

*Title 13*

***PUBLIC SANITARY SEWER SYSTEMS CODE***

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Chapter 13.04

**PIERCE COUNTY SANITARY SEWER UTILITY  
ADMINISTRATIVE CODE REGULATIONS**

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**13.04.010 Definition of Terms.**

Words or phrases used herein shall have the following meanings: 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. Terms not specifically defined herein shall be as defined in the latest revised publication, "Glossary Water and Wastewater Control Engineering," published jointly by the American Public Health Association, American Society of Civil Engineers, American Water Works Association and Water Pollution Control Federation. 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.

"Approved" means approved by the "Director" unless otherwise specified.

"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.



1 | ~~"ASTM" means American Society for Testing Materials.~~

2 |  
3 | ~~"Benefited property" means property receiving or having the potential of receiving sanitary~~  
4 | ~~sewer service from "public sewer facilities" built either by the "County" or for the "County" to~~  
5 | ~~provide service to a defined area.~~

6 |  
7 | ~~"Biochemical Oxygen Demand" (BOD) means either the abbreviation for biochemical oxygen~~  
8 | ~~demand, the quantity of oxygen used in the biochemical oxidation of organic matter in a~~  
9 | ~~specified time, at a specified temperature, and under specified conditions; or a measure of the~~  
10 | ~~amount of oxygen consumed in the biological and chemical processes that break down organic~~  
11 | ~~matter in water. It is a standard test used in assessing wastewater strength.~~

12 |  
13 | ~~"Building Sewer" means that portion of the sanitary a sewer pipe connecting one or more~~  
14 | ~~structure(s) from the plumbing outlet to the public sewer facilities. The building sewer,~~  
15 | ~~including that portion called the "side sewer stub", may include pretreatment devices and/or~~  
16 | ~~pump systems and is constructed in accordance with Pierce County approved Sewer s Standards~~  
17 | ~~and is not part of the County public sewer facilities. Building sewers shall be maintained by the~~  
18 | ~~property owner.~~

19 |  
20 | ~~"Certified" means to present written, formal communication attesting as being true as represented~~  
21 | ~~or as meeting a standard and guaranteed by signature.~~

22 |  
23 | ~~"Cesspool" means a lined or partially lined underground pit into which wastewater is discharged~~  
24 | ~~and from which the liquid seeps into the surrounding soil, sometimes called leaching cesspool pit~~  
25 | ~~receiving untreated wastewater and allowing the liquid to seep into the surrounding soil or rock.~~

26 |  
27 | ~~"Collection System" means a system of "sanitary sewer(s)" consisting of 8-inch or larger~~  
28 | ~~diameter pipes and their associated manholes, cleanouts, and appurtenances, whose primary~~  
29 | ~~function is to collect "wastewater" from individual "side sewer(s)" and transport this~~  
30 | ~~"wastewater" to trunk and/or interceptor sewers.~~

31 |  
32 | ~~"Collector Line" means a sewer pipe that connects side sewer stubs to an interceptor line.~~

33 |  
34 | ~~"Commercial Facilities or Units Development" means all any commercial, industrial, or other~~  
35 | ~~non-residential facilities, uses, buildings, or structures that generate "wastewater". It~~  
36 | ~~includes any development that is not herein defined as "residential facilities" development.~~

37 |  
38 | ~~"Connection Charges" means charges or assessments by the County against a property owner~~  
39 | ~~for connection to the public sewer facilities owned by the County system. These charges include~~  
40 | ~~all of the costs to the County associated with providing permanent sewer service to an~~  
41 | ~~owner/parcel including the area or facilities charge, the side sewer stub charge, the treatment~~  
42 | ~~plant capacity charge, the frontage charge, and any other costs or charges excluding permit fees~~  
43 | ~~are further defined in Section 13.04.070 and do not include permit fees, plan review and~~  
44 | ~~inspection fees, or sewer service charges.~~

45 |  
46 | ~~"County" means Pierce County, Washington.~~

47 |



1 | "~~County Sewer System Contract~~" means the form of contract required by this Code to be entered  
2 | into between the "County" and a municipal corporation requesting sanitary sewer service for  
3 | property(ies) which has/have not been assessed for sewers or otherwise qualifying for use of the  
4 | "~~public sewer facilities~~" of the "County."

5 |  
6 | "Department" means the Pierce County Public Works and Utilities Department, ~~Pierce County,~~  
7 | ~~Washington, U.S.A.~~ or in the future that department of Pierce County responsible for the  
8 | administration of the ~~sanitary~~ sewer and water utilities owned by Pierce County.

9 |  
10 | "Developer" means any person, or the heirs, successors, or assigns of such person, who owns  
11 | and/or proposes or intends to develop any parcel of real property wherein there is located or is to  
12 | be located any building or structure.

13 |  
14 | "Director" means the Director of the Pierce County Public Works and Utilities Department or  
15 | ~~his/her authorized deputy, agent, or representative~~ designee.

16 |  
17 | "~~Domestic Wastewater Facilities~~" means all facilities generating "wastewater" principally from  
18 | "~~residential facilities or units~~".

19 |  
20 | "Duplex" means a two-family dwelling, consisting of a detached building containing two  
21 | complete living units sharing a common wall or floor with not more than two kitchens,  
22 | designated and/or used to house not more than two families living independently of each other  
23 | and including all necessary household functions of each such family. A duplex shall be  
24 | considered a multi-family dwelling.

25 |  
26 | "Easement" means a legally binding agreement entitling the County to maintain, operate, or  
27 | ~~construct, repair and/or connect~~ sewer facilities located on private property; ~~or,~~ It also refers to  
28 | an agreement between two separate property owners, for the purpose of mutual wastewater  
29 | discharge, to maintain, operate, or construct sewer facilities on property owned by one owner or  
30 | the other or both.

31 |  
32 | "Effluent" means treated or untreated "wastewater" ~~that has been treated to remove wastes and is~~  
33 | ~~discharged from treatment facilities~~ flows out of a treatment plant, sewer, or industrial outfall. It  
34 | also refers to wastewater discharged from a septic tank or on-site sewage system.

35 |  
36 | "Force Main" means a sewer pipe connected to a pump station that transports wastewater under  
37 | pressure and against the force of gravity over minimal slopes and relatively long distances.

38 |  
39 | "~~Garbage~~" means ~~animal, vegetable, and other waste resulting from the handling, preparation,~~  
40 | ~~cooking and serving of foods. It is composed largely of putrescible organic matter and its natural~~  
41 | ~~moisture content.~~

42 |  
43 | "~~Governmental Entity~~" means the organization or agency through which a separate and  
44 | ~~independent political body exercises authority including but not limited to, cities, towns, water~~  
45 | ~~and sewer districts and other municipal corporations.~~



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 wastes from industrial processes, as distinct from domestic or sanitary  
6 wastes the liquids, solids, or other wastes resulting from any process of industry, or from the  
7 development of any natural resource.

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

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

14  
15 "Municipal Corporation" means and includes any city, town, metropolitan municipal  
16 corporation, or any public utility district which operates and maintains a sewer or water system  
17 or any sewer, water, diking, drainage, and sewer improvement district.

18  
19 "Mutual Maintenance Agreement and Easement" means a legally binding agreement between  
20 two or more property owners for the purpose of connecting two or more structures to a single  
21 building sewer located on private property and specifying for the mutual maintenance of the  
22 single building sewer by said the property owners.

23  
24 "Natural Outlet" means any outlet into a "watercourse", pond, ditch, lake or other body of  
25 surface or ground water.

26  
27 "Natural Watercourse" means a surface or underground "watercourse" created by natural  
28 agencies and conditions.

29  
30 "Off-Site General Facilities" means the same as "public sewer facilities."

31  
32 "On-Site General Facilities" means the same as "private sewer facilities."

33  
34 "On-Site Sewage System" (OSS) means an integrated system of components, located on or  
35 nearby the property it serves, that conveys, stores, treats, and provides subsurface soil treatment  
36 and disposal of wastewater. An OSS is not connected to the public sewer system.

37  
38 "Owner" means the lawful and legal owner of a lot or parcel of land (delineated by parcel  
39 number) under single ownership also noted on County Assessor/Treasurer property rolls as the  
40 taxpayer.

41  
42 "Permit" means written authorization from the Director granting the property owner or his/her the  
43 owner's duly authorized representative permission to make the required building sewer  
44 connections to the side sewer stub or to make repairs, alterations, disconnections, caps, or any  
45 other sewer construction or repair stipulated in this Sewer Code.



1 | ~~"Person" means any agency, agent, authority, board, church, club, committee, commune,~~  
2 | ~~cooperative, department, district, government, group, guardian, league, office, order, party,~~  
3 | ~~school, task force, trustee individual, family, partnership, firm, company, association, society,~~  
4 | ~~corporation, or other entity.~~

5 |  
6 | ~~"pH" means the reciprocal of the logarithm of the hydrogen ion concentration. The~~  
7 | ~~concentration is the weight of hydrogen ions, in grams, per liter of solution. Neutral water, for~~  
8 | ~~example, has a "pH" value of 7 and a hydrogen ion concentration of  $10^{-7}$ .~~

9 |  
10 | ~~"Pierce County Council" means those duly elected individuals serving as the Legislative Body of~~  
11 | ~~Pierce County.~~

12 |  
13 | ~~"Pierce County Executive" means the duly elected individual serving as the Chief Executive of~~  
14 | ~~Pierce County.~~

15 |  
16 | ~~"County Sanitary Sewerage System" means the system of "public sewer facilities" owned by~~  
17 | ~~Pierce County and used for the purpose of conveying from their source, treating in any manner,~~  
18 | ~~and conveying to final points of disposal, all wastes of any nature permitted by this Code to enter~~  
19 | ~~said system.~~

20 |  
21 | "Pierce County Sewer Standards" means any and all requirements and limitations identified in  
22 | the specifications, details, plans, manuals, guidelines, and checklists as developed and updated  
23 | by the Department for public and private sewer facilities.

24 |  
25 | ~~"Plumbing Outlet" means the part of the lowest horizontal piping of a drainage system of a~~  
26 | ~~structure that receives waste from other drainage pipes inside the walls of a structure and~~  
27 | ~~conveys it to a building sewer. The "building sewer" begins 24 inches from the outer face of the~~  
28 | ~~outside building wall.~~

29 |  
30 | ~~"Premises" means a continuous tract of land, building or group of adjacent buildings under a~~  
31 | ~~single ownership.~~

32 |  
33 | "Pretreatment" means the reduction of the amount of pollutants, the elimination of pollutants, or  
34 | the alteration of the nature of pollutant properties in wastewater prior to (or in lieu of)  
35 | introducing such pollutants into the public sewer system. This reduction or alteration can be  
36 | obtained by physical, chemical, or biological processes; by process changes; or by other means  
37 | (except by diluting the concentration of the pollutants unless allowed by an applicable  
38 | pretreatment standard).

39 |  
40 | ~~"Private Sewer Facilities" means any sanitary sewer wastewater facility including "building~~  
41 | ~~sewers" and "side sewer stubs", constructed within the limits of privately owned property;~~  
42 | ~~including but not limited to collection lines, trunk sewers, lateral sewers, pump stations, force~~  
43 | ~~mains and appurtenances. Private sewer facilities and side sewer stubs, as defined herein and~~  
44 | ~~located within the public right-of-way or perpetual "easement" owned by Pierce County, shall~~  
45 | ~~be operated and maintained by the private property owner.~~



1 | ~~"Privy" means a building, either portable or fixed directly to a pit or vault, equipped with seating~~  
2 | ~~and used for excretion of bodily wastes.~~

3 |  
4 | ~~"Privy Vault" means a concrete or masonry vault that is provided with a cleanout opening and~~  
5 | ~~over which is placed a privy building containing seats.~~

6 |  
7 | ~~"Properly Shredded Garbage" means garbage which has been shredded to such degree that all~~  
8 | ~~particles will be carried freely under the flow conditions normally prevailing in "public sewer~~  
9 | ~~facilities", with no particle greater than 1/4 inch in any dimension.~~

10 |  
11 | "Public Right-of-Way" means the property in which the County has any form of ownership or  
12 | title and which is held for public utilities purposes, regardless of whether or not any public sewer  
13 | or water facilities exists thereon or whether or not it is used, improved, or maintained for public  
14 | sewer or water facilities.

15 |  
16 | "Public Sanitary Sewer System" means all facilities used in the collection, transmission, storage,  
17 | treatment, or disposal of any waterborne waste, whether residential in origin or a combination of  
18 | residential, commercial, or industrial wastewater. For purposes of this Sewer Code, it  
19 | specifically refers to the system of public sewer facilities owned by Pierce County ~~and used for~~  
20 | ~~the purpose of conveying from their source, treating in any manner, and conveying to final points~~  
21 | ~~of disposal, all wastes of any nature permitted by this Title to enter said system.~~

22 |  
23 | "Public Sewer Facilities" means any sanitary sewers wastewater facility constructed within at the  
24 | public right-of-way, perpetual "easement" dedicated to the County, or on property owned by the  
25 | County, including but not limited to treatment plants, structures, collection lines, trunk sewers,  
26 | interceptor sewers, lateral sewers, side sewer tees, pump stations, force mains, and  
27 | appurtenances. Public sewer facilities are operated and maintained by the County. Building  
28 | sewers and side sewer stubs, as defined herein, are not public sewer facilities and are operated  
29 | and maintained by the private property owner.

30 |  
31 | "Pump Station" means a mechanical device installed in a sewer that move the liquids to a higher  
32 | elevation or through a long pipe of limited slope.

33 |  
34 | ~~"Purchaser" means any person, or the heirs, successors or assigns of such person, who purchases~~  
35 | ~~and/or leases any house, building or structure; or one or more units in a subdivision or multiple~~  
36 | ~~housing projects, from a developer as herein defined.~~

37 |  
38 | ~~"Registered Building Sewer Contractor" means any contractor who is duly registered pursuant to~~  
39 | ~~the requirements of this Sewer Code to construct, install, repair, reconstruct, excavate, or connect~~  
40 | ~~any building sewer, and side sewer stub, or sewer line extension to the public sewer facilities of~~  
41 | ~~the County system.~~

42 |  
43 | "Registered Professional Engineer" means an individual or corporation holding a currently valid  
44 | license to practice engineering in the State of Washington.

45 |  
46 | "Residential Facilities Or Units Development" means any facilities, uses, buildings, or structures  
47 | or portion of a structure capable of for human habitation that generates wastewater, including, but



1 | not limited to; private houses; accessory dwelling units; each unit of a duplex, triplex, fourplex,  
2 | apartment building, condominium, or townhouse; or a mobile home.

3 |  
4 | "Residential Equivalent" (RE) means that service unit which, for purposes of sewerage service  
5 | measurement, is 220 gallons per day (GPD), having a waste strength of not greater than 225  
6 | milligrams per liter of BOD and not greater than 225 milligrams per liter of Total sSuspended  
7 | sSolids (TSS).

8 |  
9 | ~~"Residential Facilities Or Units" means a structure or portion of a structure capable of human  
10 | habitation, including, but not limited to, private houses; each unit of a duplex, triplex, fourplex,  
11 | apartment building, condominium, or townhouse; or a mobile home.~~

12 | ~~"Sanitary Sewage" means the same as "wastewater."~~

13 |  
14 | ~~"Sanitary Sewer" means a collection of facilities which carries "sanitary sewage."~~

15 |  
16 | "Septage" means the liquid or solid material removed from a septic tank, cesspool, portable  
17 | toilet, or other OSS.

18 |  
19 | ~~"Septic Tank" means a settling tank in which settled sludge is in immediate contact with the  
20 | "wastewater" flowing through the tank and in which the organic solids are decomposed by  
21 | anaerobic bacterial action an underground storage tank for wastewater from homes having no  
22 | sewer line to a treatment plant.~~

23 |  
24 | ~~"Service Area" means that area eligible for the extension of sewer service under a "ULID",  
25 | "sewer line extension", or County extension as defined by a comprehensive plan for the area or  
26 | natural topography.~~

27 |  
28 | ~~"Sewage" means the term now being replaced in technical usage by the preferable term of  
29 | "wastewater", and for the purpose of this Code shall be considered synonymous.~~

30 |  
31 | "Sewer" means a pipe or conduit that collects and carries wastewater away from a source to a  
32 | wastewater treatment plant.

33 |  
34 | "Sewer Code" means Title 13 of the Pierce County Code.

35 |  
36 | ~~"Sewer Facility Plans" means a plan that identifies the system of sewerage facilities required to  
37 | convey and treat sanitary sewage in the County wastewater within a given area. The Sewer  
38 | Facility Plan shall include location and description of disposal facilities, trunk collector and  
39 | interceptor sewers lines, pumping and monitoring stations, control and treatment facilities, if  
40 | appropriate. It ~~shall~~may also include preliminary engineering to insure the feasibility of any  
41 | future proposed structures facilities which are proposed as part of the plan. The preliminary  
42 | engineering for the Sewer Facility Plan shall include all criteria necessary to establish sizing of  
43 | the sewerage facilities identified in the plan.~~

44 |  
45 | "Sewer Line Extension" means the following: 1) The construction, upgrading, and/or extension  
46 | of existing sewer facilities located in public rights-of-way or sewer easements areas conveyed to  
47 | the County; 2) The construction, upgrading, and/or extension of existing sewer facilities located





1 on private property serving two or more structures or exceeding a length of 400 feet; or 3) Those  
2 wastewater systems sewer facilities of sufficient complexity to require an engineered s Sewer  
3 Facilities p Plan by a registered professional engineer as determined by the Director. Sewer line  
4 extensions located on private property shall be operated and maintained by the property owner  
5 including the side sewer stub as defined herein. Gravity building sewer lines over 400 feet in  
6 length serving one single-family dwelling are exempt from this definition, unless in the opinion  
7 of the Director, determines that they meet the criteria in Section CCC.3 subsection 3.

8  
9 "Sewer Line Extension Permit" means a permit issued to an applicant as authorization for the  
10 construction of a sewer line extension and the Department's plan review and inspection thereof.  
11 A sewer line extension permit does not authorize the connection of plumbing outlets or the  
12 discharge of wastewater to the public sewer system.

13  
14 "Sewer Plan Review Application" means an application submitted by an applicant for the  
15 review of a commercial development (pretreatment review), land use application, or any other  
16 proposal by an applicant as required by the Department or the local jurisdiction. A sewer  
17 plan review application is not an authorization to repair or construct sewer improvement or  
18 make a new connection to the public sewer system.

