required to serve the Property in accordance
- 17 with Pierce County Sewer Standards. Only construction costs that are associated with
- 18 the additional capacity and depth can be included in the Total Eligible Construction
- 19 Cost.
- 20

#### 21 **13.10.060 Processing of Latecomers Agreement.**

22 If the County elects to enter into a Latecomers Agreement, the following general process  
23 shall apply to Latecomers Agreements entered into pursuant to this Chapter:

- 24 A. Upon receipt of the applicant's fully completed Latecomers Agreement proposal, the
- 25 Department staff will review and provide comment on the proposal to the Director. If
- 26 the Director determines that a Latecomers Agreement is appropriate, negotiations
- 27 regarding the specific terms of the agreement in accordance with this Chapter will
- 28 continue until they have been completed.
- 29 B. The Department staff shall not forward the final draft of the Latecomers Agreement to
- 30 the Director until the Sewer Facility Plan for the Improvements has been approved by
- 31 the Department.
- 32 C. The Latecomers Agreement shall be approved by the Director and, if necessary, by the
- 33 Pierce County Executive. The sewer line extension permit for the construction of the
- 34 Improvements shall not be issued until the Latecomers Agreement has been approved by
- 35 all necessary signatories. The Latecomers Agreement and any amendments thereto shall
- 36 be recorded at the Pierce County Auditor's Office against all the parcels within the
- 37 Tributary Service Area.
- 38 D. Upon execution of the Latecomers Agreement, the applicant must proceed with
- 39 obtaining the sewer line extension permit for the construction of the Improvements and
- 40 commence construction prior to the expiration of the approved Sewer Facility Plan.
- 41 Should the applicant's approved Sewer Facility Plan expire prior to the initiation of
- 42 construction of the Improvements, then the Latecomers Agreement shall be null and
- 43 void. Should the applicant's approved Sewer Facility Plan expire due to inactivity for
- 44 one year, then the Latecomers Agreement shall be null and void.
- 45 E. Upon completion of construction and final acceptance of the Improvements by the
- 46 Department, the applicant shall transfer the sewer facilities to the County, free and clear
- 47 of all liens and debts, for inclusion into the public sewer system.





- 1 F. Within 30 days following the completion of construction of the Improvements and  
2 acceptance by the Department, the applicant shall provide complete and itemized copies  
3 of all invoices for costs related to construction of the Improvements. The cost  
4 information provided by the applicant shall be reviewed by the Department to determine  
5 the Total Eligible Construction Cost. Certification of the costs and authentication of the  
6 copies shall be made by the party providing the services and the applicant. Costs not  
7 evidenced by an invoice shall not be included in the Total Eligible Construction Cost.  
8 Any costs not previously identified in the approved Engineer's Estimate shall not be  
9 included in the Total Eligible Construction Cost unless written authorization is received  
10 from the Department. Construction costs which exceed those identified in the approved  
11 Engineer's Estimate shall not be included in the Total Eligible Construction Cost unless  
12 written authorization is received from the Department.
- 13 G. Once the Total Eligible Construction Cost has been finalized, Department staff will draft  
14 an amendment to the executed Latecomers Agreement which will finalize the Total  
15 Eligible Construction Cost, the Pro Rata Share, and the Total Reimbursable Construction  
16 Cost. No reimbursement toward the applicant's Total Reimbursable Construction Cost  
17 shall be made by the County until the Improvements are accepted by the Department and  
18 the Latecomers Agreement has been amended to reflect the actual construction costs.
- 19 H. The County agrees to reimburse the applicant up to the Total Reimbursable Construction  
20 Cost from the eligible portion of connection charges collected from the properties within  
21 the Tributary Service Area until the Total Reimbursable Construction Cost has been paid  
22 in full or until the term of the Agreement expires. Reimbursement payments made from  
23 the eligible portion of the connection charges collected from the Tributary Properties  
24 shall be made to the applicant within 60 days following collection of the connection  
25 charges by the County or within 60 days following the execution of the amended  
26 Latecomers Agreement, whichever is later.
- 27 I. No interest shall be paid on any unpaid balances of the Total Reimbursable Construction  
28 Cost for the life of the Latecomers Agreement.
- 29 J. No Latecomers Agreement shall extend for a period longer than 15 years from the date  
30 of final acceptance of the Improvements by the County.
- 31 K. The applicant shall be responsible for providing the County with his/her current address  
32 at all times during the term of the Latecomers Agreement. Any change of address notice  
33 submitted by the applicant shall be sent by means of certified mail, return receipt  
34 requested to the Department.

35  
36 **13.10.070 Denial of Latecomers Agreement.**

37 Constructing excess capacity for public sewer facilities within the County's Sewer Service  
38 Area can be an efficient way to provide public facilities and can provide a public benefit if the  
39 applicant makes a good faith effort to work within Sewer Code regulations. However, the  
40 Department may deny a request for a Latecomers Agreement if it determines that the proposal  
41 would not be in the best interest of the County, or if the applicant proposing the agreement is  
42 ineligible, insists on terms that are unlawful or inequitable, or negotiates in bad faith.

43  
44 **13.10.080 Appeals to Hearing Examiner.**

45 Administrative determinations of the County covering the following specific issues may be  
46 appealed to the Pierce County Hearing Examiner in accordance with PCC Chapter 1.22:

- 47 A. Size and limits of Tributary Service Area (Section 13.10.040); and/or



1 B. Costs subject to reimbursement (Section 13.10.050).  
2

3 **13.10.090 Severability.**

4 If any provision of this Chapter or its application is held invalid or unconstitutional, the  
5 remainder of the Chapter or the application of the provision to other persons or circumstances  
6 shall not be affected.  
7



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46

*Chapter 13.13*

**SERVICE CHARGES**

**Sections:**

- 13.13.010 Definitions and Acronyms.**
- 13.13.015 Commencement of Charges.**
- 13.13.020 Duration of Charges.**
- 13.13.025 Billings – To Whom Sent; Payment Responsibility.**
- 13.13.030 Frequency of Billing.**
- 13.13.035 Forms of Payment; Returned Check Charge.**
- 13.13.040 Payment Provisions and Delinquencies.**
- 13.13.045 Collection of Delinquencies and Lien Provisions.**
- 13.13.050 Adjustment of Billings.**
- 13.13.055 Meters – Commercial Units.**
- 13.13.060 Uncontaminated Wastewater Adjustments.**
- 13.13.065 Taxes, Fees, or Surcharges on Services.**
- 13.13.070 Customer Classes.**
- 13.13.075 Classification of Commercial Units.**
- 13.13.080 Commercial Class 5 Requirements.**
- 13.13.085 Rates and Charges.**
- 13.13.095 Construction.**
- 13.13.100 Severability.**

**13.13.010 Definitions and Acronyms.**

The following definitions and acronyms shall apply to terms used in this Chapter:

“Apartment Building” means a structure or portion of a structure where five or more residential units are present.

“Basic Service Charge” means the portion of the service charges on commercial customers representing the Department-determined cost of providing service to a commercial unit. This amount is the minimum monthly service charge applicable to a commercial unit regardless of the consumption of the unit.

“CCF” means Hundred Cubic Feet.

“Commercial Class 1” means a customer class consisting of those commercial units whose wastewater discharge contains BOD or Total Suspended Solids (TSS) levels less than 300 milligrams per liter (mg/l).

“Commercial Class 2” means a customer class consisting of those commercial units whose wastewater discharge contains BOD or TSS levels equal to or greater than 300 and less than 500 mg/l.



1 “Commercial Class 3” means a customer class consisting of those commercial units whose  
2 wastewater discharge contains BOD or TSS levels equal to or greater than 500 and less than 700  
3 mg/l.

4  
5 “Commercial Class 4” means a customer class consisting of those commercial units whose  
6 wastewater discharge contains BOD or TSS levels equal to or greater than 700 and less than 900  
7 mg/l.

8  
9 “Commercial Class 5” means a customer class consisting of those commercial units whose  
10 wastewater discharge contains BOD or TSS levels which are equal to or exceed 900 mg/l. Also,  
11 it means any commercial unit whose wastewater discharge exceeds 150,000 gallons per day as  
12 an average during any seven days in a year, consecutive or not.

13  
14 “Commercial Service Charge” means the total monthly service charge applicable to a  
15 commercial unit. It is the total of the Basic Service Charge plus the Volume Service Charge.

16  
17 “Commercial Unit” means any structure or portion of a structure not classified as a residential  
18 unit. It may be a commercial, industrial, or other non-residential use.

19  
20 "Contract Sewer Service Area" means the geographical area served by the public sewer system  
21 pursuant to a contract between Pierce County and a municipal corporation.

22  
23 “Mixed Use Unit” means a single structure where both residential and commercial units are  
24 present.

25  
26 “Mobile Home Park” means where the parcel of property on which four or more mobile homes  
27 are situated is owned by another party unrelated to the owners of the mobile homes and the  
28 property on which the mobile home rests is rented or leased to the mobile home owner on a  
29 periodic basis for less than five year intervals.