19  
20 "Sewer Service Area" means the geographical area identified by the Department for existing or  
21 planned sewer service. It represents the area served by the public sewer system.

22  
23 "Sewer Service Permit" means a permit issued to an applicant for the repair, capping,  
24 abandonment, and/or construction of sewer improvements that do not meet the definition of a  
25 "sewer line extension" and the Department's plan review and inspection thereof. A "sewer  
26 service permit" may also be issued to an applicant as authorization for a proposed increase in  
27 wastewater discharge to the public sewer system with or without proposed sewer improvements.

28  
29 "Shall" or "May". "Shall" is mandatory, "May" is permissive.

30  
31 "Side Sewer Stub" means that portion of a sanitary sewer pipe constructed from a lateral or trunk  
32 sewer collector line to a property line; or the edge of a perpetual easement of a property being  
33 served. The side sewer stub shall be considered part of the building sewer and shall be  
34 maintained by the property owner.

35  
36 "Side Sewer Tee" means the point at which the side sewer stub joins the "public sewer  
37 facilities" collector line.

38  
39 "Single Family Dwelling" means a building designed and/or used to house a single family and  
40 shall include mobile homes on individual lots whether owned collectively or individually in  
41 mobile home courts, condominiums or townhouses.

42  
43 "Standard Biochemical Oxygen Demand" means the results of a statistical test for oxygen  
44 demand as determined under standard laboratory procedure for five days at 20° (degrees)  
45 centigrade.



1 "~~Storm Drain~~" means those drainage pipes which are designated to carry surface water runoff  
2 and other such stormwaters as are not permitted to be disposed of through the "sanitary sewer  
3 system", in accordance with the provisions of this Code.

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

9  
10 "~~Total~~ Suspended Solids" (~~TSS~~) means solids that either float on the surface of, or are in  
11 suspension in, water, "wastewater", or other liquids, and which are largely removable by  
12 laboratory filtering. ~~Washington for the purpose of providing "wastewater" facility~~  
13 ~~improvements and assessing all properties benefiting from those "wastewater" facility~~  
14 ~~improvements for all or a portion of the cost of those improvements~~ a measure of the particulate  
15 matter contained in wastewater.

16  
17 "Treatment" means chemical, biological, or mechanical procedures applied to wastewater to  
18 remove, reduce, or neutralize contaminants.

19  
20 "Unified Sewer Plan" (USP) means the planning document prepared by the Department to  
21 identify the system of the sewer facilities required to convey and treat wastewater within the  
22 Sewer Service Area. The Unified Sewer Plan serves as the "sewerage general plan" that is  
23 required to be adopted by the County pursuant to RCW Chapter 36.94.

24  
25 "Wastewater" means water-carried wastes from ~~domestic~~ residential, commercial, or industrial  
26 facilities together with other waters which may inadvertently enter the system through ground  
27 water infiltration and surface water inflow. This term is used interchangeably with the term  
28 "sewage".

29  
30 "Wastewater Facilities" means the structures, equipment, and processes required to collect,  
31 ~~transport, and treat domestic and commercial wastes,~~ wastewater and to dispose of the its effluent  
32 and waste by-products ~~including public and private sewer facilities.~~

33  
34 "Wastewater Treatment Plant" (~~WWTP~~) means ~~the arrangements of devices and structures used~~  
35 ~~for treating the "wastewater" collected by the County~~ a publicly owned facility used to provide  
36 treatment to any liquid or waterborne waste of residential, commercial or industrial origin. For  
37 purposes of this Sewer Code, it specifically refers to the Chambers Creek Regional WWTP and  
38 any other WWTP facility in which the County has ownership interest.

39  
40 "Watercourse" means: (1) A natural or artificial channel for passage of water; (2) A running  
41 stream of water; (3) A natural stream fed from permanent or natural sources, including rivers,  
42 creeks, runs, and rivulets. There must be a stream, usually flowing in a particular direction  
43 (though it need not flow continuously) in a definite channel, having a bed or banks and usually  
44 discharging into some other stream or body of water.



1 **13.04.015 Abbreviations and Acronyms.**

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

3  
4 “BOD” means Biochemical Oxygen Demand.

5  
6 “DOE” means Washington State Department of Ecology.

7  
8 “DOH” means Washington State Department of Health.

9  
10 “GPD” means Gallons Per Day.

11  
12 “mg/l” means milligrams per liter.

13  
14 “OSS” means On-Site Sewage System.

15  
16 “PCC” means Pierce County Code.

17  
18 “RCW” means Revised Code of Washington.

19  
20 “RE” means Residential Equivalent.

21  
22 “TPCHD” means Tacoma-Pierce County Health Department.

23  
24 “TSS” means Total Suspended Solids.

25  
26 “ULID” means Utility Local Improvement District.

27  
28 “USP” means Unified Sewer Plan.

29  
30 “WAC” means Washington Administrative Code.

31  
32 “WWTP” means Wastewater Treatment Plant.

33  
34 **13.04.020 Administration.**

- 35 A. **Responsibilities of the Department of Utilities.** Pursuant to Pierce County Resolution  
36 13214, the Department of Utilities has been established as a completely independent  
37 department within the government of Pierce County. This Department is under the  
38 management of the Director of the Department of Utilities. The Sewer Utility Division  
39 of This the Department has the responsibility for the ~~construction, maintenance, and~~  
40 operation, preservation, improvement, and administration of ~~water and sewer and water~~  
41 utility facilities owned by Pierce County.
- 42 B. **Authority of the Director—Responsibilities and Limitations.** The Director shall be  
43 the administrator of the ~~Pierce County Department of Utilities~~ public sewer system.  
44 Overall authority for the execution, administration, and interpretation of these rates and  
45 regulations in this Sewer Code resides with the Director. Such authority shall include  
46 the power: to determine questions of applicability or interpretation of rates or  
47 regulations; to adopt or modify implementing ~~regulations~~ procedures; and to enforce



1 regulations or grant exemptions therefrom; ~~or to~~ order specific actions; or forbearance;  
2 ~~or and to~~ impose other additional requirements in furtherance of this Sewer Code. These  
3 decisions shall be made when deemed reasonably necessary in the interest of the public  
4 ~~health and safety~~. The Director shall have the authority to delegate, as necessary,  
5 specific authority to carry out the execution, administration, and interpretation of these  
6 rates and regulations.

7 C. **Interdepartmental Cooperation and Agreements.** The Director may, insofar as  
8 practicable, make use of services of the other County departments, offices, and agencies.  
9 Interdepartmental agreements between the Department of Utilities and other departments  
10 of the County, may be authorized when necessary.

11 D. **Contracts – General.** ~~The County Department~~ may enter into contracts with entities  
12 such as an existing water and/or wastewater district, municipal corporation, other  
13 government agency, political subdivision, person, firm, or ~~commercial entity~~ corporation  
14 ~~for the discharge of wastewater into or collection of wastewater out of an existing~~  
15 ~~sanitary sewer system of said entity(ies), or for the establishment, maintenance and/or~~  
16 ~~operation of all or part of a new or existing system of any sewer or water facilities which~~  
17 ~~are not owned by the County at the time such contracts are authorized or which will not~~  
18 ~~be dedicated to the County or otherwise lawfully obtained by the County during the term~~  
19 ~~of such a contract~~. The Director shall not be authorized to obligate the  
20 ~~County Department~~ to any such contract, but shall perform all preparatory work  
21 necessary prior to presentation of such proposed contracts to the Pierce County  
22 Executive for execution.

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

- 24 1. Contracts with such entities whereby ~~Pierce County~~ the Department agrees to  
25 establish, maintain, or operate ~~all or a portion of a system or systems of sewerage~~  
26 ~~and/or water~~ facilities for such ~~other entity or person~~;
- 27 2. Contracts with such entities whereby such ~~other person or entity~~ agrees to establish,  
28 maintain, or operate ~~all or a portion of a system or systems of sewerage~~ and/or water  
29 facilities for ~~Pierce County~~ the Department;
- 30 3. Contracts with such entities whereby ~~Pierce County~~ the Department may utilize for  
31 ~~any lawful purpose~~ all or any portion of a system of sewerage and/or water facilities  
32 owned and/or operated by such ~~other entity or person~~ for any lawful purpose;
- 33 4. Contracts with such entities whereby ~~such other entity or person~~ may utilize all or  
34 a portion of Pierce County's ~~system of sewerage~~ and/or water facilities for any  
35 lawful purpose; ~~and~~
- 36 5. Contracts with property owners of real estate, whereby ~~such~~ owners agree to  
37 construct off-site sewerage and/or water facilities, ~~or any portion thereof, or~~  
38 ~~appurtenances thereto; and~~
- 39 6. Contracts with property owners of large job-producing developments for the  
40 amortization of connection charges pursuant to County Ordinance No. 2010-67s.

41 E. **Contract Requirements.** All contracts entered into between the ~~County Department~~  
42 and other entities shall contain the minimum following information:

- 43 1. complete description of all the duties, obligations, and commitments of both parties;
- 44 2. ~~description of all construction, maintenance and operation requirements;~~
- 45 3. legal description of all properties covered under the contract;
- 46 4. ~~type of development, units to be served and capacity to be required;~~
- 47 5. ~~responsibility of inspection; documentation, record drawings;~~



6. ~~temporary and/or perpetual easements;~~  
7. ~~required payments, connection charges, fees, deposits and assessments;~~  
8. ~~other information/items deemed necessary by the Director; and~~  
9. ~~requirements of other agencies, of the County and the State of Washington, and/or~~  
10. ~~United States Government for the type of service being provided in said~~  
11. ~~contracts.~~

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

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

33. **G. Design Criteria and Construction Standards.** The Department shall ensure that sewer  
34. ~~facilities~~the design and construction standards ~~shall be those as prescribed in~~of new or  
35. improved sewer facilities are consistent with the most current Pierce County ~~Department~~  
36. ~~of Utilities Standard Sanitary Sewer Specifications and Standards Plans~~, as amended  
37. from time to time by the Department, ~~or~~ and as prescribed and interpreted by the  
38. Director.

39. **H. Sewer Utility Funds.** The County has by separate resolutions/ordinances created the  
40. necessary ~~s~~Sewer ~~u~~Utility ~~f~~Funds to properly account for any and all revenues received  
41. for the use of sewers as set forth herein, from revenues received from the sale of by-  
42. products from the ~~wastewater treatment plant~~WWTP, or from any other source for  
43. rentals, or services rendered by ~~such utility~~the Department. All expenses for the  
44. ~~administrative development, construction, operation, maintenance,~~ operation,  
45. preservation, improvement, and repair~~administration~~ of the ~~Pierce County~~public sanitary  
46. sewer system shall be charged to ~~said~~these funds.

47. **I. Management Survey.** At intervals not to exceed five years, the Pierce County  
48. Executive shall, at the expense of the Department, prepare a general Facilities Report  
49. and Management Survey of all sewer facilities and operations under the jurisdiction of  
50. the Department. The Facilities Report and Management Survey shall be performed by a  
51. competent management consulting and/or consulting engineering firm. The report and



1 recommendations shall be made public. A management survey was conducted in 1991  
2 and thereafter will be conducted in 5-year intervals.

- 3 **I. Authorization of Inspection of Existing Sewers and Appurtenances Facilities.** The  
4 Director or duly authorized representative Department shall be authorized to enter upon  
5 premises served by any building sewer or connected with any public sewer facilities at  
6 all reasonable hours to ascertain or make necessary tests as to whether the provisions of  
7 local, state and federal Codes relative to sewerage have been complied with for  
8 inspection purposes. In the event that entry is refused, necessary steps shall be taken to  
9 make application for a search warrant to accomplish the appropriate inspection. If said  
10 the sewer, facilities or its attachments, appurtenances are in conflict with the provisions  
11 of any law or resolution in regard thereto this Sewer Code, the owner of said the  
12 premises, or his agent, shall be notified to cause said the sewer or its  
13 attachments appurtenances to be so altered, repaired, or reconstructed at the property  
14 owner's expense, so as to make them conform to the requirements of the laws and  
15 resolutions this Sewer Code within a reasonable time limit established by the Director  
16 from the time of receipt of such notice.

17  
18 **13.04.030 Required Use of Public Sanitary Sewerage Systems.**

- 19 **A. General.** It is the clear intent of this Section and the stipulations, conditions, and/or  
20 requirements contained herein that a All matters pertaining to the collection, treatment,  
21 and disposal of sewage, wastewater, and/or industrial wastes in areas under the  
22 jurisdiction of Pierce County within the Sewer Service Area shall be subject to this  
23 Section and all of the other Sections and/or Appendices contained in this  
24 Administrative Sewer Code.
- 25 **B. Treatment of Wastewater Required.** It shall be unlawful to discharge into any natural  
26 outlet within the County, or in any area under the jurisdiction of the County, any  
27 sewage, wastewater, industrial wastes, or other polluted waters, except where suitable  
28 treatment has been provided in accordance with Pierce County regulations and the  
29 provisions of this Code.
- 30 **~~C~~. Property Requirement to Connect to Public Sewers.** In any area under the  
31 jurisdiction of the County Within the Sewer Service Area, the owner of each lot or parcel  
32 of real property within any new residential or commercial development located either  
33 inside the boundaries of an Utility Local Improvement District ULID, or any portion of a  
34 lot or parcel located within a horizontal plane of 300 feet of any permanent wastewater  
35 facilities is hereby public sewers shall be required, at his/her expense, to connect all  
36 applicable plumbing outlets from such any buildings or structures directly to the public  
37 sewer system, in accordance with the provisions of this Sewer Code. The owner of any  
38 such property development shall be required to submit any required Sewer Facilities  
39 Plan(s), obtain the required sewer service permits, and pay all applicable charges and  
40 fees and connection charges, except as otherwise provided in Section 13.04.075, and  
41 take any other action required by the provisions of this Sewer Code. Exceptions  
42 Exemptions to this Section are provided for in subsections 13.04.030 D. and E.
- 43 **~~C~~. Time, and Manner and Repair of Required Sewer Connections and Repairs.**  
44 Pursuant to Sections 13.04.030, 13.04.040 and 13.04.050, a Any owner of each lot or  
45 parcel of real property development within an ULID that is required to make a  
46 connection to the public sewer system shall make such connection, within 60 days after  
47 the date of written notification of public sewer availability is mailed from the Director to



1 the owner of record listed as the taxpayer on the County Assessor/Treasurer records of  
2 the property to be serviced. All required connections to the public sewers system of the  
3 County shall be made in a permanent and sanitary manner in accordance with the  
4 provisions of this Sewer Code and shall be sufficient to carry all the wastewater of every  
5 kind from the all buildings or structures into the public sewer system. Each toilet, sink,  
6 stationary washstand, washing machine, dishwasher, floor drain and other type of  
7 equipment discharging sanitary wastewater shall be connected to the public sewer  
8 system.

9 All plumbing outlets from any building or structure hereafter constructed or made  
10 available for human occupation and/or use for any purpose, when required by Section  
11 13.04.030 of this Code, shall be connected to the public sewer system of the County  
12 before the completion of the construction of such any buildings or structures or before  
13 any occupancy or use thereof is allowed. In the event that a public sewer capable of  
14 serving that building or structure had not been completed by the County prior to the  
15 construction or occupancy of such building or structure, said building or structure may  
16 install an on-site septic and drainfield system approved by the proper regulatory agency  
17 and shall disconnect from the septic tank and drainfield system and be connected to the  
18 public sewer within 60 days after the date of written notification of public sewer  
19 availability from the Director.

20 Any needed repair to a building sewer or side sewer stub connection to a public  
21 sewer shall be made within 30 days after the date of mailing or personal service of a  
22 notice by written notification from the Director to the owner of the property served  
23 notifying such owner to make such repair. In the event of an emergency, the Director  
24 may establish a shorter period of time limit for the repair to be made or, if the property  
25 owner cannot be located or does not promptly make such repairs, the County Department  
26 may make the repairs under the procedure of subsection 13.04.060 C 13.04.030 D.

27 **D. Failure to Connect or Repair Building Sewer and Sewer Line Extensions.** If any  
28 connection to or repair of a public sewer shall not be made within the time and in the  
29 manner provided in subsections 13.04.060 A. and B., the Director may forthwith cause  
30 to be placed a recorded notice against the property that no new buildings, remodeling or  
31 change in ownership will be allowed until the connection or repairs of all sanitary sewer  
32 facilities are made. Said notice shall be recorded by the Director with the Pierce County  
33 Auditor.

34 If at this time or after a reasonable period so determined by the Director, any  
35 required connections of or repairs to the building sewer, side sewer stub, or sewer line  
36 extension remain to be are not completed and the Director has exhausted the means or  
37 methods available to the Director to make said connections or repairs as prescribed in  
38 subsections 13.04.060 A., B. and C. of this Code 13.04.030 C., the County Department  
39 may upon authorization of the Director make said the connections or repairs for and at  
40 the total expense of the property owner or developer provided the Director Department  
41 takes the following steps:

- 42 1. Notifies the property owner or developer that the connections or repairs are  
43 delinquent pursuant to the provisions of subsections 13.04.060 A., A. and B., and/or  
44 C. and informs said the property owner or developer that the County Department  
45 intends to make said the connections or repairs itself and;
- 46 2. Notifies the property owner or developer that the County Department shall charge  
47 said the property owner or developer for all costs associated with said the connections



1 or repairs ~~repairs~~ including, but not limited to, all construction or repair costs and any  
2 other applicable costs which would normally be incurred by said owner or developer  
3 pursuant to the provisions of this Code; and;

- 4 3. Notifies the property owner or developer that any failure to reimburse the  
5 County Department for said all costs shall result in the County filing a lien upon the  
6 property as provided for in Title 36, Chapter 94, Revised Code of Washington in the  
7 amount of said unpaid cost plus interest and any applicable penalties Section  
8 13.04.100.