30  
31 “Multi-Family Residential Class” means a customer class consisting of those residential units not  
32 in the single-family residential class, including but not limited to duplexes, triplexes, fourplexes,  
33 apartment buildings, and mobile home parks.

34  
35 "Owner of Record" shall mean the property owner identified in the indexed records of the Pierce  
36 County Assessor-Treasurer's Office and, if those records are found not to reflect the current  
37 ownership, the indexed records of the Pierce County Auditor's Office.

38  
39 “Residential Unit” means a structure or portion of a structure capable of human habitation,  
40 including but not limited to private houses; each unit of a duplex, triplex, fourplex, apartment  
41 building, condominium, or townhouse; or a mobile home.

42  
43 “Residential Service Charge” means the service charge applicable to a residential unit. It is a flat  
44 monthly charge and is only applicable to single-family residential and multi-family residential  
45 customer classes.

46



1 “Service Charges” means the charges required by the County for the furnishing of sewer service,  
2 or for having such service available, to customers in order to cover the cost to maintain, operate,  
3 preserve, improve, and administer the public sewer system. In addition, customers are required  
4 to pay any taxes, fees, and surcharges imposed on any regular service charges. Any fee, time  
5 and material charge, administrative fine, or adjudicated civil penalty owed by any customer to  
6 the Department shall, if past due, become a service charge upon a customer if that fee, charge,  
7 fine, or penalty (or part thereof) is approximately related to providing sewer service (or its  
8 availability) to that customer. Any extraordinary service charge is additional to any regular  
9 service charges. Such a charge may be apportioned among several accounts if appropriate.

10  
11 “Single-Family Residential Class” means a customer class consisting of the following residential  
12 units: 1) where there is but one residential unit on a parcel of property; 2) held under RCW  
13 Chapters 64.32 (condominiums) and 64.36 (time-share); 3) held under a cooperative apartment  
14 agreement; 4) where the mobile home is under the same ownership as the underlying parcel; or  
15 5) where the Department finds this to be the most reasonable classification.

16  
17 “Standard Industrial Classification (SIC)” means a classification system used to categorize  
18 commercial units into similar or like groups based on the characteristics of their operations.

19  
20 “Volume Service Charge” means the portion of the commercial service charge representing the  
21 volume and strength related costs of treating a commercial unit's wastewater discharge. The  
22 charge is calculated by determining the quantity and characteristics of the wastewater discharged  
23 by the commercial unit and applying the appropriate rate.

24  
25 “Wastewater Discharge” means the quantity of wastewater or other liquid released into the  
26 public sewer system by a person as determined by: 1) water use at a specific property as  
27 determined by metering of the water supply from all sources; 2) clause (1) above, as adjusted for  
28 water use determined not to contribute wastewater loading to the public sewer system as  
29 measured by standard, recognized methods approved by the Department; or 3) if water meter  
30 records are not available or inaccurate, an estimate of water use at a specific property using  
31 standard, recognized means approved by the Department.

32  
33 “Wastewater Loading” means the volume of wastewater flow and its constituent pollutants  
34 including: BOD and TSS.

35  
36 **13.13.015 Commencement of Charges.**

- 37 A. Service charges shall be levied upon all properties or structures to which service is  
38 furnished by the public sewer system as determined by the Department.  
39 B. Service charges for properties or structures to which service is available within the  
40 boundaries of a ULID shall commence 60 days after such service becomes available  
41 and written notice of such availability is sent to the owner of record of the property, or  
42 upon connection to the public sewer system, whichever event occurs first.

43  
44 **13.13.020 Duration of Charges.**

45 Service charges once imposed on any property or structure shall continue until that property  
46 or structure is demolished, removed, or no longer in existence. The property owner shall obtain  
47 a sewer service capping permit prior to demolition or removal of any building or structure



1 connected to the sewer system. A property owner may also elect to obtain a sewer service  
2 capping permit and disconnect a vacant building or structure from the sewer system in order to  
3 suspend service charges. The property owner shall continue to be responsible for the payment of  
4 service charges for any building or structure until the building sewer has been disconnected and  
5 capped, and the sewer service capping permit has received final inspection approval.  
6

7 **13.13.025 Billings – To Whom Sent; Payment Responsibility.**

- 8 A. Billings shall be sent to the owner of record of the properties or structures for which  
9 service is furnished or made available so far as the Department can reasonably ascertain.  
10 "Reasonably ascertain" shall mean resorting first to the indexed records of the Pierce  
11 County Assessor-Treasurer's Office, and second, if those records are found not to reflect  
12 the current ownership, the indexed records of the Pierce County Auditor's Office. It  
13 shall not mean resorting to certified or registered mail, or messengers, on a regular basis  
14 for any one account.
- 15 B. Failure to receive such billings shall not relieve the property owner from paying any  
16 service charges owed or from paying any penalty, interest, foreclosure costs, or all lien  
17 recording and release fees that are accrued upon failure to pay such billings when due.  
18 In addition, failure to receive such billings shall not prevent the Department from  
19 attaching a lien to the property as provided in RCW Section 36.94.150 and as prescribed  
20 in Section 13.13.045.
- 21 C. At the property owner's option, a sworn affidavit designating to whom billing shall be  
22 sent may be filed with the Department. Such affidavit shall be in a form prescribed by  
23 the Department. Such affidavit shall not relieve the property owner from the  
24 responsibility for payment of all service charges, penalties, interest, foreclosure costs,  
25 and all lien recording and release fees.
- 26 D. The owner of record of the property shall be responsible for the payment of all service  
27 charges, penalties, interest, foreclosure costs, and all lien recording and release fees.  
28

29 **13.13.030 Frequency of Billing.**

30 Billings for service charges shall, at a minimum, be made every two months for single-family  
31 and multi-family residential customer classes, and monthly for commercial customer classes.  
32 Any customer requests to change the frequency of billings are subject to the Department's  
33 approval.  
34

35 **13.13.035 Forms of Payment; Returned Check Charge.**

- 36 A. Payments may be made with U.S. currency, personal check, money order, cashier's  
37 check, and other forms of payment approved by the Department. Some forms of  
38 payments will only be accepted using the Department's online system and will be  
39 subject to a convenience fee. The Department reserves the right to accept or decline any  
40 form of payment (except U.S. currency and cashier's check) for administrative  
41 convenience.
- 42 B. In instances where a lien for non-payment of service charges has been attached to the  
43 property, the lien will only be released when the account is paid to a zero balance. If  
44 paid by U.S. currency or cashier's check, the lien will be released immediately. If paid  
45 by other forms of payment, the lien will be released 30 days from the payment date. The  
46 Department reserves the right to accept payments only with U.S. currency or cashier's  
47 check.



- 1 C. A returned check charge shall be assessed against an account in cases where the  
2 Department receives a returned check for payment of service charges. Said charge shall  
3 be the same charge assessed by the Budget and Finance Department in accordance with  
4 its policy for returned checks as adopted and hereafter amended.  
5

6 **13.13.040 Payment Provisions and Delinquencies.**

- 7 A. Service charges for properties or structures for which service is furnished or made  
8 available are due 25 days after the billing date. Such charges become delinquent if not  
9 paid when due.  
10 B. If such charges are not paid in full when due, then a penalty shall be added to the service  
11 charges equal to ten percent (10%) of the latest billed amount as a one-time late penalty,  
12 and interest shall accrue on the unpaid balance from the billing due date at a rate of eight  
13 percent (8%) per year. The interest shall be applied monthly on the entire unpaid  
14 balance, excluding any accrued interest, foreclosure costs, and all lien recording and  
15 release fees.  
16 C. A partial payment of any past due charges shall be applied to the below costs as they are  
17 applicable in the following order of priority:  
18 1. Foreclosure costs;  
19 2. All lien recording and release fees;  
20 3. Taxes and fees;  
21 4. Accrued interest;  
22 5. Penalty payments; and  
23 6. Surcharges and delinquent service charges – oldest first.  
24 D. If not paid in full 60 days after the billing date, such charges shall be collected in the  
25 manner set forth in Section 13.13.045.  
26

27 **13.13.045 Collection of Delinquencies and Lien Provisions.**

- 28 A. Any outstanding connection charges and service charges which become delinquent shall  
29 immediately become a lien attached to the property to which services have been  
30 furnished or made available. The lien shall be for all delinquent charges, taxes,  
31 surcharges, fees, penalties, interest, and lien recording and release fees. The lien shall be  
32 superior to all other liens and encumbrances, except general taxes and local and special  
33 assessments of the County.  
34 B. The County shall have a lien for a total of not to exceed one year's delinquent service  
35 charges, fees, and penalties without the necessity of writing or recording of the lien. To  
36 make such lien effective for more than one year's service charges, the Department shall  
37 record, with the auditor of the county in which the property served is located, a notice  
38 that substantially meets the requirements in RCW Section 35.67.210.  
39 C. The Department may later amend the lien recording when appropriate.  
40 D. Upon the expiration of 60 days after the attachment of a lien, the County may bring suit  
41 in foreclosure by civil action in the Superior Court of the county in which the property is  
42 located. Costs associated with the foreclosure of the lien, including but not limited to  
43 advertising, title report, and personnel costs, shall be added to the lien upon filing of the  
44 foreclosure action. In addition to the costs and disbursements provided by statute, the  
45 court may allow the County a reasonable attorney's fee. The lien shall be foreclosed in  
46 the same manner as the foreclosure of real property tax liens.  
47