9 **D.E. Required Use Exemptions.** The following are exemptions from the requirement to  
10 connect to the public sewer system:

- 11 1. Except as indicated below, wWhen the Department or a developer another entity  
12 extends permanent public sewers service into an area not included within outside the  
13 boundaries of an Utility Local Improvement District (ULID), the owner of any  
14 existing development served by an existing structures in a single drainage area OSS  
15 will not be required by the Department of Utilities to connect to the public sewer  
16 system unless the owners of such structures voluntarily elect to connect to the public  
17 system and pay all fees and charges to the Utility, except as otherwise provided in  
18 Section 13.04.075 required in subsection F.
- 19 2. The owner of any development that has previously been granted a required use  
20 exemption will also not be required by the Department to connect to the public sewer  
21 system. However, if septic tank systems serving existing structures fail or if a  
22 property owner expands the use of the structure through the County building permit  
23 process, then the owners of such existing structures shall be required to connect to  
24 the public sewer system immediately and at their own expense and pay all fees and  
25 charges to the Utility, except as otherwise provided in Section 13.04.075.
- 26 3. Additional exemptions inside or outside the boundaries of a ULID may be granted at  
27 the discretion of the Director. Such requests shall be in written form to the Director  
28 and include but not be limited to the following: applicant's name and address; reason  
29 for the request; map of applicant's property including location of nearest existing  
30 sewer facilities; legal description of property including parcel number; and cost  
31 documentation excluding connection charges. Decisions by the Director may be  
32 appealed to the Hearing Examiner and appeals will be processed in accordance with  
33 the Hearing Examiner Code. (PCC 2.36)

34 **F. Use of On-Site Sewage Systems.** In the event that a public sewers capable of serving  
35 that building or structure any residential or commercial development are not available or  
36 have not been completed by the County prior to the construction or occupancy of such  
37 building or structure development, said building or structure the property owner may  
38 install an on-site septic and drainfield sewer system (OSS) approved by the proper  
39 regulatory agency and shall disconnect from the septic tank and drainfield system and be  
40 connected to the public sewer within 60 days after the date of written notification of  
41 public sewer availability from the Director as prescribed in the Environmental Health  
42 Code adopted by the TPCHD. However, if septic tank systems serving existing  
43 structures fail or if a property owner expands the use of the structure through the County  
44 building permit process, then the owners of such existing structures any property served  
45 by an OSS shall be required to connect to the public sewer system immediately and at  
46 their own expense and pay all fees and charges to the Utility, except as otherwise  
47 provided in Section 13.04.075 under the following conditions:





1. To meet the requirements of the County's Comprehensive Plan, development regulations, or other applicable requirements;
2. In the event of failure of an OSS as determined by the TPCHD;
3. When the TPCHD has determined that there is a proposed change in use of any facility, residence, or other structure served by the OSS that exceeds the wastewater strength or capacity of the existing OSS; and
4. When the TPCHD has determined that the continued use of the OSS threatens public health.

**EG. Financial Conditions.** Except as otherwise provided in Section 13.04.075, the payment of all connection charges and ~~applicable late-comer charges or assessments~~ prescribed by this Chapter shall be required as set forth in ~~PCC Section 13.04.050 E. 13.04.070~~ from any owner, builder, and/or developer applicant requesting:

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

**FH. Affordable Housing.** Any owner and/or developer applicant requesting:

1. Waiver of ~~review and connection charges and sewer permit~~ and/or ~~other plan review application~~ fees for a first-time connection to ~~any~~ the public wastewater facility sewer system shall be required to meet the requirements for affordable housing as determined by the ~~Utility~~ prescribed in PCC Chapter 18A.65 of the Pierce County Development Regulations and may only be available if sufficient funds have been appropriated by the Pierce County Council and ~~are available for transfer to the Sewer Utility Funds~~ to replace those ~~charges and~~ fees waived or refunded to the ~~developer~~ applicant.

### **13.04.040 Unlawful Use of Public and Private Sanitary Sewer Systems ~~Facilities~~.**

**A. Unlawful Wastewater Disposal Facilities.** ~~Except as hereinafter provided, it shall be unlawful for any person or entity to construct or maintain~~ install any ~~privy, privy vault, holding tank, septic tank, cesspool, portable toilet, or other sewage holding OSS~~ facility ~~intended or used for the disposal of wastewater within the boundaries of a ULID or within other portions of the Sewer Service Area where any permanent public sewers are available. This restriction does not include portable privies or other~~ apply to temporary wastewater disposal systems, such as those used at construction sites.

**B. Unlawful Discharge of ~~Septic Tank Contents~~ Septage into Public Sewers.** It shall be unlawful for ~~any~~ one person or entity to discharge the contents of any holding tank, septic tank, cesspool, chemical portable toilet, or sewage holding tank ~~other OSS~~ into the public sewer system of Pierce County ~~except in accordance with the provisions of this Code in Section 13.06.190 related to hauled wastes. Any person or entity violating this subsection shall be subject to the civil/criminal liabilities/penalties prescribed in Section 13.04.080 of this Code.~~

**BC. Unlawful Deposit of Waste.** It shall be unlawful for any person or entity to place, throw, dump, deposit, or permit to be deposited in an unapproved and unacceptable manner into the County sanitary sewer system any human excrement, garbage, and/or other unlawful wastes in accordance with County Code dirt, rocks, sticks, debris, or other foreign matter into the public sewer system. Penalty for such violations shall be as outlined in Section 13.04.080 of this Code. Any sewage wastewater, waste, or other matter having the characteristics described in the most current Pierce County



Department of Utilities "Pierce County Sewer Utility Prohibited Discharge and Industrial Pretreatment Regulations (Chapter 13.06)" shall, under no conditions, be discharged into or be placed where they might find their way into, or be allowed to run, leak, leach, or escape into any part of the public sanitary sewer system.

D. **Unlawful Discharge of Storm and Other Waters Into Public Sewers.** ~~It shall be unlawful for any person or entity shall to~~ discharge or cause to be discharged any storm drainage water, surface water, roof runoff, or subsurface drainage into the public sanitary sewer system ~~without the written consent of the Director~~. Persons discharging swimming pool water, unpolluted cooling water, or unpolluted industrial cooling or process water into the public sanitary sewer system shall be ~~charged~~ subject to commercial sewer service rates ~~charges~~ based on flow, BOD, and ~~suspended solids~~ TSS levels.

~~D. Unlawful Wastes. Any sewage, waste, or other matter having the characteristics described in the most current Pierce County Department of Utilities "Pierce County Sewer Utility Prohibited Discharge and Industrial Pretreatment Regulations" shall, under no conditions, be discharged into or be placed where they might find their way into, or be allowed to run, leak, leach or escape into any part of the sanitary sewer system.~~

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

F. **Unlawful Damage to Sewer Facilities.** It shall be unlawful for any ~~unauthorized~~ person or entity to maliciously or willfully break, damage, destroy, uncover, deface or tamper with any structure, appurtenance, or piece of equipment ~~which is part of the County public sanitary sewer system by throwing, dumping, discharging or otherwise introducing any dirt, rocks, sticks, debris, other foreign matter or any other matter prohibited by this Code into the County sanitary sewer system. Any person or entity that violates this Section will be subject to the civil and/or criminal liability and penalties prescribed in Section 13.04.080.~~

G. **Unlawful Connections to or Disturbances of Public Sewers.** It shall be unlawful for ~~Any person or entity who to~~ makes or causes to be made any connection to, opening into, use, alteration and/or disturbance of the public sewers system of the County without receiving a permit ~~authorizing such a connection and/or use, alteration, etc., shall be subject to the violation provisions set forth in Section 13.04.080 of compliance with this Sewer Code.~~

### **13.04.045 Pretreatment Requirements.**

A. **Pretreatment Review and User Classification.** When a property owner or business owner proposes to change the use, business practices, or ownership of a commercial property, tenant space, or business, they shall first be required to undergo a review of their proposal to determine whether or not pretreatment of their wastewater discharge will be required. Each user shall be classified as either an Insignificant, Minor, or Significant Industrial User and shall be required to submit plans and documents as required by the Manager to determine the likelihood that the wastewater discharged from any existing or proposed uses into the public sewer system will not conform to the standards as prescribed in the most current Industrial Pretreatment Regulations in Chapter 13.06. The applicant will be notified in writing of any conditions of approval



1 including, but not limited to, required business practices, design and installation of  
2 pretreatment devices, testing requirements, installation or repair of sample point(s),  
3 and/or payment of additional connection charges.

4 **AB. Pretreatment of Sewage Facilities – Approval and Construction.** When, at any time,  
5 it becomes necessary or desirable to discharge into the Pierce County sewer system any  
6 matter wastewater from any existing or proposed facility uses into the public sewer  
7 system which and such wastewater does not conform to the standards as prescribed in the  
8 most current Department of Utilities "Pierce County Sewer Utility Prohibited Discharges  
9 and Industrial Pretreatment Regulations (Chapter 13.06)", or in the opinion of the  
10 Manager is unlikely to conform to these standards in the future, the property owner(s) of  
11 such facilities use shall hereby be required to pretreat such matter wastewater at the  
12 property owner's expense to a degree that will produce an effluent which will conform  
13 to the standards outlined therein and as amended from time to time or as prescribed and  
14 interpreted by the Director/Manager. Such pretreatment facilities shall be understood  
15 to may include grease interceptors, oil/water separators, chemical or biochemical plants,  
16 sedimentation chambers, and any devices or equipment which effect a change of any  
17 nature in the characteristics of the matter being treated. Any and all such devices and  
18 equipment shall be subject to the approval of the Director/Manager and the Washington  
19 State Department of Ecology and shall not be put into operation nor revised in any  
20 manner without written permit or approval issued by the Director/Manager, the  
21 Washington State Department of Ecology and other approving governmental agencies.  
22 (Any such device other than a grease interceptor requires approval from other  
23 governmental entities.) Said The devices and equipment shall be provided with include  
24 all necessary features of construction, permit inspections of operations, and testing of  
25 material passing through them and shall be open to the inspection of the  
26 Director/Department at any time. Written approval from the Director/Manager and other  
27 governmental agencies for such pretreatment facilities shall not guarantee that the  
28 pretreatment facility will operate as designed; the property owner and/or the owner's  
29 registered professional engineer will assume this liability and for compliance with all  
30 regulations.

31 New plans and specifications The Sewer Facility Plan and other pertinent  
32 information relating to proposed preliminary pretreatment facilities shall be prepared by  
33 a licensed registered professional engineer and shall be submitted for the approval of the  
34 Director/Manager and of the Washington State Department of Ecology and DOE and/or  
35 the Department of Health/DOH when required by law.

36 No construction of preliminary pretreatment facilities shall be commenced until  
37 such approvals are obtained in writing. Any expenses incurred by the County  
38 Department in reviewing such plans, specifications and information the Sewer Facility  
39 Plan shall be paid by the property owner or the owner's representative before the  
40 County's Manager's approval shall be granted. All approval procedures, planning and  
41 design specifications, charges, fees and other requirements relating to pretreatment  
42 facilities shall conform to the provisions outlined in the most current Department of  
43 Utilities "Pierce County Sewer Utility Prohibited Discharge and Industrial Pretreatment  
44 Regulations."

45 **BC. Pretreatment Facilities – Operation and Maintenance.** When pretreatment facilities  
46 are provided for any wastewaters or wastes, they such facilities shall be maintained  
47 continuously in satisfactory and effective operation by the property owner at the owner's



1 expense. The property owner shall, at the ~~Department's~~Manager's discretion, submit to  
2 the ~~Director~~Department certified monthly operational records and tests to monitor the  
3 performance of the pretreatment facilities. The form of such operational records and  
4 tests shall be prescribed by the ~~Director~~Manager.

5 **ED. Determination of Character of Waste Matter.** Before ~~matter of any nature~~wastewater  
6 whose discharge might reasonably be considered a violation of this Sewer Code may  
7 ~~be~~is discharged into the public sanitary sewer system, the controlling characteristics of  
8 such matter shall be determined to the satisfaction of the ~~Director~~Manager. The  
9 responsibility of initiating such determinations and the costs involved with submitting  
10 the results of ~~said~~the determinations to the ~~Director~~Department for approval, shall lie  
11 solely with the ~~party or parties desiring to discharge the matter into the sanitary sewer~~  
12 ~~system~~owner of the discharging property. Verification of these results and the decision  
13 as to whether the matter may be discharged to the public sanitary sewer system, shall be  
14 the responsibility of the ~~Director~~Manager. ~~The fact that a~~Any matter has been previous  
15 ~~discharges~~discharged into the public sanitary sewer system prior to the passage of this Code or  
16 subsequent thereto, but without any objection from the ~~Director~~, does not constitute a  
17 valid right to discharge such matter. If at any time, ~~upon discovery by the~~  
18 ~~Director~~Manager determines that any matter being discharged into the public sewer  
19 system does not conform to the requirements of this Sewer Code, the ~~Director~~Manager  
20 may immediately order the stoppage of the discharge of such matter ~~into the sanitary~~  
21 ~~sewer system~~ and/or termination of sanitary sewer service to the discharging property.

22 **DE. Tests of Wastes and Location of Sampling.** All measurements, tests, and analyses of  
23 the characteristics of wastewaters and ~~wastes to which referenced~~is made in subsections  
24 ~~13.04.040 D., G., H., and I. of this Code~~Section shall be determined by analysis of the  
25 samples obtained at a control manhole or other location as approved by the  
26 ~~Director~~Manager. Such tests and analyses shall be performed by an appropriately  
27 certified, independent testing laboratory and shall be conducted at the sole expense of  
28 the owner of the discharging property.

29 **EF. Commercial or Industrial Wastes – Control Manhole Sample Point.** When required  
30 by the ~~Director~~Manager, the owner of any property served by a building sewer carrying  
31 commercial or industrial wastes shall install a suitable ~~control manhole~~sample point in  
32 the building sewer to facilitate observation, sampling, and measurement of the wastes.  
33 ~~Such manhole, w~~When required, the sample point shall be fully accessible, safely  
34 located, and constructed in accordance with plans approved by the ~~Director~~Manager.  
35 Such plans shall be in accordance with the most current ~~Utilities Department Standard~~  
36 ~~Sanitary Pierce County Sewer Specifications and Standards Plans~~. The ~~manhole~~sample  
37 point shall be installed by ~~the owner~~a registered sewer contractor at the property owner's  
38 expense and shall be maintained by the property owner so as to be safe and accessible at  
39 all times by the Department.

40 **L. Septic Tank Contents.** It shall be unlawful for anyone to discharge the contents of any  
41 septic tank, cesspool, chemical toilet, or sewage holding tank into the sewer system of  
42 Pierce County except in accordance with the provisions of this Code. Any person or  
43 entity violating this subsection shall be subject to the civil/criminal liabilities/penalties  
44 prescribed in Section 13.04.080 of this Code.

45 **M. Designation of Places and Manner of Discharge of Septic Tank Contents.** The  
46 Director shall designate in writing the particular locations where the contents of septic  
47 tanks, cesspools, chemical toilets, or sewage holding tanks may be discharged into



1 public sewer systems, and the manner in which said contents shall be discharged into the  
2 County sewer system. Any person or entity violating this Section shall be subject to the  
3 civil/criminal liabilities/penalties prescribed in Section 13.04.080 of this Code.

4 **NG. Uncontaminated Wastewater.** Whenever any multiple residential, commercial or  
5 industrial customer or user, either directly or indirectly, of athe public sewer system uses  
6 water for irrigation, cooling, heating, processing, or any other purpose that produces  
7 uncontaminated wastewater satisfactory for direct discharge into storm drains or surface  
8 waterways pursuant to subsections 13.04.040 C, D, and E. of this Code, the property  
9 owner shall, at their owner's sole expense, separate this water from other  
10 sewage wastewater and prior to discharge ing it into a storm drain or surface waterway as  
11 approved by the appropriate county, state and/or federal departments.

12  
13 **13.04.050 Types and Methods of Providing Sanitary Sewerage Service.**

14 A. **Permanent Sewerage Facilities.** The primary means of sewage wastewater collection  
15 and disposal in urbanizing areas shall be construction and extension of permanent  
16 sanitary sewers facilities as required to an existing sewer system and sewage treatment  
17 plant. This construction shall be in accordance with any applicable Comprehensive  
18 Sewerage General Plan and with the applicable Basin Water Quality Management Plan,  
19 or the USP, the County's Capital Facilities Plan, any approved Sewer Facilities Plan,  
20 and with all other rules, regulations and requirements as may be prescribed from time to  
21 time by the respective agencies of Pierce County and the State of Washington the Pierce  
22 County Sewer Standards.

23 B. **Dry Sewer Facilities.** Parcels of property not located within a horizontal plane of 500  
24 feet perpendicular to any permanent wastewater facilities but in areas where permanent  
25 sanitary sewer facilities are to be constructed within 6 years, in accordance with the  
26 Department of Utilities' Six Year Sewer Program, shall install dry sewer facilities in  
27 accordance with Pierce County design criteria and basin plans.

28 C. **Changed Conditions — Increased Wastewater Flows, BOD, or SS.** The County shall  
29 have the right to charge an owner of a parcel of property already connected to the  
30 County sewer system an additional connection charge and increase the monthly sewer  
31 service charge if:  
32 1. Wastewater flows disposed of into the County sewer system have increased above  
33 the amount for which the owner or previous owner(s) paid a connection charge; or  
34 2. BOD and/or SS are found to be greater than 225 mg/l and 225 mg/l, respectively.

35 **DB. Sewerage Service for Areas Outside Pierce County's Jurisdiction.**

36 Sewage Wastewater originating in any areas outside Pierce County's jurisdiction and  
37 outside the Sewer Service Area may be discharged into the County public sanitary sewer  
38 system upon mutual execution of satisfactory agreements a contract with the municipal  
39 corporation having authority to regulate said the discharge within the area of origin.  
40 Sewage Sewer service for said areas outside the County's jurisdiction but within the  
41 Sewer Service Area shall be in conformance with this Sewer Code and the appropriate  
42 Pierce County Basin Water Quality Management Plan USP, which has been developed  
43 and adopted pursuant to the provisions of Title 36, Chapter 94 of the Revised Code of  
44 Washington RCW Chapter 36.94 and other state and federal requirements (or succeeding  
45 statutes).

46 E. **Connection to Existing Sewer Facilities.** Properties, or portions thereof, which  
47 previously were not entitled to sewer service by reason of either not having been subject



1 to a sewer assessment or connection charge by the County or otherwise qualifying for or  
2 being required to connect to but, where surrounding or contiguous existing facilities and  
3 capacity are now available, may be connected to the public sewers and served thereby,  
4 provided that prior to obtaining said service the property owner pays to the County in  
5 addition to any other charges which may be due, an amount of money which shall  
6 constitute a connection charge and which may be determined and paid in the manner  
7 prescribed by this Chapter. Except as otherwise provided in Section 13.04.075, all  
8 connection charges shall be paid in full as follows:

- 9 1. All sewer connection charges for residential uses shall be paid prior to sewer service  
10 permit issuance.
- 11 2. All sewer connection charges for non-residential uses within unincorporated Pierce  
12 County shall be paid prior to final building inspection.
- 13 3. All sewer connection charges for non-residential uses within a city or town shall be  
14 paid prior to sewer service permit issuance.