1 **13.13.050 Adjustment of Billings.**

- 2 A. Billing errors are adjusted subject to the Department's approval. Adjustments are made  
3 by way of credit or debit to the customer's account unless another adjustment method is  
4 approved by the Department.
- 5 B. When, upon reasonable examination, a party receiving or responsible for a service bill  
6 should have discovered an error or overcharge, or 90 days have passed since the billing  
7 date, when the overcharge is made because of erroneous information, not the result of  
8 Departmental error, a refund may be denied.
- 9 C. The maximum refund amount is limited to the overcharge accrued in the immediate past  
10 36 months prior to notice to the Department, as reflected in the Department's records.  
11 Refunds shall be sent to the owner of record of the property. When, upon reasonable  
12 examination, the Department reserves the right to deny any refund request. In addition,  
13 the Department reserves all defenses, offsets, and claims allowable by contract or in law.
- 14 D. The maximum backbill for under-billing a property is limited to the charges accrued in  
15 the immediate past 36 months prior to discovery of the under-billing, as reflected in the  
16 Department's records. In addition, the Department reserves all defenses, offsets, and  
17 claims allowable by contract or in law, including interest.

18  
19 **13.13.055 Meters – Commercial Units.**

- 20 A. The volume service charge for commercial units is based upon the quantity of  
21 wastewater discharging into the public sewer system. This discharge measurement is  
22 determined by the average monthly water use at a property from the previous months as  
23 shown in water meter records, as adjusted for water use determined not to contribute  
24 wastewater loading to the public sewer system. The commercial customer shall provide  
25 the Department with all information on water use at a property necessary to determine  
26 the consumptive water use for the commercial unit. This shall include furnishing  
27 records kept by the water purveyor for the commercial unit.
- 28 B. Measurement of water use determined not to contribute wastewater loading to the public  
29 sewer system shall be by means approved by the Department.
- 30 C. All new commercial units will be allowed adjustments for water use determined not to  
31 contribute wastewater loading to the public sewer system only when a separate approved  
32 water meter is provided, at the owner's expense, to quantify the actual volume not  
33 discharging to the public sewer system.
- 34 D. The Department shall have access to the premises for meter reading so as to confirm that  
35 the water use is as claimed by the customer.
- 36 E. If water meter records are not reliable or available for any reason, an estimate of water  
37 use at the property shall be used to determine water consumption there. Estimates of  
38 water use at a property shall be by means approved by the Department.
- 39 F. Commercial units which derive all or part of the wastewater discharge from product  
40 concentration, moisture condensation, or other non-metered sources, shall install  
41 approved wastewater flow monitoring equipment upon written notice given by the  
42 Department.
- 43 G. If the measurement of water use results in a fractional part of a CCF, the number used  
44 for calculating rates and charges shall be the next highest whole number.
- 45  
46  
47





1 **13.13.060 Uncontaminated Wastewater Adjustments.**

- 2 A. A commercial customer may use water for purposes which produce uncontaminated  
3 wastewater satisfactory for direct discharge into means other than the public sewer  
4 system. These purposes may include irrigation, cooling, heating, or processing. In such  
5 cases, the customer may submeter the uncontaminated water flow not discharged into  
6 the public sewer system and have adjusted the metered water usage to the property so  
7 that he/she may be charged only for water flow actually discharged into the public sewer  
8 system.
- 9 B. All submetering shall be subject to the written approval of the Department and installed  
10 at the customer's sole expense.
- 11 C. The Department shall have the authority to regulate all submetering activities, including  
12 but not limited to: the approval of plans and specifications for the installation and  
13 operation of the submetering system; approval of successful inspection of the system;  
14 procedures for continued operation and adjustment of the system; and the calibration and  
15 testing of the submeters on a regular basis at the sole expense of the customer.

16  
17 **13.13.065 Taxes, Fees, and Surcharges on Services.**

18 Taxes, fees, and surcharges imposed on Departmental sewer services or billings by the State  
19 of Washington or any municipality shall be passed on to the customers of the public sewer  
20 system as additional levies above and beyond the Department's established rates and charges for  
21 service. These taxes, fees, and surcharges will appear as a separate line item on the customer's  
22 billing statement. These taxes, fees, and surcharges will not require additional action or approval  
23 by the Council.

24  
25 **13.13.070 Customer Classes.**

- 26 A. All properties served by the public sewer system, or having such service available, shall  
27 be classified for billing purposes into the following customer classes:  
28 1. Single-Family Residential Class;  
29 2. Multi-Family Residential Class;  
30 3. Commercial Class 1;  
31 4. Commercial Class 2;  
32 5. Commercial Class 3;  
33 6. Commercial Class 4; and  
34 7. Commercial Class 5.
- 35 B. For mixed use units, each customer class shall be treated separately for billing purposes  
36 as may be practical. If required, a separate account shall be set up and billed according  
37 to the rates and charges currently in effect.

38  
39 **13.13.075 Classification of Commercial Units.**

- 40 A. All commercial units shall be classified into one of the five available SIC Group  
41 Classifications for billing purposes. Placement into a SIC Group Classification will be  
42 determined by levels of BOD and TSS contained in the commercial unit's wastewater  
43 discharge into the public sewer system. The levels of BOD and TSS contained in a  
44 commercial unit's wastewater shall be termed to be a measure of the "strength" of the  
45 wastewater. The determination of BOD and TSS levels shall be obtained through one of  
46 two alternative methods. Those methods are an actual monitoring of the commercial



1 unit's wastewater strength or an estimation of the BOD and TSS levels for the  
2 commercial unit based on the best information available.

- 3 B. Initial classification of all commercial units into SIC Groups shall be based on an  
4 estimation of the levels of BOD and TSS (or strength) contained in the commercial unit's  
5 wastewater discharge. All estimates of BOD and TSS levels shall be by means  
6 approved by the Department and may be later adjusted.
- 7 C. As an alternative, at the customer or property owner's sole expense, the commercial  
8 customer may submit a plan for monitoring its wastewater discharge on a regular basis  
9 for purposes of determining the strength of its wastewater discharge. All monitoring  
10 plans shall be reviewed and approved by the Department prior to implementation. The  
11 results of such a monitoring plan shall be taken into account, along with all other  
12 available information, when determining a commercial unit's SIC group placement.
- 13 D. The Department may monitor the wastewater from any commercial customer to  
14 determine the flow, wastewater strength and suitability for treatment at a frequency to be  
15 determined by the Department. The results of this monitoring may be used to assess  
16 representative wastewater charges or to assure that no wastewater loading changes have  
17 occurred at the commercial unit.

18  
19 **13.13.080 Commercial Class 5 Requirements.**

- 20 A. Customers classified within Commercial Class 5 shall install approved wastewater flow  
21 metering, recording, and totalizing equipment, and refrigerated, flow-proportioned  
22 sampling equipment.
- 23 B. If Commercial Class 5 customers do not supply approved monitoring equipment, they  
24 shall provide to the Department every three months a wastewater loading report for  
25 periods of normal operations based upon a minimum seven days of flow proportioned  
26 sampling. The report shall be prepared by an independent licensed professional  
27 engineer or independent laboratory approved in advance by the Department. The form  
28 and manner of such a report shall be prescribed and approved in advance by the  
29 Department.
- 30 C. Designs and plans of wastewater flow measurement and sampling installations must be  
31 submitted to the Department for approval prior to installation.
- 32 1. Flow or level sensor equipment must be insensitive to, or protected from, solids  
33 accumulation, temperature variations, and surface foaming. The equipment must be  
34 capable of being readily calibrated and holding said calibration for at least three  
35 months after calibration.
  - 36 2. Wastewater sampling equipment must obtain flow proportioned samples without  
37 distorting the concentration of any waste constituent.
  - 38 3. Flow instrumentation must include a means for determining daily peak flow rate  
39 and a digital flow totalizer reporting in thousands of gallons. The totalizer must not  
40 turn over more than once per year during the first year of installation.
  - 41 4. The Department shall be permitted access to the monitoring equipment at all times.
  - 42 5. The Commercial Class 5 customer shall maintain the monitoring equipment's  
43 accuracy and good working order at all times at his/her sole expense.
  - 44 6. If the equipment becomes inoperable, or for any reason is not capable of providing  
45 monitoring information, the customer shall provide a wastewater report as described  
46 in subsection B of this Section.



- D. Each Commercial Class 5 customer shall provide an approved wastewater monitoring access point to its wastewater discharge entering the public sewer system. The Department shall be permitted access to all wastewater monitoring points.
- E. The Department shall be empowered to require installation and maintenance, at the Commercial Class 5 customer's expense, of wastewater flow monitoring equipment and proportional flow sampling equipment where wastewater loadings cannot be reasonably determined. The Department shall be given complete access to all such equipment and access points.
- F. Any Commercial Class 5 customers, after being notified to install flow monitoring and sampling equipment, shall have 180 days to install the equipment. Otherwise, the Department shall have the equipment installed and will invoice the commercial unit for the installation cost.
- G. Any Commercial Class 5 customer initiating a discharge, or increasing the rate of discharge of wastewater or pollutants, shall need approval prior to initiation of, or increase of, such discharge.