15 **FC. Utility Local Improvement District – Establishment.** As prescribed in RCW Chapter  
16 36.94 (or succeeding statutes), Pierce County shall have the power to establish Utility  
17 Local Improvement Districts (ULIDs) for the purpose of constructing or  
18 reconstructing sewer and water systems facilities, by the method and manner prescribed  
19 by Title 36, Chapter 94 of the Revised Code of Washington within the area of a  
20 sewerage and/or water general plan and to levy special assessments to pay in whole the  
21 cost of any for such improvements.

22 **GD. Connection of Non-ULID Properties to an Existing County Operational Public**  
23 **Sewer System.** Property owners Any applicant desiring sanitary sewer service by the  
24 connection of the applicant's property to an existing operational Utility Local  
25 Improvement District ULID/ or any public sewers line extension may do so provided  
26 that:

- 27 1. The property owner applicant consents to obtains the required sewer permits as  
28 outlined in this Sewer Code and pays the applicable connection charges and other  
29 required fees for said property; and
- 30 2. The capacity in of said the existing facilities which is determined by the Director  
31 which is to be paid for immediately and allocated on a first come, first served basis,  
32 is available in an amount to sufficiently accommodate the sewage wastewater  
33 generated by the added development.

34 **HE. Developers Sewer Line Extension Facilities.** Property owners or developers of  
35 property Any applicant electing to obtain sewer service by the construction and of a sewer  
36 line extension of existing public facilities may do so provided:

- 37 1. Property owners The applicant pays to the County, in addition to any other charges  
38 which may be due, an amount of money which shall constitute connection charges as  
39 required under Section 13.04.070 and a plan review fee and an inspection fee as  
40 outlined in Section 13.04.090;
- 41 2. The capacity in said existing facilities, as is determined by the Director, which is to  
42 be paid for immediately and allocated on a first come first served basis, is available  
43 in an amount to sufficiently accommodate the sewage wastewater generated by the  
44 added development;
- 45 3. The proposed facility is to be constructed in accordance consistent with the  
46 Comprehensive Sewerage General Plan or applicable Basin Water Quality



1 Management Plan, USP, the County's Capital Facilities Plan, and any approved  
2 Sewer Facility Plan; and

- 3 4. The sewer line extension is built to designed and constructed in accordance with the  
4 current Pierce County design criteria and construction Standards as required  
5 under subsection 13.04.020 G. of and the requirements of this Sewer Code;  
6 5. ~~The property owner or developer agrees to the requirements for privately constructed~~  
7 ~~sewer line extension facilities as outlined in this Code;~~  
8 6. ~~Property owner uses the capacity purchased within 18 months of the purchase date~~  
9 ~~and agrees to pay the monthly sewer service charges generated by the total amount~~  
10 ~~of purchased capacity after 12 months of the purchase date;~~  
11 7. ~~Property owner agrees that in the event that monthly sewer service charges and/or~~  
12 ~~any assessments are not paid within 24 months of the purchase date, the property~~  
13 ~~owner shall forfeit all funds and capacity associated with the capacity purchase and~~  
14 ~~that the purchased capacity shall then revert back to the County and be made~~  
15 ~~available for resale by the County only to other property owners; and/or~~  
16 8. ~~The property owner and future assignees understand that the County reserves the~~  
17 ~~right to increase the connection charge and monthly sewer service charge if future~~  
18 ~~wastewater flows, BOD, or SS are found to be greater than the limits established in~~  
19 ~~the most current Pierce County Department of Utilities "Pierce County Sewer Utility~~  
20 ~~Prohibited Discharge and Industrial Pretreatment Regulations"; and also if the limits~~  
21 ~~are greater than estimated at the time of the capacity purchase, the property owner~~  
22 ~~and future assignees agree to pay the increased charges on notice from the County.~~  
23 **I. ~~Conveyance of Sewers to the County.~~** Any sewer constructed in a public right of way  
24 or easement or easement conveyed to the County shall be dedicated to the County and  
25 thereafter shall be considered a public sewer facility under the jurisdiction of the County  
26 subject to acceptance by the County and provided that:  
27 1. ~~All charges, inspection fees and other payments due to the County as provided for~~  
28 ~~in this Code shall be paid and, if applicable, legal documents shall be executed~~  
29 ~~dedicating and acknowledging easements for all portions of said system located on~~  
30 ~~private property. The cost of all aspects of the conveyance shall be at no cost to the~~  
31 ~~County;~~  
32 2. ~~At the discretion of the Director or designee, a sewer to be constructed in a private~~  
33 ~~road may be conveyed to the County. The owner(s) of record of the private road(s)~~  
34 ~~(for all new short plats, formal plats and large lot subdivisions) shall grant to Pierce~~  
35 ~~County across, over, and under the full width of the road a perpetual easement with~~  
36 ~~a right of immediate entry and continued access for the construction, improvement,~~  
37 ~~maintenance and repair of water and sanitary sewer pipelines, manholes, and other~~  
38 ~~appurtenant water and sewer structures;~~  
39 3. ~~Prior to the County accepting such a conveyance the owner(s) and/or developer(s)~~  
40 ~~of said system shall certify that said system, as constructed, complies with the~~  
41 ~~County design criteria and construction standards as required under subsection~~  
42 ~~13.04.020 G. and other applicable Sections of this Code; and that~~  
43 4. ~~Upon completion of installation, said sewer system shall be conveyed to the County~~  
44 ~~free and clear of all liens or encumbrances.~~  
45  
46  
47



1 **13.04.055 Sewer Service Permits and Sewer Line Extension Permits.**

2 **A. General.** The owner or his agent applicant shall make application apply for a building  
3 sewer service permit and/or sewer line extension permit on a special form furnished by  
4 the County Department. The permit application shall be supplemented by any plans,  
5 specifications, or other information considered pertinent at the discretion of the Director  
6 or as required by this Sewer Code. A building sewer service permit and/or sewer line  
7 extension permit shall be required ~~of any owner of a lot(s), parcel of real estate or~~  
8 ~~structure(s) either required or electing to make a~~ for any new connection to athe public  
9 sewer system or make afor any modification, repair, disconnection, inspection, or  
10 addition to an existing building sewer or sewer line extension.

11 **B. Term and Fees.** A building sewer service permit or sewer line extension permit is valid  
12 for 12 months from the date of issuance. If a building sewer service permit or sewer line  
13 extension permit expires but the owner applicant still wishes to connect to athe public  
14 sewer system, a new permit shall be obtained and the County shall again collect all  
15 applicable permit fees as identified prescribed in this Code Section 13.04.090. If a  
16 building sewer or sewer line extension permit is cancelled by the owner, the full permit  
17 fee shall be forfeited.

18 **C. Sewer Service Permit or Sewer Line Extension Permit Requirements.** Sewer  
19 service permits or sewer line extension permits shall be obtained in the following  
20 manner:

- 21 1. Permits shall be issued only upon proper application to the Pierce County  
22 Department of Public Works and Utilities;
- 23 2. A permit which authorizes work in a public right of way or easement dedicated to  
24 Pierce County or the connection with or opening into any public sewer other than  
25 through the normal opening of a wye, tee or side sewer stub All work authorized  
26 under a sewer service permit or sewer line extension permit shall be issued  
27 to performed by a registered building sewer contractor;
- 28 3. A permit which authorizes building sewer work for residential structures on private  
29 property only may be issued to the owner of the property or to a registered building  
30 sewer contractor. For sewer line extensions and commercial buildings or structures,  
31 the permit shall require a registered building sewer contractor to connect the building  
32 to a public sewer through the normal opening of a wye, tee, or side sewer stub under  
33 the supervision of the Director or the Director's representative. For building sewers,  
34 the owner may perform only that portion of the connection located on private and  
35 not in public right of way or easement dedicated to the County;
- 36 43. Sewer service permits or sewer line extension permits shall not be transferable  
37 unless a written request to do so is received by the Department from the owner, and  
38 that request applicant is approved by the Director. No person, including any  
39 registered building sewer contractor, shall lay any pipe perform any sewer work  
40 pursuant to any other person's or contractor's applicant's permit;
- 41 54. A sewer service permit or sewer line extension permit shall be issued prior to  
42 commencement of construction and only after approval of any required Sewer  
43 Facilities Plan by the Director and only after the applicant pays all applicable  
44 charges and fees and connection charges have been paid by the owner or developer,  
45 except as otherwise provided in Section 13.04.075;
- 46 65. No sewer service permit for residential buildings allowing connection to the public  
47 sewer system shall be issued before the construction of the main sewer line





1 extension is accepted by the Director, and the property owner so notified. An  
2 interim sewer service permit allowing for building sewer construction for model  
3 homes and for any applicant proposed sewer lines without connection not connected  
4 to a non-operational the public sewer system may be issued at the discretion of the  
5 Director; and/or

6 76. The permit must be posted on the job construction site prior to commencing the work  
7 and must be readily accessible to the Director or the Director's  
8 representative Department.

9  
10 **13.04.060 Construction of Sanitary Sewer Systems Facilities.**

11 ~~A. **Time, Manner and Repair of Required Sewer Connections.** Pursuant to Sections~~  
12 ~~13.04.030, 13.04.040 and 13.04.050, any owner of each lot or parcel of real property~~  
13 ~~required to make a connection to a public sewer shall make such connection, within 60~~  
14 ~~days after the date written notification of public sewer availability is mailed from the~~  
15 ~~Director to the owner of record listed as the taxpayer on the County Assessor/Treasurer~~  
16 ~~records of the property to be serviced. All connections to the public sewers of the~~  
17 ~~County shall be made in a permanent and sanitary manner in accordance with the~~  
18 ~~provisions of this Code and shall be sufficient to carry all the wastewater of every kind~~  
19 ~~from the building or structure into the public sewer. Each toilet, sink, stationary~~  
20 ~~washstand, washing machine, dishwasher, floor drain and other type of equipment~~  
21 ~~discharging sanitary wastewater shall be connected to the public sewer.~~

22 All plumbing outlets from any building or structure hereafter constructed or made  
23 available for human occupation and/or use for any purpose, when required by Section  
24 13.04.030 of this Code, shall be connected to a public sewer of the County before the  
25 completion of the construction of such building or structure or before any occupancy or  
26 use thereof is allowed. In the event that a public sewer capable of serving that building  
27 or structure had not been completed by the County prior to the construction or  
28 occupancy of such building or structure, said building or structure may install an on-site  
29 septic and drainfield system approved by the proper regulatory agency and shall  
30 disconnect from the septic tank and drainfield system and be connected to the public  
31 sewer within 60 days after the date of written notification of public sewer availability  
32 from the Director.

33 Any needed repair to a building sewer or connection to a public sewer shall be  
34 made within 30 days after the date of mailing or personal service of a notice by the  
35 Director to the owner of the property served notifying such owner to make such repair.  
36 In the event of an emergency, the Director may establish a shorter period of time for the  
37 repair to be made or, if the owner cannot be located or does not promptly make such  
38 repairs, the County may make the repairs under the procedure of subsection 13.04.060  
39 C.

40 ~~B. **Authorization of Inspection of Existing Sewers and Appurtenances.** The Director or~~  
41 ~~duly authorized representative shall be authorized to enter upon premises served by any~~  
42 ~~building sewer or connected with any public sewer at all reasonable hours to ascertain or~~  
43 ~~make necessary tests as to whether the provisions of local, state and federal Codes~~  
44 ~~relative to sewerage have been complied with. In the event that entry is refused,~~  
45 ~~necessary steps shall be taken to make application for a search warrant to accomplish the~~  
46 ~~appropriate inspection. If said sewer, or its attachments, are in conflict with the~~  
47 ~~provisions of any law or resolution in regard thereto, the owner of said premises, or his~~



1 agent, shall be notified to cause said sewer or its attachments to be so altered, repaired or  
2 reconstructed at the owner's expense, so as to make them conform to the requirements of  
3 the laws and resolutions within a reasonable time limit established by the Director from  
4 the time of receipt of such notice.

5 ~~C. **Failure to Connect or Repair Building Sewer and Sewer Line Extensions.** If any~~  
6 ~~connection to or repair of a public sewer shall not be made within the time and in the~~  
7 ~~manner provided in subsections 13.04.060 A. and B., the Director may forthwith cause~~  
8 ~~to be placed a recorded notice against the property that no new buildings, remodeling or~~  
9 ~~change in ownership will be allowed until the connection or repairs of all sanitary sewer~~  
10 ~~facilities are made. Said notice shall be recorded by the Director with the Pierce County~~  
11 ~~Auditor.~~

12 If at this time or after a reasonable period so determined by the Director, connection  
13 of or repairs to the building sewer or sewer line extension remain to be completed and  
14 the Director has exhausted the means or methods available to the Director to make said  
15 connections or repairs as prescribed in subsections 13.04.060 A., B. and C. of this Code,  
16 the County may upon authorization of the Director make said connections or repairs for  
17 and at the total expense of the owner or developer provided the Director takes the  
18 following steps:

- 19 1. ~~Notifies the owner or developer that the connections or repairs are delinquent~~  
20 ~~pursuant to the provisions of subsections 13.04.060 A., B., and/or C. and informs~~  
21 ~~said owner or developer that the County intends to make said connections or repairs~~  
22 ~~itself and;~~
- 23 2. ~~Notifies the owner or developer that the County shall charge said owner or developer~~  
24 ~~for all costs associated with said connections or repairs including, but not limited to,~~  
25 ~~all construction or repair costs and any other applicable costs which would normally~~  
26 ~~be incurred by said owner or developer pursuant to the provisions of this Code, and;~~
- 27 3. ~~Notifies the owner or developer that any failure to reimburse the County for said~~  
28 ~~costs shall result in the County filing a lien upon the property as provided for in Title~~  
29 ~~36, Chapter 94, Revised Code of Washington in the amount of said unpaid cost plus~~  
30 ~~interest and any applicable penalties.~~

31 ~~D. **Connection of Non-Assessed Property.** The owners of property which have not been~~  
32 ~~subject to special assessments for sewers by the County may connect structures on that~~  
33 ~~property to the public sewers of the County provided the owner has paid a connection~~  
34 ~~charge and has obtained the required sewer permits as outlined in this Code.~~

35 ~~E. **Unlawful Connections to or Disturbances of Public Sewers.** Any person who makes~~  
36 ~~or causes to be made any connection to, opening into, use, alteration and/or disturbance~~  
37 ~~of the public sewers of the County without receiving a permit authorizing such a~~  
38 ~~connection and/or use, alteration, etc., shall be subject to the violation provisions set~~  
39 ~~forth in Section 13.04.080 of this Code.~~

40 ~~F. **Backwater Valve Requirement.** Any structure having a plumbing outlet that serves~~  
41 ~~fixtures with flood level rims located below the elevation of the next upstream manhole~~  
42 ~~cover of the structure connecting to the public sewer shall install an approved backwater~~  
43 ~~valve.~~

44 ~~G. **Information from the County.** The owner of any building shall be responsible for~~  
45 ~~obtaining from the Director the approximate location and elevation of the sewer wye, tee~~  
46 ~~or stub at the point of connection and, in the case of new construction, for planning the~~  
47 ~~building and plumbing to provide adequate slope for building connection to the side~~



1 sewer stub. The applicant for permit shall be responsible for determining the available  
2 grade between plumbing outlet and sewer wye, tee or stub. All Department-supplied  
3 information shall be field checked by the owner/developer or his/her representative prior  
4 to design and/or commencing construction. The County is not liable for inaccurate  
5 information provided to the County by others.

6 **H. Disconnection of Building Sewer and Sewer Line Extensions.** No structure may be  
7 disconnected from a building sewer and no building sewer may be disconnected from a  
8 public sewer for any reason without prior written notification to, and approval by the  
9 Director. No approval shall be given unless the disconnection is lawful under this Code  
10 and other applicable laws, and satisfactory protection is given by the owner or his  
11 contractor to the public sewers of the County including, but not limited to, the  
12 satisfactory capping of the building sewer. Sewer service charges for any structure  
13 disconnected or to be disconnected shall continue until such disconnection is approved  
14 by the County and the building sewer capped and otherwise protected to the satisfaction  
15 of the Director.

16 **I. Building Sewer and Sewer Line Extension Permits.** The owner or his agent shall  
17 make application for a building sewer and/or sewer line extension permit on a special  
18 form furnished by the County. The permit application shall be supplemented by any  
19 plans, specifications, or other information considered pertinent at the discretion of the  
20 Director or as required by this Code. A building sewer or sewer line extension permit  
21 shall be required of any owner of a lot(s), parcel of real estate or structure(s) either  
22 required or electing to make a connection to a public sewer or make a modification;  
23 repair, disconnection, inspection or addition to an existing building sewer or sewer line  
24 extension.

25 **J. Building Sewer or Sewer Line Extension Permit – Term and Fee.** A building sewer  
26 or sewer line extension permit is valid for 12 months from the date of issuance. If a  
27 building sewer or sewer line extension permit expires but the owner still wishes to  
28 connect to a sewer, a new permit shall be obtained and the County shall again collect all  
29 applicable permit fees as identified in this Code. If a building sewer or sewer line  
30 extension permit is cancelled by the owner, the full permit fee shall be forfeited.

31 **K. Sewer Service or Sewer Line Extension Permit Requirements.** Sewer service or  
32 sewer line extension permits shall be obtained in the following manner:  
33 1. Permits shall be issued only upon proper application to the Pierce County  
34 Department of Public Works and Utilities;  
35 2. A permit which authorizes work in a public right-of-way or easement dedicated to  
36 Pierce County or the connection with or opening into any public sewer other than  
37 through the normal opening of a wye, tee or side sewer stub shall be issued to a  
38 registered building sewer contractor;  
39 3. A permit which authorizes building sewer work for residential structures on private  
40 property only may be issued to the owner of the property or to a registered building  
41 sewer contractor. For sewer line extensions and commercial buildings or structures,  
42 the permit shall require a registered building sewer contractor to connect the building  
43 to a public sewer through the normal opening of a wye, tee, or side sewer stub under  
44 the supervision of the Director or the Director's representative. For building sewers,  
45 the owner may perform only that portion of the connection located on private and  
46 not in public right-of-way or easement dedicated to the County;



4. ~~Sewer service or sewer line extension permits shall not be transferable unless a written request to do so is received by the Department from the owner, and that request is approved by the Director. No person, including any registered building sewer contractor, shall lay any pipe pursuant to any other person's or contractor's permit;~~
5. ~~A sewer service or sewer line extension permit shall be issued prior to commencement of construction and only after approval of any required Sewer Facilities Plan by the Director and only after all applicable charges and fees have been paid by the owner or developer, except as otherwise provided in Section 13.04.075;~~
6. ~~No sewer service permit allowing connection to the public sewer shall be issued before the main sewer is accepted by the Director, and the property owner so notified. An interim permit allowing building sewer construction without connection to a non-operational public sewer may be issued at the discretion of the Director; and/or~~
7. ~~The permit must be posted on the job prior to commencing the work and must be readily accessible to the Director or the Director's representative.~~

**LA. Plan Review and Inspection of Sewer Line Extensions and Building Sewers.** The Director shall require the property owner/applicant to submit to the Director for his approval, a Sewer Facilities Plan prepared by a registered professional engineer for any new construction and/or extensions of privately owned sanitary sewer systems facilities and/or connections to the public sanitary sewer system. Single-family residences, individual duplexes, or two or less structures located on a single parcel served by an individual connection and which are not part of a residential complex or development are exempt from this requirement and shall not be considered sewer line extensions as defined in subsection 13.04.010 CCC. All other new sewer construction, extensions of and/or connection to the public sewer system shall be considered sewer line extensions and be required to comply to the provisions of this subsection.