**13.13.085 Rates and Charges.**

- A. Effective January 1 of each year below, the regular rates and charges for the furnishing of sewer service, or for having such service available, except for the Cascadia Sewer Service Area, shall be as follows:

<i>Customer Class</i>	<i>Rates and Charges</i>		
	<i>2012</i>	<i>2013</i>	
1. Single-Family Residential Class:			
Service Charge.....	\$37.83	\$41.86	per unit per month
2. Multi-Family Residential Class:			
Service Charge.....	\$33.32	\$36.89	per unit per month
3. Commercial Class 1:			
Basic Service Charge.....	\$11.41	\$12.63	per account per month
Plus: Volume Service Charge.....	\$3.18	\$3.52	per CCF of water consumption
4. Commercial Class 2:			
Basic Service Charge.....	\$11.41	\$12.63	per account per month
Plus: Volume Service Charge.....	\$4.25	\$4.70	per CCF of water consumption
5. Commercial Class 3:			
Basic Service Charge.....	\$11.41	\$12.63	per account per month
Plus: Volume Service Charge.....	\$5.36	\$5.93	per CCF of water consumption
6. Commercial Class 4:			
Basic Service Charge.....	\$11.41	\$12.63	per account per month
Plus: Volume Service Charge.....	\$6.42	\$7.11	per CCF of water consumption
7. Commercial Class 5:			
Basic Service Charge.....	\$11.41	\$12.63	per account per month



1	Plus: Volume Service Charge.....	\$2.10	\$2.32	per CCF of water
2				consumption
3	Plus: BOD Surcharge .....	\$0.37	\$0.41	per pound of BOD
4	Plus: TSS Surcharge .....	\$0.42	\$0.46	per pound of TSS

5  
6 Effective January 1, 2014, these regular rates and charges shall be adjusted annually  
7 according to the Consumer Price Index for All Urban Consumers (CPI-U) in the Seattle-  
8 Tacoma-Bremerton Standard Metropolitan Statistical Area using the most recently  
9 published index for the twelve-month period in the preceding year.

10  
11 B. Regular rates and charges for the furnishing of sewer service for the Cascadia Sewer  
12 Service Area shall be as follows:

13  
14 **Customer Class .....** **Rates and Charges**

- 15 1. Single-Family Residential Class:
- 16     Service Charge .....\$55.00 per unit per month
- 17 2. Multi-Family Residential Class:
- 18     Service Charge .....\$48.44 per unit per month
- 19 3. Commercial Class 1:
- 20     Basic Service Charge .....\$ 7.40 per account per month
- 21     Plus: Volume Service Charge .....\$ 5.69 per CCF of water consumption
- 22 4. Commercial Class 2:
- 23     Basic Service Charge .....\$ 7.40 per account per month
- 24     Plus: Volume Service Charge .....\$ 5.69 per CCF of water consumption
- 25 5. Commercial Class 3:
- 26     Basic Service Charge .....\$ 7.40 per account per month
- 27     Plus: Volume Service Charge .....\$ 5.69 per CCF of water consumption
- 28 6. Commercial Class 4:
- 29     Basic Service Charge .....\$ 7.40 per account per month
- 30     Plus: Volume Service Charge .....\$ 5.69 per CCF of water consumption

31  
32 Effective January 1, 2014, these regular rates and charges shall be adjusted annually  
33 according to the Consumer Price Index for All Urban Consumers (CPI-U) in the Seattle-  
34 Tacoma-Bremerton Standard Metropolitan Statistical Area using the most recently  
35 published index for the twelve-month period in the preceding year.

36  
37 C. Municipalities discharging wastewater into the public sewer system under contract with  
38 the Department shall be charged according to the provisions of the respective contracts.

39 D. The following surcharge shall be charged to customers in the listed Contract Sewer  
40 Service Area until all debt incurred by the County as a consequence of said transfer has  
41 been satisfied:

42  
43 City of DuPont Historic Village Area .....\$24.00 per unit per month

44  
45 E. A Franchise Agreement Fee in an amount equal to six percent (6%) of the regular rates  
46 and charges for the furnishing of service, or for having such service available, shall be  
47 charged to all customers in the City of Lakewood.



1  
2  
3  
4  
5  
6  
7  
8  
9  
10

**13.13.095 Construction.**

This Chapter shall be construed liberally to make it purposeful and effective in achieving its objectives and the objectives of RCW Chapter 36.94.