The Sewer Facility Plans shall conform to standards and requirements described in the most current Pierce County Department of Utilities Sewer Standards Plans and Sanitary Sewer Specifications.

The property owner shall pay to the County, At the time the owner or the owner's representative submits of submittal of the Sewer Facility pPlans for review, the minimum sum applicant shall pay the required for a plan review fee and an inspection fees as set forth prescribed in Sections 13.04.070 and 13.04.090.

Inspection of construction shall be made by the Director or the Director's representative Department to ascertain that the installation meets all the requirements of the approved Sewer Facility pPlan and complies with the standards of the County as prescribed in this Code Pierce County Sewer Standards. Approval by the Director shall be required prior to connection to the public sewer system.

**MB. Required Contractor Registration for Sewer Line Extensions and Building Sewers.**

To assure proper construction in the connection of any building sewers or sewer line extension(s) to the public sewers of the County, no person may construct, install, repair, reconstruct, excavate, or connect a building sewer or sewer line extension to the public sewers system of the County, unless the person is a building sewer and sewer line extension sewer contractor holding a valid unsuspended current Certificate of Registration issued by the Department of Labor and Industries of the State of



1 Washington pursuant to Title 18, Chapter 27, Revised Code of Washington RCW  
2 Chapter 18.27 (or succeeding statutes). The registered sewer contractor shall also be  
3 registered with the Pierce County Department of Utilities and shall have filed with  
4 Pierce County a currently valid Street Obstruction Bond. Any contractors that violate  
5 any portion of this Sewer Code may be suspended or barred from the Department's  
6 registration list for a period of time to be determined by the Director.

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

13 Plans and specifications of The Sewer Facility Plan for the pumping facilities must be  
14 designed/prepared by a licensed/registered professional engineer retained at the expense  
15 of the owner must be submitted to the County Department for review and approval.  
16 County Department approval of the pumping facilities shall not guarantee that the  
17 pumping facility will operate as designed by the owner's engineer; the owner and/or  
18 his/her engineer will assume this liability.

19 The Department of Utilities shall not accept for review the Sewer Facility Plan for  
20 any pumping facility plans and specifications prior to the payment of the minimum plan  
21 review and inspection fee outlined in this Sewer Code.

22 **O. ~~Costs of Building Sewer or Sewer Line Extension Borne by Owner.~~** All costs and  
23 ~~expense incidental to the installation, connection, maintenance, cleaning, repair and/or~~  
24 ~~addition of a building sewer or sewer line extension shall be borne by the owner. This~~  
25 ~~responsibility includes paying all costs incidental to the aforementioned activities~~  
26 ~~performed on all segments of the sewer or sewer line extension and including but not~~  
27 ~~limited, to side sewer stub, sewer tee, sewer wye and all other sewer appurtenances.~~

28 **PD. Building Sewer for Each Building – Exceptions.** A single building sewer shall be  
29 provided for each building unless the connection of more than one building to a single  
30 building sewer is approved in writing by the Director prior to the construction of such  
31 building sewer. No more than one multiple dwelling/residential, industrial, or  
32 commercial building shall be connected to a single building sewer, unless otherwise  
33 approved in writing by the Director.

34 **QE. Mutual Maintenance Agreement and Easement.** If it is determined that a special  
35 condition(s) requires more than one separately owned residence/buildings or structures to  
36 be served by a single building sewer or private sewer line, written authorization to do so  
37 must be obtained from the Director after the owner(s) of said/the properties have entered  
38 into a Mutual Use Maintenance Agreement. This document, assuring that all properties  
39 involved/agreement shall have/include perpetual mutual easements for the building sewer,  
40 and having provisions for mutual maintenance and access for repair purposes;. This  
41 agreement shall be signed by the recorded-property owners and acknowledged and  
42 recorded with the County Auditor, and Auditor with a copy thereof furnished to the  
43 Director/Department prior to the issuance of a permit for the approval of the building  
44 sewer or private sewer line.

45 **RF. Reuse of Old Building Sewers.** Old building sewers, including septic tank lines, may  
46 be reused only when they are found; on examination and test by the Director;  
47 Department to meet all current requirements of this Sewer Code. This examination and



1 test shall be at the owner's applicant's expense. The owner or his/her agent applicant  
2 shall demonstrate to the Director/Department that ~~no connection to the reuse of such~~ old  
3 building sewer or septic tank line ~~exists which will not~~ conveys any material prohibited  
4 by the most current Department of Utilities "Pierce County Sewer Utility Prohibited  
5 Discharge and Industrial Pretreatment Regulations (Chapter 13.06)."

6 **SG. Protection of Excavations and Restoration of Public Property.** All excavations for  
7 building sewer or sewer line extension installations shall be adequately guarded with  
8 barricades and lights in accordance with State and Pierce County Sewer Standards  
9 requirements so as to protect the public from hazard. Streets, sidewalks, parkways, and  
10 other public property disturbed in the course of the work shall be restored to original  
11 condition or better.

12 **FH. Backwater Valve Requirement.** As a prerequisite for connecting to the public sewer  
13 system, the Department shall require the property owner of Any structure having a  
14 plumbing outlet that serves fixtures with flood level rims/drain located below the  
15 elevation of the next upstream nearest uphill manhole cover of the structure connecting  
16 to the public sewer shall to install an approved backwater valve to prevent wastewater  
17 from backing into the structure.

18 **GI. Information from the County.** The property owner of any building shall be  
19 responsible for obtaining from the Director/Department the approximate location and  
20 elevation of the side sewer wye, tee, or stub at the point of connection and, in the case of  
21 new construction, for planning the building and plumbing outlet to provide adequate  
22 slope for connecting the building sewer connection to the side sewer stub. The applicant  
23 for permit/property owner shall be responsible for determining the available grade  
24 between plumbing outlet and the side sewer wye, tee or stub. All Department-supplied  
25 information shall be field checked by the property owner/developer or his/her the  
26 owner's representative prior to design and/or commencing construction. The County is  
27 not liable for inaccurate information provided to the County/Department by others.

28 **J. Conveyance of Sewers to the County.** Any sewer constructed in a public right-of-way  
29 ~~or easement or sewer~~ easement area ~~conveyed to the County~~ shall be dedicated to the  
30 County and thereafter shall be considered a public sewer facility under the jurisdiction  
31 of the County subject to acceptance by the County/Department and provided that:

- 32 1. All charges, inspection fees, and other payments due to the County as provided for in  
33 this Sewer Code shall be paid and, if applicable, legal documents shall be executed  
34 dedicating and acknowledging sewer easements for all portions of ~~said system~~ the  
35 facility located on private property. The cost of all aspects of the conveyance shall  
36 be at no cost to the County;
- 37 2. At the discretion of the Director or designee, a sewer to be constructed in a private  
38 road may be conveyed to the County. The property owner(s) of record of the private  
39 road(s) (for all new short plats, formal plats and large lot subdivisions) shall grant ~~to~~  
40 Pierce County across, over, and under the full width of the road a perpetual easement  
41 to the County for the ~~with a right of immediate entry and continued access for the~~  
42 construction, improvement, maintenance and repair of water and sanitary sewer  
43 pipelines, manholes, and other appurtenant water and sewer structures and water  
44 facilities;
- 45 3. Prior to the County/Department accepting such a conveyance, the property owner(s)  
46 and/or developer(s) of ~~said system~~ the facility, as  
47 constructed, complies with the Pierce County design criteria and construction Sewer



Standards as required under subsection 13.04.020 G. and other applicable Sections of this Sewer Code; and that

4. Upon completion of installation, said sewer system facility shall be conveyed to the County free and clear of all liens or encumbrances.

**HK. Disconnection of Building Sewer and Sewer Line Extensions.** No building or structure may be disconnected from a building sewer and no building sewer or sewer line extension may be disconnected from a public sewer system for any reason without prior written notification to, and approval by the Director. No approval shall be given unless the disconnection is lawful under this Code and other applicable laws, and satisfactory protection is given by the owner or his contractor to the public sewers of the County system including, but not limited to, the satisfactory capping of the building sewer. Sewer service charges for any structure disconnected or to be disconnected shall continue until such disconnection is approved by the County and the building sewer capped and otherwise protected to the satisfaction of the Director.

~~**T. Indemnification of County.** The property owner or developer performing any of the sewer system improvements described in or required by the subsections of this Code shall indemnify, defend, and hold harmless the County against any action for damages to personal or public property or against any action for damages to personal or public property or for personal injury caused by the performance by the property owner or developer, and, in addition, shall provide a warranty of all materials and workmanship used in connection with any such actions for a minimum period of one year from the date of acceptance of said actions by the Director. Such indemnification shall include, but not be limited to, the actions set forth in subsections 13.04.060 U. and V.~~

**UL. Performance/Guarantee Bond.** Any owner or developer applicant or registered sewer contractor who constructs any sewer facilities pursuant to the Sections of this Sewer Code shall furnish to the County a performance bond naming the County as beneficiary or payee in a minimum amount of ~~100~~ one hundred percent (100%) of the value of the improvements to be constructed within the existing County public rights-of-way and sewer easements areas dedicated to the County. Said ~~The~~ performance bond shall be in a penal sum equal to a minimum of the amount described above and shall be conditioned upon the performance by the owner applicant or registered sewer contractor of all undertakings, covenants, terms, conditions, and agreements of the extension sewer facilities, and upon the prompt payment by the owner applicant or registered sewer contractor to all persons supplying labor and materials for the completion of the work. Such bond shall be executed by the owner applicant or registered sewer contractor and a corporate bonding company licensed to transact such businesses in the State of Washington and approved by the Pierce County Risk Management Office ~~Department or~~ its successor department.

The performance bond shall be replaced after the construction is completed and accepted by the Department of Utilities for operation with a maintenance bond equal to the greater of \$5,000.00 or ~~10~~ ten percent (10%) of the value of improvements of that which is to be dedicated to the County.

The maintenance bond shall insure against defects appearing or developing in the material or workmanship provided or performed under this agreement Sewer Code within a ~~one~~ guarantee period of ~~one~~ up to two years after acceptance for operation. At the end of the ~~one~~ year guarantee period, the bond shall be released provided no latent defects have been discovered on the project. The expense of these bonds shall be borne



1 | by the owner applicant or registered sewer contractor. If at any time a surety on any such  
2 | bond is declared bankrupt or loses its right to do business in the State of Washington, the  
3 | owner applicant or registered sewer contractor shall substitute an acceptable bond (or  
4 | bonds) in such form and sum and signed by such other surety or sureties as may be  
5 | satisfactory to the County. The premiums on such bonds shall be paid by the  
6 | owner applicant or registered sewer contractor.

7 | ~~V. **Evidence of Insurance.** Any owner or developer who constructs any sewer facilities  
8 | pursuant to this Code shall secure and maintain for the period of time from the issuance  
9 | of a building sewer or sewer line extension permit, "Start Work Order" or other written  
10 | authorization to construct sewer facilities until the County accepts and/or approves of  
11 | said sewer facilities or for a longer period of time as determined by the Director, public  
12 | liability insurance for bodily injury and property damage liability, including products  
13 | and contemplated operations and blanket contractual liability. The owner or developer  
14 | shall have the County specifically added as additional named insured in said policies, at  
15 | no cost to the County. The above insurance shall cover the County, owner and  
16 | contractors and/or subcontractors for claims or damages of any nature whatsoever,  
17 | including but not limited, to bodily injury, including wrongful death, as well as other  
18 | claims for property damage which may arise from construction activities whether such  
19 | construction activities be by themselves or by any subcontractor or anyone directly or  
20 | indirectly employed by either. The owner agrees, in addition, to indemnify and hold  
21 | harmless the County from all suits, claims, demands, judgments, and attorneys' fees,  
22 | expenses or losses occasioned by the performance of construction activities by himself,  
23 | any subcontractor, or persons working directly or indirectly for him, or on account of or  
24 | in consequence of any neglect in safeguarding the work or failure to conform with the  
25 | safety standards for construction work adopted by the Safety Division of the Department  
26 | of Labor and Industries of the State of Washington.~~

27 | ~~The amount of such insurance shall be that required by the Pierce County Risk  
28 | Management Department or its successor department. The owner or contractor shall not  
29 | cause any policy to be cancelled or permit it to lapse. All policies shall include a clause  
30 | to the effect that the policy or certificate shall not be subject to cancellation or to a  
31 | reduction in the required limits of liability or amounts of insurance or any other material  
32 | change until notice has been mailed to the County stating when, not less than 30 days  
33 | thereafter, such cancellation or reduction or change shall be effective.~~

34 | ~~All certificates of insurance, authenticated by the proper officers of the insurer, shall  
35 | state in particular those insured.~~

36 |  
37 | **13.04.070 Assessments – Deposits – Connection Charges.**

38 | A. **Connection Charges – General.** Property or portions thereof The owner of any  
39 | development within the Sewer Service Area receiving permanent sanitary sewer service  
40 | through the formation of an Utility Local Improvement District (ULID), by connection  
41 | to an existing Utility Local Improvement District ULID, or by the extension of or  
42 | connection to any permanent wastewater public sewer facilities shall be required to pay  
43 | an amount of money which shall constitute a connection charges. Said Except as  
44 | otherwise provided in Section 13.04.075, all connection charges shall be paid at the rate  
45 | and method prescribed by this Chapter in full as follows:

46 | 1. All connection charges for residential development shall be paid prior to sewer  
47 | service permit issuance;





1 2. All connection charges for commercial development within unincorporated Pierce  
2 County shall be paid prior to final building inspection; and

3 3. All connection charges for commercial development within a city or town shall be  
4 paid prior to sewer service permit issuance.

5 **B. Mode of Connection Charges for Non-ULID Development.** The method or mode of  
6 determining the required connection charges to pay the cost of providing permanent  
7 sanitary sewer service to a given service area or parcel of property development not  
8 located within a ULID may shall be determined, as near as possible, by dividing the total  
9 cost of providing said the service into two or more of the following four basic three  
10 categories and developing respective charges for each category. Types The three  
11 categories of cost/connection charges shall be defined as: area charge; side sewer  
12 sublatecomers charge; and treatment plant capacity charge; and front footage charge.  
13 The four three charges and other related definition terms shall be defined as follows:

14 1. **Capital Cost.** For the purpose of defining the four types of connection charges, The  
15 capital cost shall be defined as those costs associated with connections of parcels to  
16 ULID wastewater facilities and connection of Non-ULID parcels not located within  
17 a ULID to Non-ULID wastewater facilities and shall include all design, engineering,  
18 construction, inspection, financing, latecomer carrying, and administrative costs and  
19 any other such costs mandated either now or in the future by federal, state, and/or  
20 local government agencies that is associated with the following types of public sewer  
21 facilities:

22 a. Existing County-funded public sewer facilities;

23 b. Existing undersized ULID-funded facilities that benefit non-ULID properties;

24 c. Existing applicant-funded public sewer facilities for which the County  
25 reimbursed the applicant for all or a portion of the capital costs; and

26 d. Future County-funded public sewer facilities as prescribed in the most recent  
27 version of the USP or the County's Capital Facilities Plan.

28 2. **Interest Rate.** For the purpose of defining the four types of connection charges,  
29 The interest rate shall be defined as the annual cost to the Department of Public  
30 Works and Utilities of for borrowing funds in any given year.

31 3. **Bond Interest Rate (BIR).** For the purpose of defining the four types of  
32 connection charges, The bond interest rate shall be defined as the percent interest  
33 on borrowed funds if the Department sold bonds for a 20 year period to finance  
34 sewer facility construction in January of each year following year zero and shall be  
35 established by the Department yearly.

36 4. **Year Zero.** For the purpose of defining the four types of connection charges, The  
37 year zero shall be defined as the year in which all sewer facility construction (for a  
38 single ULID or other permanent sewer facility capital construction project) is  
39 completed and all capital costs have been calculated or are known.

40 5. **Latecomer-Carrying Costs.** Latecomer The carrying costs shall be defined as all  
41 capital costs and associated financing costs incurred by the Department of Public  
42 Works and Utilities resulting from the connection(s) of parcel(s) to a non-  
43 ULID capital costs associated with a public sewer system extension facility after said  
44 system the facility is built, financed, and operating. These costs shall be established  
45 by the Department in January of each year following year zero.

46 6. **Consumer Price Index.** For the purpose of defining the four types of connection  
47 charges, The Consumer Price Index for All Urban Consumers (CPI-U) shall be



defined as that method used the data published by the U. S. Department of Commerce Bureau of Labor Statistics (BLS) to measure changes in the prices of goods and services for the Seattle-Everett-Tacoma-Bremerton Standard Metropolitan Statistical Area (or succeeding index).

7. **Area Charge.** ~~The A~~area charge shall be defined as a portion of or all the capital cost(s) associated with all pump stations, force mains, collector and interceptors lines, appurtenances, and any incremental capital costs associated with providing mains which is not paid/covered by the front footage charge the public sewer system and may include other capital costs deemed appropriate by the Director.
8. ~~Side Stub Sewer Charge.~~ Side stub sewer charge shall be defined as a portion of or all the capital cost(s) associated with the installation of a side stub sewer to serve a parcel and may include other capital costs deemed appropriate by the Director.
9. **Latecomers Charge.** The latecomers charge shall be defined as a portion of or all the capital costs associated with applicant-funded sewer facilities for which the County has contractual obligations to reimburse the applicants from a portion of the connection charges paid by property owners within a designated area that is served by the applicant-funded sewer facilities. Any capital costs associated with County participation in these sewer facilities shall be included in the capital cost associated with the formulation of the area charge.
910. **Treatment Plant Capacity Charge.** The Ttreatment plant capacity charge shall be defined as a portion of or all the capital cost(s) associated with the treatment of wastes and the disposal of wastewater treatment by-products and may include other capital costs deemed appropriate by the Director.
10. ~~Front Footage Charge.~~ Front footage charge shall be defined as a portion of or all the capital cost(s) associated with the installation of an eight inch main serving a parcel and may include other capital costs deemed appropriate by the Director.