**13.13.100 Severability.**

If any provision of this Chapter or its application is held invalid or unenforceable, the remainder of the Chapter or the application of the provision to other persons and circumstances shall not be affected.



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

*Chapter 13.14*

***REAL PROPERTY SEGREGATION – SEWER CONNECTION AND  
SERVICE CHARGES***

**Sections:**

- 13.14.005 Real Property Segregation – Deferred Connection Charges.**
- 13.14.010 Real Property Segregation – Delinquent Service Charges.**
- 13.14.015 Severability.**

**13.14.005 Real Property Segregation – Deferred Connection Charges.**

Payment in full, including the principal, accrued interest, penalty payments, foreclosure costs, and all lien recording and release fees, of any liens for deferred sewer connection charges due Pierce County pursuant to Section 13.04.075 will be required prior to real property segregation by the Pierce County Assessor-Treasurer.

**13.14.010 Real Property Segregation – Delinquent Service Charges.**

Payment in full, including the principal, accrued interest, penalty payments, foreclosure costs, and all lien recording and release fees, of any liens for delinquent sewer service charges due Pierce County will be required prior to real property segregation by the Pierce County Assessor-Treasurer.

**13.14.015 Severability.**

If any provision of this Chapter or its application is held invalid or unconstitutional, the remainder of the Chapter or the application of the provision to other persons or circumstances shall not be affected.



Chapter 13.20

SEWER ASSESSMENT PROTESTS

Sections:

- 13.20.010 Purpose.
- 13.20.020 Protests of Assessments – Filing.
- 13.20.030 Protests of Assessments – Contents.
- 13.20.040 Protests of Assessments – Notice of Hearing.
- 13.20.050 Protest Hearings – Procedures.
- 13.20.060 Protests of Assessments – Examiner’s Decision.
- 13.20.070 Confirmation of Assessment Roll.
- 13.20.080 Severability.

13.20.010 Purpose.

The purpose of this Chapter is to establish provisions and procedures applicable to protests of sewer assessments in connection with Pierce County Utility Local improvement Districts (hereinafter ULID's). The authority for such rules and regulations is contained in RCW Sections 36.94.250 and 36.94.260. The intent of the County Council (hereinafter Council) is to delegate its authority to hold such assessment protest hearings to the Office of the Pierce County Hearing Examiner (hereinafter Examiner).

13.20.020 Protests of Assessments – Filing.

In accordance with RCW Section 36.94.250, any protest of an assessment shall be filed by mail or otherwise with the Clerk of the Council not less than 15 days or more than 45 days from the date of first publication of the notice for the assessment roll for the ULID. All protests filed in a timely manner shall be given a docket number and the date received shall be stamped thereon by the Clerk as prima facie evidence of the date of filing.

13.20.030 Protests of Assessments – Contents.

Protests of assessments filed with the Clerk of the Council shall contain the name and mailing address of the property owner, as well as the parcel number of the property, the assessment of which is being protested. Further, the protest shall contain all of the grounds upon which the protesting party considers the assessment to be unjust or unlawful. The protest should also contain a request for relief, including the specific nature and extent of the relief sought. Every protest must be signed by the property owner or his or her authorized representative.

13.20.040 Protests of Assessments – Notice of Hearing.

Notices shall be mailed at least 15 days prior to any hearing to the owners or reputed owners of all assessable parcels in the ULID as they appear on the books of the Pierce County Assessor-Treasurer.

13.20.050 Protests of Assessments – Hearing Procedures.

The Examiner shall conduct all protest hearings in accordance with the procedures in PCC Section 1.22.110.



1 **13.20.060 Protests of Assessments – Examiner’s Decision.**

2 The Examiner shall render a decision on any protest in accordance with the provisions in  
3 PCC Section 1.22.120.

4 The Examiner's decision is final and is not subject to reconsideration by the Examiner and  
5 shall be appealable only to a court of competent jurisdiction.

6  
7 **13.20.070 Confirmation of Assessment Roll.**

8 Once any and all protest hearings of the Hearing Examiner in connection with any ULID  
9 have been completed, the County Council shall hold a hearing on whether the assessment roll  
10 should be approved or confirmed. At the conclusion of such hearing, the Council shall either  
11 approve the assessment roll by ordinance or resolution, or it shall be set aside the roll and order  
12 that the assessments be made de novo.

13  
14 **13.20.080 Severability.**

15 If any provision of this Chapter or its application is held invalid or unconstitutional, the  
16 remainder of the Chapter or the application of the provision to other persons or circumstances  
17 shall not be affected.

18