**THE SPECIFIC FORMULAS USED TO CALCULATE CONNECTION CHARGES ARE INCLUDED IN SECTION 13.04.100 – CONNECTION CHARGE FORMULAS.**

- C. **Mode of Connection Charges for ULID Development.** After the official assessment roll for any ULID has been confirmed, any additional connection charges imposed on any development within the ULID shall be calculated as prescribed in subsection 13.04.070 B.
- €D. **Exceptions to Mode of Assessment.** When special conditions or circumstances exist, the DirectorCounty may allow deviations from the mode of assessment prescribed in subsection 13.04.070 B. of this Code provided that saidthe deviation is consistent for all propertiesdevelopment within a given service area and that saidthe deviation and resulting mode of assessment is specifically defined in a County resolution/ordinance adopting the formation of a ULID.
- DE. **Area Charge and/or Frontage Charge AdjustmentLatecomers Agreements.** Should a Property OwnerIf an applicant constructs public sewer facilities with capacity in excess of that required to serve his/herthe applicant's property, the Ownerapplicant may be eligible to apply for a Latecomers Agreement betweenwith the County and the Property Owner pursuant to Chapter 13.10.
- EF. **Area Charge Adjustment for Critical Areas and Open Spaces.** In the eventIf any property seeking connection to the Countypublic sanitary sewer system contains areas



1 within it that are not capable of development due to the existence of wetlands, flood  
2 hazard areas, fish and wildlife habitat areas, aquifer recharge areas or geologically  
3 hazardous areas (collectively known as critical areas), or has voluntarily set aside certain  
4 portions of the property for open spaces as shown on a project plans, AND the method  
5 prescribed in this section or in any County ordinance uses the site square footage as a  
6 factor in the calculation of the area charge, the square footage of the critical areas may  
7 be excluded from the total square footage of the property for purposes of calculating the  
8 area charge component of the connection charges. PROVIDED, however, that should  
9 the ordinances and regulations governing critical areas change such that the area subject  
10 to exclusion can be developed, then subsequent connection charges shall include the  
11 area previously excluded; AND PROVIDED, FURTHER, that critical areas or open  
12 space may not be excluded if the areas are used in calculating density to meet a  
13 particular zoning criteria for developing the property. Nothing in this Section shall  
14 preclude the use of the facilities area charge method formula described in subsection  
15 13.04.080 B.1 in the calculation of connection charges for a particular parcel property.

16 ~~F. **Building Sewer Service or Sewer Line Extension Permit Fee.** At the time of~~  
17 ~~application for a building sewer or sewer service line extension permit, the owner shall~~  
18 ~~pay to the County a permit fee to offset all County costs associated with the inspection~~  
19 ~~and testing of the sewer line. A building sewer service permit fee shall be required for~~  
20 ~~each building to be connected to a side sewer stub, side sewer tee or public sewer. The~~  
21 ~~amount of the building sewer or sewer line extension permit fee is identified in Section~~  
22 ~~13.04.090.~~

23 ~~The Director, upon review of the building sewer or sewer line extension permit~~  
24 ~~application and subsequent determination that the proposed action constitutes an action~~  
25 ~~encompassing the construction, reconstruction, repair and/or maintenance of public~~  
26 ~~sewer facilities or sewer line extensions, shall also require a plan review fee and an~~  
27 ~~inspection fee as prescribed in subsections 13.04.070 G. and H.~~

28 ~~G. **Plan Review and Inspection Fee.** As required for sewer line extensions in subsection~~  
29 ~~13.04.060 J. of this Code, owners or developers submitting Sewer Facilities Plan(s) to~~  
30 ~~the Department of Public Works and Utilities shall pay at the time of submitting said~~  
31 ~~Plan(s) to the Department, the minimum amount of money specified in Section~~  
32 ~~13.04.090 "Fees". The Department of Public Works and Utilities shall not accept for~~  
33 ~~review any such plans, nor issue any building sewer service permits nor in any manner~~  
34 ~~approve of the commencement of construction until said minimum plan review and~~  
35 ~~inspection fee is paid. Additional costs incurred by the County over and above the~~  
36 ~~minimum fee will be charged to the owner or developer on a time and materials basis.~~  
37 ~~All additional fees must be paid in full prior to the County approving and allowing the~~  
38 ~~use of the sewer facilities.~~

39 ~~H. **Building Sewer Return Inspection Fee.** If circumstances or conditions require return~~  
40 ~~inspection(s) of completed or partially completed building sewers, appurtenances thereto~~  
41 ~~and/or connections thereof to the public sewer system, the owners, developers, or~~  
42 ~~contractors requesting a return inspection shall pay to the County an amount of money~~  
43 ~~for each return inspection which shall constitute a return inspection fee in an amount~~  
44 ~~equal to 70 percent of the building sewer permit fee cost for each return inspection~~  
45 ~~required to complete the building sewer in accordance with current standard plans and~~  
46 ~~sanitary sewer specifications.~~



1 **G. Expansion or Increase in Residential Equivalents.** If any property already connected  
2 to the public sewer system expands its use or produces increased wastewater discharges  
3 which are greater than the number of RE units previously estimated or approved for the  
4 property, the Department shall have the right to require that the owner of the property  
5 pay additional connection charges. Such additional connection charges shall only be  
6 imposed for the net increase over and above the number of RE units for which the  
7 property has been assessed or for which connection charges have already been paid.  
8 Any property owner who fails to pay these additional connection charges is subject to  
9 the provisions in Section 13.04.100.

10 **HI. Excess BOD or TSS Charges.** The County shall have the right to charge an owner of a  
11 parcel of property already connected to the County sewer system an additional  
12 connection charge and increase the monthly sewer service charge if:

- 13 1. Wastewater flows disposed of into the County sewer system have increased above  
14 the amount for which the owner or previous owner(s) paid a connection charge; or
- 15 2. BOD and/or SS are found to be greater than 225 mg/l and 225 mg/l, respectively.

16 If any property already connected to the public sewer system produces wastewater  
17 discharges with BOD and/or TSS levels which are greater than those levels previously  
18 estimated or approved for the property, the Department shall have the right to require  
19 that the owner of the property pay additional connection charges. Such additional  
20 connection charges shall only be imposed for the net increase over and above the BOD  
21 and/or TSS levels for which the property has been originally assessed or for which  
22 connection charges have already been paid. Any property owner who fails to pay these  
23 additional connection charges is subject to the provisions in Section 13.04.100.

24 **J. Discharge of Septic Tank Contents — Charges and Report.** Any owner or contractor  
25 electing to discharge into the County sewer system the contents of any sewage holding  
26 tank(s), septic tank(s), cesspool(s) or chemical toilet(s) in compliance with subsections  
27 13.04.040 L. and M. shall pay to the County a septic tank discharge fee in the amount  
28 prescribed in Section 13.04.090. The point of discharge must be approved by the  
29 Director prior to any discharge.

30 Payments due the County as a result of said charges shall be combined with a  
31 monthly report, properly sworn to before a Notary Public, to be filed with the Director at  
32 the end of each month's business by the owner/contractor and shall contain the following  
33 information:

- 34 1. Date of report;
- 35 2. Number and type of loads discharged into sewer system;
- 36 3. The following data on each load:
  - 37 a. The name and address indicating where the material was obtained;
  - 38 b. Truck number and rated capacity of tank;
  - 39 c. County Utility approved discharge point;
  - 40 d. Date, hour, point and location of discharge into sewer;
- 41 4. Signature;
- 42 5. Affidavit and Notary Seal; and
- 43 6. Check in the amount of minimum charge plus the additional charges for excess tank  
44 capacity for total number of loads.

45 Each owner/contractor shall record a certified list of truck tank capacities by truck  
46 number with the Director prior to any discharge and/or use of the County sewer system.



1 ~~KI. **Mode of Connection Charges and Rates for Sewer Service Development Outside**~~  
2 ~~**Pierce County Sewer Service Area.** The method or mode of determining any~~  
3 ~~connection charges and rates for sewer service to pay the cost of providing permanent~~  
4 ~~sewer service to areas development outside the jurisdiction of Pierce County Sewer~~  
5 ~~Service Area shall be determined and set forth as part of the agreement contract with the~~  
6 ~~municipal corporation having authority for providing sewerage service to said areas the~~  
7 ~~development, subject to the following terms and conditions:~~  
8 1. ~~Quantity and quality of waste received from areas served outside Pierce County~~  
9 ~~jurisdiction shall be limited to the conditions prescribed in the service agreement~~  
10 ~~which in no case shall be less restrictive than the conditions prescribed herein as set~~  
11 ~~forth and established pursuant to this subsection;~~  
12 2. ~~Any and all monies received pursuant to the provisions of this Section shall be~~  
13 ~~placed in the proper sewer utility funds for the use and benefit of the sewer utility.~~

14  
15 **13.04.075 Deferral of Connection Charges.**

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

- 21 A. The voluntary contractual lien shall be contingent upon full payment by the said  
22 owner/seller of the fees prescribed in subsection 13.04.090 G. and the availability of  
23 complete and accurate information to record the voluntary contractual lien;  
24 B. The sewer service permit shall not be issued to the said owner/seller until the voluntary  
25 contractual lien has been recorded by County staff;  
26 C. The said owner/seller shall be responsible for payment of interest on the said connection  
27 charges based on a rate of three percent per annum and accrued from the date of sewer  
28 service permit issuance until the date of full payment of said connection charges;  
29 D. The said owner/seller shall be responsible for full payment of said connection charges  
30 and accrued interest to the County either by no later than the closing date of sale or by  
31 no later than two years from the date of sewer service permit issuance, whichever comes  
32 first. In no case shall building occupancy occur prior to the full payment of the deferred  
33 connection charges and any accrued interest. Notice of the prohibition on occupancy  
34 shall be included on all certificates of occupancy issued by Pierce County;  
35 E. In the event that the said property is sold within two years from the date of sewer service  
36 permit issuance, full payment of said connection charges and accrued interest shall be  
37 made by the closing/escrow agent or title company to the County from the sale proceeds  
38 of the said owner/seller;  
39 F. Upon confirmation of full payment of said connection charges and accrued interest to  
40 the County, the voluntary contractual lien shall be released by County staff;  
41 G. If the said owner/seller fails to make full payment of said connection charges and  
42 accrued interest within the timeframes set forth in this Code Section, then said  
43 owner/seller shall also become liable for a penalty in the amount of ten percent of the  
44 unpaid balance of said connection charges (exclusive of any accrued interest); and  
45 H. If the said owner/seller fails to make full payment of said connection charges, accrued  
46 interest, and any penalty within 60 days after the timeframes set forth in this Code



1 Section, the County may bring suit in foreclosure by civil action in the Pierce County  
2 Superior Court.  
3

4 **13.04.080—Violations of Code.**

- 5 A. **Civil Liability for Damages.** Any person, or commercial entity who willfully or  
6 negligently breaks, damages, destroys, uncovers, defaces or tampers with any structure,  
7 appurtenance, or piece of equipment which is a part of the County or private sewer  
8 facilities, or who willfully or negligently throws, dumps or otherwise introduces any  
9 dirt, rocks, sticks, debris or any other foreign matter or unpermitted waste into the  
10 County sewer system shall be liable to the County for the costs of repair thereof.  
11 B. **Criminal Penalty.** Any person or commercial entity who willfully violates any of the  
12 terms or conditions of this Code shall be guilty of a misdemeanor, and on conviction  
13 thereof, shall be subject to a fine of not more than \$1,000.00 and/or shall be confined in  
14 the County jail for not more than 90 days for each occurrence.  
15 C. **Liability to County.** Any person or commercial entity who shall violate any provision  
16 of this Code shall be liable to the County for any penalty or fine; plus the expense, loss,  
17 damage, cost of inspection or cost of correction incurred by the County by reason of  
18 such violation, including any expenses or reasonable attorney fee's incurred by the  
19 County in collecting from such person or commercial entity any penalty, fine, loss,  
20 damage, expense, cost of inspection or cost of correction.  
21 D. **Notice of Violation.** Any person or commercial entity found to be violating any  
22 provision of this Code shall be served by the County with written notice stating the  
23 nature of the violation and providing a time limit for the satisfactory correction thereof.  
24 The violator of this Code shall, within the period of time stated in such notice,  
25 permanently cease all violation and make all necessary corrections.  
26 E. **Continued Violation—Penalty.** Any person or commercial entity who shall continue  
27 any violation beyond the time limit provided for in subsection 13.04.080 D., shall in  
28 addition to the items of expense provided in subsection 13.04.080 C. of this Code,  
29 become liable to the County for a penalty in the amount of 10 percent of such expense  
30 items, together with interest thereon at a rate of 8 percent from the date of the time limit  
31 provided in subsection 13.04.080 D. of this Code. Each separate day of violation and/or  
32 misdemeanor shall constitute a separate and distinct act of violation.  
33 F. **Lien.** In the event that any person, or commercial entity fails to pay any fee or charge as  
34 set forth in this Code within 60 days after the same is billed by the County, the unpaid  
35 balance plus interest shall become and remain a lien against the property.  
36 G. **Lien Attachment.** The Director shall certify periodically the delinquencies to the King  
37 or Pierce County Auditor, as appropriate, at which time the lien shall attach.  
38 H. **Lien Interest.** The lien shall be for all charges, interest at the rate of 8 percent to be  
39 applied from the date due until paid, and shall attach to the premises to which the  
40 services were furnished.  
41 I. **Lien Foreclosure.** Upon the expiration of 60 days after the attachment of the lien  
42 herein, the County may bring suit in foreclosure by civil action in the Pierce County  
43 Superior Court.  
44 J. **Validity—Severability.** The invalidity of any Section, subsection, clause, sentence or  
45 provisions of this Code shall not affect the validity of any part of this Code which can be  
46 given effect without such part or parts.  
47



1 **13.04.100080 Calculation of Connection Charges Establishment.**

2 A. **General.** Unless a County ordinance prescribing the method of calculating the  
3 connection charges rate for a given area has been adopted, ~~The following connection~~  
4 ~~charge formulas or appropriate County connection charge ordinance, whichever is~~  
5 ~~greater,~~ shall be used to calculate the connection charges required to connect to the  
6 public sewer system within the Sewer Service Area. These formulas use the definitions  
7 described in ~~Subsection 13.04.070 B.~~ Taken together, these charges shall constitute the  
8 connection charges. In any of the formulas described in subsections 13.04.100080 B.  
9 through 13.04.100 E. below, the County reserves the right to substitute the Consumer  
10 Price Index (CPI) for the Bond Interest Rate (BIR).

11 B. **Connection Charges Formulas.**

- 12 1. **Area Charge Formula.** The area charge may include a portion of or all of the  
13 calculated area charges for all-year zero capital costs associated with ULID(s), NON-  
14 ULID facilities, and NON-ULID facilities built in ULID(s) after completion of  
15 ULID(s) plus any associated financing costs ~~the construction of the public sewer~~  
16 ~~system.~~ For each parcel, the area charge in year N following year zero shall be ~~1-d.~~  
17 ~~below times the sum of the greater of 1.a. or 1.b., plus 1.c. as follows:~~  
18 a. ~~The percentage of the capital cost of all facilities based on the ratio of the~~  
19 ~~estimated wastewater flow from the parcel for which the area charge is being~~  
20 ~~calculated to total system wastewater flow;~~  
21 b. ~~The capital cost of all facilities per square foot of all parcels being served;~~  
22 c. ~~The capital cost of all new facilities built specifically to serve a new area per~~  
23 ~~flow ratio or square foot ratio as noted in 1.a. and 1.b. above;~~  
24 d. ~~[(1 + BIR year zero) x ... (1 + BIR year N)].~~

25  
26 
$$\text{Area Charge} = (A/B) \times C \times D$$

27  
28 Where A = Total year zero capital costs for public sewer facilities serving a  
29 designated area as described in subsection 13.04.070 B.;

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

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

34 D = [(1 + BIR year zero) x ... (1 + BIR year N)].

- 35  
36 2. **Side Sewer Stub Charge.** The side sewer stub charge may include a portion of or  
37 all capital costs associated with providing side sewer stubs in year zero in a  
38 designated area plus any associated financing costs. For each parcel the stub charge  
39 in year N following year zero shall be calculated as follows:  
40 a. The total capital cost of constructing all of the side sewer stubs in a designated  
41 area divided by 2.b.;
- 42 b. The total number of stubs in said designated area to be served by said stubs times  
43 2.c.;
- 44 c. [(1 + BIR year zero) x ... (1 + BIR year N)]
- 45 3. **Front Footage Charge Formula.** The front footage charge may include a portion  
46 of or all of the year zero capital costs associated with the installation of 8 inch mains



in a designated area plus any associated financing costs. For each parcel the front footage charge in year N following year zero shall be as follows:

- a. ~~The total capital cost of constructing 8 inch mains or the equivalent in a designated area divided by 3.b.;~~
- b. ~~The total front footage of all parcels in said designated area times 3.c.;~~
- c. ~~The ratio of the front footage of the particular parcel for which the front footage charge is being calculated to the total front footage of all parcels in said designated area as derived from 3.b. above times 3.d.;~~
- d. ~~[(1 + BIR year zero) x ... (1 + BIR year N)].~~

**3. Latecomers Charge Formula.** The latecomers charge may include a portion of or all of the eligible year zero capital costs associated with one or more applicant-funded public sewer facilities for which the County has contractual obligation(s) to reimburse the applicant(s). The calculation of the reimbursable costs shall be governed by the latecomers agreement(s) associated with the applicant-funded public sewer facilities for the duration of the agreement(s).

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

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

- Where A = Total year zero ~~treatment plant(s)~~ capital costs for ~~treatment plant~~ the WWTP(s) serving a designated area divided by 4.b.;
- B = The total rated capacity of a ~~treatment plant~~ the WWTP(s) serving a designated area expressed in residential equivalents (R.E.) REs as defined in subsection 13.04.010 UU. times 4.c.;
- C = The estimated ~~gallons per day (GPD) flow of a proposed user divided by 220 GPD (1 R.E.) times 4.d.;~~ however, in all cases the RE shall not be less than 1.0;
- D = The estimated BOD of ~~said~~ the proposed user (a minimum of 225 mg/l) divided by 225 mg/l times 4.e.;
- E = The estimated ~~SSTSS~~ of said ~~the~~ proposed user (a minimum of 225 mg/l) divided by 225 mg/l times 4.f.; and
- F = [(1 + BIR year zero) x ... (1 + BIR year N)].

**5. Affordable Housing Connection Charge Waiver.** Sewer connection fees~~charges~~ paid to the ~~Utility Department~~ 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 ~~and are available for transfer to the Sewer Utility Funds~~ to replace those fees~~connection charges~~ waived or refunded to the ~~developer~~ applicant.

**13.04.090 Fees.**

A. **Sewer Service Permit Fees.** At the time a sewer service permit is applied for, the applicant shall pay to the County ~~the applicable~~ sewer service permit fee as set forth herein ~~and for any other charges, if applicable. Permit fees are not refundable. Permit~~





1 fees shall be as follows in Table 13.04.090 A.1 to offset all County costs associated with  
2 the permitting, administration, plan review, and inspection of any proposed sewer  
3 facilities. Upon review of the sewer service permit application, the Department may  
4 require plan review and inspection fees to be paid on a time and materials basis as  
5 prescribed in subsection 13.04.090 D. in lieu of those permit fees set forth in Table  
6 13.04.090A.1.;

- 7 1. For each new building or structure to be connected to the "Pierce County Sewerage  
8 System" (subsection 13.04.010 JJ.) or "Private Sewer Facilities" (subsection  
9 13.04.010 MM.):  
10 a. Residential, \$140.00;  
11 b. Commercial, \$185.00; or  
12 c. Affordable Housing, all permit fees shall be waived as delineated in Chapter  
13 18A.65 of the Pierce County Development Regulations if sufficient funds have  
14 been appropriated by the Pierce County Council and are available for transfer to  
15 the Utility Fund to replace those fees waived or refunded to the developer.
- 16 2. For each modification, repair or addition to an existing building sewer where work is  
17 done entirely on private property and connected to "Pierce County Sewerage  
18 System" (subsection 13.04.010 JJ.) or "Private Sewer Facilities" (subsection  
19 13.04.010 MM.):  
20 a. Residential, \$140.00;  
21 b. Commercial, \$185.00;
- 22 3. For each re-inspection required by the County due to incomplete building sewer  
23 construction or the failure of building sewer construction to comply with state and  
24 local construction requirements, a building sewer re-inspection fee shall be charged  
25 in the amount of \$100.00.
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**Table 13.04.090 A.1 - Sewer Service Permit Fees**

**Plan Review and Inspection:**

**Residential Building Sewer (Base Fee) .....\$200.00**

**with private pump station and force main (new design or re-design).... add \$794.00**

**with private pump station and force main (pre-approved design) ..... add \$133.00**

**with new side sewer stub (extended from existing tee) ..... add \$45.00**

**with new sewer tap ..... add \$241.00**

**Commercial Building Sewer (Base Fee).....\$300.00**

**with new or revised private pump station and force main .....add \$2,200.00**

**with new side sewer stub (extended from existing tee) ..... add \$45.00**

**with new sewer tap ..... add \$241.00**

**with new grease interceptor ..... add \$1,667.00**

**with new oil-water separator ..... add \$1,797.00**

**with new misc. pretreatment device ..... add \$1,732.00**

**Re-inspection Fee.....\$100.00**

**Deferral Lien Administrative Fee (PCC 13.04.090 G.).....\$250.00**

**Application Expiration Date Extension .....25% of original Permit Application Fees**

**Payment of Additional Connection Charges Only.....No Fee**

**B. Discharge of Septic Tank or Other Holding Tank Contents Charges – Report.**

1. A minimum charge of \$200.00 be made for each truckload of septic tank, cesspool or chemical toilet contents with a container capacity up to 2,000 gallons, discharged into the County sewer system and shall be paid to the Department of Public Works and Utilities and credited to the sewer utility. An additional charge of ten cents per gallon of tank capacity in excess of 2,000 gallons per load shall be made.

2. A charge of \$5.00 plus ten cents per gallon shall be made for each container of raw sewage from a sewage holding tank. Payments due to the County as a result of said charges shall be combined with a monthly report as outlined in subsection 13.04.070 J., properly sworn to before a notary public, and filed with the Director or designee on the last day of each month.

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



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

**Plan Review and Inspection:**

Sewer Line Extension (Base Fee) .....\$2,290.00

with Gravity Sewer Main ..... add \$0.94 per Linear Foot (L.F.) of gravity main

with Public Pump Station ..... add \$22,911.00 plus \$0.61 per L.F. of force main

with Low-Pressure System ..... add \$722.00 plus \$0.94 per L.F. of low-pressure main

with Latecomers Agreement ..... add \$600.00

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

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



**Table 13.04.090 C.1 - Sewer Plan Review Application Fees**

**Commercial Pretreatment Review:**

Insignificant Industrial User.....	\$100.00
Minor Industrial User (Base Fee).....	\$480.00
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 .....	\$260.00
If property is within a ULID .....	add \$80.00

**Non-Sewered Properties:**

Formal Plat, Short Plats or Large Lot review.....	\$200.00
Formal Plat Alteration review .....	\$200.00
Formal Short Plat or Large Lot Amendment review.....	\$200.00
Binding Site Plan review .....	\$200.00
Binding Site Plan Revision review.....	\$200.00
Boundary Line Adjustment or Lot Combination/Segregation review .....	\$200.00
If property is within a ULID .....	add \$80.00



**Table 13.04.090 C.1 - Sewer Plan 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:**

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/Review .....	\$300.00
Application Expiration Date Extension.....	25%

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**CD. Plan Review and Inspection Fees Time and Materials Charges.** Along with the sewer line extension (subsection 13.04.010 CCC.) plan submittal to the County, the owner shall pay to the County a non-refundable fee of \$500.00. The Department reserves the right to require customers, owners, users, applicants, developers, and contractors to pay plan review and inspection fees on a time and materials basis as follows:

1. The Time and materials charges for plan review and inspection fee shall provide for all costs of service performed by the Department of Public Works and Utilities County 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 County public sewer system.



The non-refundable fee shall be credited against the final County costs as outlined below, provided the final cost exceeds the amount of the non-refundable fee.;

12. The County'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. County 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 ~~15~~ fifteen percent (15%).

23. The County Department will keep an accurate accounting of costs incurred. Should the total County costs exceed the amount of the non-refundable fee, the owner/applicant must pay the additional fees within 30 days following billing by the County Department and prior to the County Department granting final approval of the sewer system facilities. Failure to do so will result in the County Department filing a lien against the subject real property parcel(s) for the unpaid balance. The processing of the lien will be in the manner outlined in Section 13.04.080 ~~100~~.

~~D.E.~~ **Other Fees.** Administrative processing costs incurred by the Department of Public Works and Utilities for items not related to plan review and inspection (~~subsection 13.04.090 C.~~) shall be paid as outlined herein in full prior to the County Department granting final approval of the owner's/developer's applicant's submittal. A non-refundable \$50.00 fee must accompany each separate submittal. The fee shall be credited against the final County costs as prescribed in subsections 13.04.090 ~~C.1.~~ D.2 and 13.04.090 ~~C.2~~ D.3. ~~Should the owner/developer~~ If the applicant elects not to have the County Department complete the processing of the item submitted, the ~~owner/developer~~ applicant shall still be responsible for reimbursing the County for all expenses incurred. The County Department shall withhold granting approval of the ~~owner's/ developer's~~ applicant's submittal until all costs have been paid in full. Failure of the ~~owner/developer~~ applicant to pay the fees within 30 days of notification shall result in the County Department filing and processing a lien as prescribed in ~~subsection 13.04.090 C.2~~ Section 13.04.100. 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.

~~E.~~ **Other Plan Review Fees:** All of the following fees which involve the use of time and materials billing procedures and shall be administered under the provisions of Section 13.04.090 ~~C.1.~~ and ~~C.2.~~

- ~~1. Grease Interceptor Plan Review: \$50.00 non-refundable fee plus time and materials billing for costs and expenses incurred in excess of the non-refundable fee.~~
- ~~2. Commercial Pretreatment Plan Review: \$50.00 non-refundable fee plus time and materials billing for costs and expenses incurred in excess of the non-refundable fee.~~
- ~~3. Accidental Spill Prevention Plan Review: \$50.00 non-refundable fee plus time and materials billing for costs and expenses incurred in excess of the non-refundable fee.~~



- 1 | 4. ~~Industrial Pretreatment Permit Plan Review: \$100.00 non-refundable fee plus~~  
2 | ~~time and materials billing for costs and expenses incurred in excess of the non-~~  
3 | ~~refundable fee.~~
- 4 | 5. ~~Oil Water Separator Plan Review: \$50.00 non-refundable fee plus time and~~  
5 | ~~materials billing for costs and expenses incurred in excess of the non-refundable fee.~~
- 6 | 6. ~~Residential Pump Plan Review: \$50.00 non-refundable fee plus time and materials~~  
7 | ~~billing for costs and expenses incurred in excess of the non-refundable fee.~~
- 8 | 7. ~~Property Segregation/Combination Review: \$80.00 non-refundable fee.~~
- 9 | 8. ~~Environmental Checklist/SEPA Review: \$130.00 non-refundable fee.~~
- 10 | 9. ~~Sewered Formal or Short Plat Review: \$180.00 non-refundable fee, plus time and~~  
11 | ~~materials billing for costs and expenses incurred in excess of the non-refundable fee.~~
- 12 | 10. ~~Non-Sewered Formal or Short Plat Review: \$130.00 non-refundable fee.~~
- 13 | 11. ~~Sewer Service Waiver Review: \$70.00 non-refundable fee.~~
- 14 | 12. ~~Sewer Feasibility Review: \$50.00 non-refundable fee plus time and materials~~  
15 | ~~billing for costs and expenses incurred in excess of the non-refundable fee.~~
- 16 | 13. ~~Water Submeter Plan Review: \$50.00 non-refundable fee plus time and materials~~  
17 | ~~billing for costs and expenses incurred in excess of the non-refundable fee.~~
- 18 | F. ~~Sewer Line Tap Fees.~~ For each sewer line tap, the permit fee shall be \$110.00 non-  
19 | ~~refundable fee plus time and materials billing for costs and expenses incurred in excess~~  
20 | ~~of the non-refundable fee. The owner's contractor shall be responsible for tapping the~~  
21 | ~~sewer line in accordance with County requirements. Damage resulting to the County~~  
22 | ~~sewer system from the tap will be repaired immediately and be the responsibility of the~~  
23 | ~~owner's contractor to repair at no cost to the County.~~
- 24 | ~~GF. Affordable Housing Plan Review Fee Waiver.~~ Sewer permit and/or plan review  
25 | application fees paid to the Utility Department for new residential construction may be  
26 | waived if a proposed development meets the requirements of PCC Chapter 18A.65 and  
27 | if sufficient funds have been appropriated by the Pierce County Council ~~and are~~  
28 | ~~available for transfer to the Sewer Utility Funds~~ to replace those fees waived or refunded  
29 | to the ~~developer~~ applicant.
- 30 | ~~HG. Voluntary Contractual Lien Administrative Fee for Deferred Connection Charges.~~  
31 | At the time of application for a sewer service permit, any owner/seller of property  
32 | requesting a voluntary contractual lien for the deferral of the payment of all connection  
33 | charges as provided in Section 13.04.075 shall pay a non-refundable fee, the amount of  
34 | which shall be determined by the Director, to cover all administrative costs incurred by  
35 | the County, including but not limited to the costs for County staff to process, the  
36 | voluntary contractual lien document, provided that this fee shall not exceed \$250.00  
37 | unless otherwise approved by the Council through ordinance. This fee shall be waived  
38 | whenever a fee for the deferral of impact fees is collected pursuant to PCC subsection  
39 | 4A.10.080 D.2. In addition, the ~~said~~ owner/seller shall pay the filing fees for the  
40 | recording and release of the voluntary contractual lien.
- 41 | ~~H. Refund of Permit Fees.~~ Sewer service permit fees and sewer line extension permit fees  
42 | that are paid in accordance with Table 13.04.090 A.1 and Table 13.04.090 B.1  
43 | respectively are not refundable after the permit has been issued. If the application is  
44 | cancelled or expires prior to issuance of the permit, the applicant may request that a  
45 | portion of the permit fees be refunded subject to the following conditions:  
46 | 1. Any refund request must be submitted in writing on a special form furnished by the  
47 | Department;



2. The maximum amount of the sewer service permit fee that may be refunded is limited to thirty percent (30%) of the permit fee paid. The Department reserves the right to deny any refund request if the total cost of services performed by the Department in association with any application is greater than seventy percent (70%) of the permit fee paid;
3. The maximum amount of the sewer line extension permit fee that may be refunded is limited to forty percent (40%) of the permit fee paid. The Department reserves the right to deny any refund request if the total cost of services performed by the Department in association with any application is greater than sixty percent (60%) of the permit fee paid; and
4. The sewer plan review application fee is not refundable.

**13.04.100 — Connection Charge Establishment.**

A. ~~General.~~ ~~The following connection charge formulas or appropriate County connection charge ordinance, whichever is greater, shall be used to calculate the charges required to connect to the public sewer system. These formulas use the definitions described in Section 13.04.070. Taken together, these charges shall constitute the connection charge. In any of the formulas described in subsections 13.04.100 B. through 13.04.100 E. below, the County reserves the right to substitute the Consumer Price Index (CPI) for the Bond Interest Rate (BIR).~~

**B. Connection Charge Formulas.**

1. ~~Area Charge Formula.~~ ~~The area charge may include a portion of or all of the calculated area charges for all year zero capital costs associated with ULID(s), NON-ULID facilities, and NON-ULID facilities built in ULID(s) after completion of ULID(s) plus any associated financing costs. For each parcel, the area charge in year N following year zero shall be 1.d. below times the sum of the greater of 1.a. or 1.b., plus 1.c.;~~
  - a. ~~The percentage of the capital cost of all facilities based on the ratio of the estimated wastewater flow from the parcel for which the area charge is being calculated to total system wastewater flow;~~
  - b. ~~The capital cost of all facilities per square foot of all parcels being served;~~
  - c. ~~The capital cost of all new facilities built specifically to serve a new area per flow ratio or square foot ratio as noted in 1.a. and 1.b. above;~~
  - d. ~~[(1 + BIR year zero) x ... (1 + BIR year N)].~~
2. ~~Side Sewer Stub Charge.~~ ~~The side sewer stub charge may include a portion of or all capital costs associated with providing side sewer stubs in year zero in a designated area plus any associated financing costs. For each parcel the stub charge in year N following year zero shall be calculated as follows:~~
  - a. ~~The total capital cost of constructing all of the side sewer stubs in a designated area divided by 2.b.;~~
  - b. ~~The total number of stubs in said designated area to be served by said stubs times 2.c.;~~
  - c. ~~[(1 + BIR year zero) x ... (1 + BIR year N)]~~
3. ~~Front Footage Charge Formula.~~ ~~The front footage charge may include a portion of or all of the year zero capital costs associated with the installation of 8 inch mains in a designated area plus any associated financing costs. For each parcel the front footage charge in year N following year zero shall be as follows:~~





- a. ~~The total capital cost of constructing 8 inch mains or the equivalent in a designated area divided by 3.b.;~~
- b. ~~The total front footage of all parcels in said designated area times 3.c.;~~
- c. ~~The ratio of the front footage of the particular parcel for which the front footage charge is being calculated to the total front footage of all parcels in said designated area as derived from 3.b. above times 3.d.;~~
- d. ~~[(1 + BIR year zero) x ... (1 + BIR year N)]~~

4. ~~**Treatment Plant Capacity Charge Formula.** Treatment plant capacity charges may include a portion of or all of the year zero capital costs of all treatment plant facilities serving a designated area plus any associated financing costs. For each parcel, the treatment plant capacity charge in year N following year zero shall be as follows:~~
- a. ~~Total year zero treatment plant(s) capital costs for treatment plant(s) serving a designated area divided by 4.b.;~~
  - b. ~~The total rated capacity of a treatment plant(s) serving a designated area expressed in residential equivalents (R.E.) as defined in subsection 13.04.010 UU. times 4.c.;~~
  - c. ~~The estimated gallons per day (GPD) flow of a proposed user divided by 220 GPD (1 R.E.) times 4.d.; however, in all cases the RE shall not be less than 1.0;~~
  - d. ~~The estimated BOD of said proposed user (a minimum of 225 mg/l) divided by 225 mg/l times 4.ee. The estimated SS of said proposed user (a minimum of 225 mg/l) divided by 225 mg/l times 4.f.;~~
  - f. ~~[(1 + BIR year zero) x ... (1 + BIR year N)].~~
5. ~~**Affordable Housing Connection Charge Waiver.** Sewer connection fees paid to the Utility for new residential construction may be waived if a proposed development meets the requirements of Chapter 18A.65 and if sufficient funds have been appropriated by the Pierce County Council and are available for transfer to the Utility Fund to replace those fees waived or refunded to the developer.~~

**13.04.100 Violations of Code.**

- A. **Civil Liability for Damages.** Any person, or ~~commercial~~ entity who willfully or negligently breaks, damages, destroys, uncovers, defaces or tampers with any structure, appurtenance, or piece of equipment which is a part of the ~~County or private~~ public sewer ~~facilities,~~ system or who willfully or negligently throws, dumps, or otherwise introduces any dirt, rocks, sticks, debris or any other foreign matter or unpermitted waste into the ~~County~~ public sewer system shall be liable to the County for the costs of repair thereof.
- B. **Criminal Penalty.** Any person or commercial entity who willfully violates any of the terms or conditions of this Code shall be guilty of a misdemeanor, and on conviction thereof, shall be subject to a fine of not more than \$1,000.00 and/or shall be confined in the County jail for not more than 90 days for each occurrence.
- C. **Liability to County.** Any person or commercial entity who shall violate any provision of this Code shall be liable to the County for any penalty or fine plus the expense, loss, damage, cost of inspection or cost of correction incurred by the County by reason of such violation, including any expenses or reasonable attorney fees incurred by the County in collecting from such person or commercial entity any penalty, fine, loss, damage, expense, cost of inspection or cost of correction.



1 D. **Notice of Violation.** Any person or commercial entity found to be violating any  
2 provision of this Code shall be served by the County with written notice stating the  
3 nature of the violation and providing a time limit for the satisfactory correction thereof.  
4 The violator of this Code shall, within the period of time stated in such notice,  
5 permanently cease all violation and make all necessary corrections.

6 E. **Continued Violation – Penalty.** Any person or commercial entity who shall continue  
7 any violation beyond the time limit provided for in subsection 13.04.080 D., shall in  
8 addition to the items of expense provided in subsection 13.04.080 C. of this Code,  
9 become liable to the County for a penalty in the amount of 10 percent of such expense  
10 items, together with interest thereon at a rate of 8 percent from the date of the time limit  
11 provided in subsection 13.04.080 D. of this Code. Each separate day of violation and/or  
12 misdemeanor shall constitute a separate and distinct act of violation.

13 F. **Lien.** In the event that any person, or commercial entity fails to pay any fee or charge as  
14 set forth in this Code chapter within 60 days after the same is billed by the County, the  
15 unpaid balance plus interest shall become and remain a lien against the property.

16 G. **Lien Attachment.** The Director shall certify periodically the delinquencies to the King  
17 or Pierce County Auditor, as appropriate, at which time the lien shall attach.

18 ~~H. **Lien Interest.** The lien shall be for all charges, interest at the rate of 8 percent to be  
19 applied from the date due until paid, and shall attach to the premises to which the  
20 services were furnished.~~

21 ~~H.~~ **Lien Foreclosure.** Upon the expiration of 60 days after the attachment of the lien  
22 herein, the County Department may bring suit in foreclosure by civil action in the Pierce  
23 County Superior Court of the county where the property is located.

24 ~~J. **Validity Severability.** The invalidity of any Section, subsection, clause, sentence or  
25 provisions of this Code shall not affect the validity of any part of this Code which can be  
26 given effect without such part or parts.~~

27  
28 **13.04.110 Compliance with Other Regulations.**

29 Applicants may be subject to other federal, state, and local regulations. It shall be the  
30 responsibility of applicants to contact other agencies and County departments to secure any  
31 required permits and approvals.

32  
33 **13.04.120 Severability.**

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



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.**
- 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.**
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- 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.**
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- 19 **13.06.600 Penalties.**
- 20 **13.06.610 Revocation, Modification, and Expiration.**
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- 22 **13.06.630 Conflicts.**
- 23 **13.06.640 Severability.**
- 24 **Appendix Table.**

25

26 **13.06.010 Purpose and Policy.**

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

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

42 These Regulations shall apply to all users of the POTW. The Industrial Pretreatment  
 43 Regulations authorize the issuance of wastewater discharge permits; authorize monitoring,  
 44 compliance, and enforcement activities; establish administrative review procedures; authorize  
 45 requirements for users to monitor and report; and provide for the setting of fees for the equitable  
 46 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 employing more than 250 persons or having gross annual sales or expenditures
  - 36 exceeding \$25 million, if provided the manager is authorized to make management
  - 37 decisions which govern the operation of the regulated facility including having the
  - 38 explicit or implicit duty of making major capital investment recommendations and
  - 39 initiating and directing other comprehensive measures to assure long-term
  - 40 compliance with environmental laws and regulations; can ensure that the necessary
  - 41 systems are established or actions taken to gather complete and accurate information
  - 42 for control mechanism requirements; and where authority to sign documents has
  - 43 been assigned or delegated to the manager in accordance with corporate procedures;
- 44 2. If the user is a partnership or sole proprietorship, a general partner or proprietor,  
45 respectively;



- 1 3. If the user is a federal, State, or local governmental facility, a director or highest official  
2 appointed or designated to oversee the operation and performance of the activities of the  
3 government facility, or designee.
- 4 4. The individuals described in paragraphs 1. through 3. above may designate another  
5 authorized representative if the authorization is in writing, the authorization specifies the  
6 individual or position responsible for the overall operation of the facility from which the  
7 discharge originates, or having overall responsibility for environmental matters for the  
8 company, and the written authorization is submitted to the County.

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

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

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

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

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

30  
31 “Categorical Pretreatment Standard” or “Categorical Standard” means any regulation containing  
32 pollutant discharge limits promulgated by the U.S. EPA in accordance with Sections 307(b) and  
33 (c) of the Act (33 U.S.C. 1317) which apply to a specific category of users and which appear in  
34 40 CFR Chapter I, Subchapter N, Parts 405-471.

35  
36 “Categorical User” means a user covered by one of EPA's Categorical Pretreatment Standards

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



1  
2 “Composite Sample” means the sample resulting from the combination of individual wastewater  
3 samples taken at selected intervals based on an increment of either flow or time.

4  
5 “Contaminant” means any substance that is discharged to the County public sewer system other  
6 than clean drinking water and/or storm and surface water runoff.

7  
8 “Color” means the optical density at the visual wave length of maximum absorption, relative to  
9 distilled water. One-hundred percent transmittance is equivalent to zero (0.0) optical density.

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

19  
20 “County” means the County Government of Pierce County, Washington ~~or the Executive and~~  
21 ~~Council of the County, or an authorized deputy, agent, or representative.~~ It also refers to the  
22 unincorporated areas of Pierce County.

23  
24 “Dangerous Waste” means any waste so defined by Washington Administrative Code (WAC)  
25 173-303-080 through -110.

26  
27 “~~Director of Public Works (Director)~~” means the individual ~~designed~~ designated by Pierce  
28 County as the ~~d~~ Director of the Pierce County Public Works and Utilities Department, or a ~~duly~~  
29 ~~authorized representative~~ designee.

30  
31 “Domestic User (Residential User)” means any non-commercial user of the POTW who  
32 contributes, causes, or allows the contribution of wastewater into the County POTW that is of a  
33 similar volume and/or chemical make-up as that of a residential dwelling unit. Discharges from  
34 a residential dwelling unit typically include up to 220 gallons of flow per day, 225 mg/l of BOD  
35 and 225 mg/l of TSS.

36  
37 “Environmental Protection Agency” (EPA) means the United States Environmental Protection  
38 Agency or, where appropriate, the Regional Water Division Director, or other duly authorized  
39 official of said agency.

40  
41 “Existing Source” means a categorical industrial user which is a source of discharge for which  
42 construction or operation commenced prior to the publication by EPA of proposed categorical  
43 pretreatment standards, which will be applicable to such source if the standard is thereafter  
44 promulgated in accordance with Section 307 of the Act.

45  
46 “Existing User” means a user which is discharging wastewater prior to the effective date of this  
47 Chapter. Any person that buys an existing facility that is discharging non-domestic wastewater



1 will be considered an "existing user" if no significant changes are made in the manufacturing  
2 operation.

3  
4 "Grab Sample" means a sample which is taken from a waste stream on a one-time basis without  
5 regard to the flow in the waste stream and without consideration of time.

6  
7 "Indirect Discharge or Discharge" means the introduction of pollutants into the POTW from any  
8 non-domestic source regulated under Section 307(b), (c), or (d) of the Act and by applicable  
9 State and local regulations.

10  
11 "Insignificant Industrial User" means an industrial user of the POTW identified by the County as  
12 having no significant process wastewater discharge and/or accidental discharge or spill potential.

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

25  
26 "Manager" means the ~~person~~ individual designated by Pierce County as the Wastewater Utility  
27 Manager of the Pierce County Public Works and Utilities Department to administer the operation  
28 of the County's sewer utility and POTW, and who is charged with certain duties and  
29 responsibilities in this Chapter, or ~~designee~~ a duly authorized representative.

30  
31 "Maximum Allowable Discharge Limit" means the maximum concentration (or mass loading) of  
32 a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or  
33 composited sample collected, independent of the industrial flow rate and the duration of the  
34 sampling event.

35  
36 "May" means permissive. (Shall is mandatory.)

37  
38 "Medical Wastes" means infectious agents, such as isolation wastes, human blood and blood  
39 products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes,  
40 potentially contaminated laboratory wastes, and dialysis wastes.

41  
42 ~~"Minor Industrial Discharger or User"~~ (MIU) means an industrial user of the POTW identified  
43 by the County as having the potential to discharge a waste stream that, when taken with the  
44 waste stream from other industrial users, may have a significant impact on the POTW. MIUs  
45 without waste streams that have potential for accidental spills to the sewer may be classified as  
46 Dry MIUs and may or may not be subject to ASPP requirements.





1 “New Source” means:

- 2 1. Any building, structure, facility, or installation from which there is (or may be) a  
3 discharge of pollutants; the construction of which commenced after the publication of  
4 proposed pretreatment standards under Section 307(c) of the Act, which will be  
5 applicable to such source if such standards are thereafter promulgated in accordance  
6 with that section, provided that:
  - 7 a. The building, structure, facility, or installation is constructed at a site at which no  
8 other source is located; or
  - 9 b. The building, structure, facility, or installation totally replaces the process or  
10 production equipment that causes the discharge of pollutants at an existing source; or
  - 11 c. The production or wastewater generating processes of the building, structure,  
12 facility, or installation are substantially independent of an existing source at the same  
13 site. In determining whether these are substantially independent, factors such as the  
14 extent to which the new facility is integrated with the existing plant, and the extent to  
15 which the new facility is engaged in the same general type of activity as the existing  
16 source, should be considered.
- 17 2. Construction on a site at which an existing source is located results in a modification  
18 rather than a new source if the construction does not create a new building, structure,  
19 facility, or installation meeting the criteria of Section (1)(b) or (c) above but otherwise  
20 alters, replaces, or adds to existing process or production equipment.
- 21 3. Construction of a new source as defined under this paragraph has commenced if the  
22 owner or operator has:
  - 23 a. Begun, or caused to begin, as part of a continuous on-site construction program  
24 (1) any placement, assembly, or installation of facilities or equipment; or  
25 (2) significant site preparation work including clearing, excavation, or removal of  
26 existing buildings, structures, or facilities which is necessary for the placement,  
27 assembly, or installation of new source facilities or equipment; or
  - 28 b. Entered into a binding contractual obligation for the purchase of facilities or  
29 equipment which ~~are~~<sup>is</sup> intended to be used in its operation within a reasonable time.  
30 Options to purchase or contracts which can be terminated or modified without  
31 substantial loss, and contracts for feasibility, engineering, and design studies do not  
32 constitute a contractual obligation under this paragraph.

33  
34 “New User” means, while "new sources" are exclusively categorical industries, "new users"  
35 includes all users that apply to the County for a new building permit or occupy an existing  
36 building and plan to (or begin to) discharge a new source of wastewater to the County's  
37 ~~collection~~public sewer system after the effective date of this Chapter. New Users may be found  
38 to be Significant Industrial Users, Minor Industrial Users, or Insignificant Industrial Users upon  
39 review of the user's permit application and other relevant information submitted to the County.

40  
41 ~~“O&M” means operations and maintenance.~~

42  
43 “Other Wastes” means substances such as decayed wood, sawdust, shavings, bark, lime, refuse,  
44 ashes, offal, oil, tar, chemicals, and all other substances except sewage and industrial wastes.

45  
46 “Pass Through” means the occurrence of a discharge which exits the POTW into waters of the  
47 United States in quantities or concentrations which, alone or in conjunction with a discharge or



1 discharges from other sources, is a cause of a violation of any requirement of the County's  
2 NPDES permit (including an increase in the magnitude or duration of a violation) or causes the  
3 POTW's effluent to violate a water quality standard for which permit limits would be applicable  
4 if a potential to violate the standard was known.

5  
6 “Permit” means the Industrial Wastewater Discharge permit authorizing the permittee to  
7 discharge non-domestic wastewater into the County’s sewer system. A permit is issued under  
8 the authority of this Chapter, and prescribes discharge requirements and limitations.

9  
10 “Permittee” means a person or user issued an industrial wastewater discharge permit.

11  
12 “Person” means any individual, partnership, co-partnership, firm, company, corporation,  
13 association, joint stock company, trust, estate, governmental entity, or any other legal entity; or  
14 their legal representatives, agents, or assigns. This definition includes all federal, State, or local  
15 governmental entities.

16  
17 “pH” means a measure of the acid or alkaline nature of a substance, expressed in standard units  
18 of the hydrogen ion concentration.

19  
20 “Pollutant” means any substance discharged into a POTW or its collection the public sewer  
21 system which, if discharged directly, would alter the chemical, physical, biological, or  
22 radiological characteristics or properties of waters of the State [i.e., pH, temperature, TSS,  
23 turbidity, color, BOD, Chemical Oxygen Demand (COD), metals, organics, toxicity, odor].

24  
25 “Pretreatment” means the reduction of the amount of pollutants, the elimination of pollutants, or  
26 the alteration of the nature of pollutant properties in wastewater prior to (or in lieu of)  
27 introducing such pollutants into the POTW. This reduction or alteration can be obtained by  
28 physical, chemical, or biological processes; by process changes; or by other means (except by  
29 diluting the concentration of the pollutants unless allowed by an applicable pretreatment  
30 standard).

31  
32 “Pretreatment Requirements” means any substantive or procedural requirement related to  
33 pretreatment, or the County’s Pretreatment Program, imposed on a user, other than a  
34 pretreatment standard.

35  
36 “Pretreatment Standards or Standards” means prohibited discharge standards, categorical  
37 pretreatment standards, and local limits established by the County or any standard of treatment  
38 based upon AKART and included in a discharge permit.

39  
40 “Process Wastewater” means wastewater discharged from one or more industrial processes or  
41 industrial cleanup procedures. Process wastewater does not include domestic waste or non-  
42 contact cooling or heating water. Process wastewater may refer to one process discharge or  
43 several commingled process discharges.

44  
45 “Prohibited Discharge Standards” or “Prohibited Discharges” means absolute prohibitions  
46 against the discharge of certain substances; these prohibitions appear in Section 13.06.050.

47



1 “Publicly Owned Treatment Works” (POTW) means a "treatment works," as defined by Section  
2 212 of the Act (33 U.S.C. 1292) which is owned by, or under the jurisdiction or control of, the  
3 County. This definition includes any devices or systems used in the collection, conveyance,  
4 storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature.  
5 For purposes of this Chapter, the POTW shall be the County’s public sewer system.

6  
7 “Self Monitoring Reports” means a report, submitted to the County by the Discharger, User  
8 containing information generated by the Discharger, User, such as sampling test results on  
9 wastewater discharges quality or quantity.

10  
11 “Septic Tank Waste” means any sewage from holding tanks such as chemical toilets, and septic  
12 tanks or from tanks within campers, trailers, and vessels holding human and/or kitchen wastes.

13  
14 “Sewage” means water-carried human wastes, or a combination of water-carried wastes from  
15 residences, business buildings, institutions and industrial establishments, together with such  
16 ground, surface, storm, or other waters as may be present. This term is used interchangeably  
17 with the term "wastewater".

18  
19 “Sewer” means any pipe, conduit, ditch, or other device used to collect and transport sewage or  
20 stormwater from the generating source.

21  
22 "Shall" means mandatory. ("May" is permissive.)

23  
24 “Significant Industrial User” (SIU) means:

- 25 1. A user subject to categorical pretreatment standards; or
- 26 2. A user that:
  - 27 a. Discharges an average of 25,000 gpd or more of process wastewater to the POTW  
28 (excluding sanitary, non-contact cooling, heating, and boiler blowdown wastewater);
  - 29 b. Contributes a process waste stream which makes up five percent (5%) or more of  
30 the average dry weather hydraulic or organic capacity of the POTW; or
  - 31 c. Is designated as such by the County on the basis that it has a reasonable potential for  
32 adversely affecting the POTW's operation or for violating any pretreatment standard  
33 or requirement.
- 34 3. Upon a finding that a user meeting the criteria in subsection (2) has no reasonable  
35 potential for adversely affecting the POTW's operation or for violating any applicable  
36 pretreatment standard or requirement, the County may at any time, on its own initiative,  
37 or in response to a petition received from a user [and in accordance with procedures in  
38 40 CFR 403.8(f)(6)] determine that such user should not be considered a significant  
39 industrial user.

40  
41 “Significant Non-compliance” means significant non-compliance occurs when a violation or  
42 series of violations by an industrial user meets one or more of the following criteria:

- 43 1. Chronic violations of wastewater discharge limits, defined as those in which 66~~sixty-six~~  
44 percent (66%) or more of all the measurements taken during a six month period exceed  
45 the daily maximum limit or the average limit for the same pollutant parameter; a  
46 numeric Pretreatment Standard or Requirement, including instantaneous limits, as  
47 defined by Section 13.06.030;



2. Technical review criteria (TRC) violations, defined as those in which ~~33~~ thirty-three percent (33%) or more of all measurements for each pollutant parameter taken during a six month period equal or exceed ~~the product of the daily maximum limit or the average limit~~ a numeric Pretreatment Standard or Requirement, including instantaneous limits, as defined by section 13.06.030 of this code. multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, fats, oils, and grease (FOG), and 1.2 for all other pollutants except pH);
3. Any other violations(s) of a pretreatment ~~effluent limit~~ standard or requirement, including instantaneous limits, as defined in Section 13.06.030, that the Manager determines to have caused, alone or in combination with other discharges, an interference or pass-through, or endangered the health of the general public or sewage treatment personnel;
4. Any discharge of a pollutant that causes an imminent endangerment to human health, welfare, or to the environment, or results in the POTW's exercise of its emergency authority to halt or prevent such a discharge;
5. Failure to meet a compliance schedule milestone contained in an Industrial Wastewater Discharge Permit or enforcement order for starting or completing construction, or attaining final compliance;
6. Failure to provide, within ~~30~~ 45 days after the due date, required reports, such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, or other reports required by compliance schedules;
7. Failure to accurately report non-compliance; or
8. Any other violation or group of violations, which may include a violation of Best Management Practices, which the Manager finds will adversely affect the operation and implementation of the County's Pretreatment Program.

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

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

“State” means State of Washington.

“Storm Sewer” means a sewer which carries storm and surface waters and drainage, but from which sewage and polluted industrial wastes are excluded.

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

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



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

5  
6 “Treatment Plant Effluent” means the discharge from the POTW into waters of the State or the  
7 United States.

8  
9 “Upset” means an exceptional incident in which a discharger unintentionally and temporarily is  
10 in a state of noncompliance with the standards set forth in this Chapter due to factors beyond the  
11 reasonable control of the Discharger, and excluding noncompliance to the extent caused by  
12 operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of  
13 preventive maintenance, or careless or improper operation thereof.

14  
15 “User (Industrial User)” means any person, business, or corporation with a source of wastewater  
16 discharge which does not qualify that person, business, or corporation as a Domestic User as  
17 defined in this subsection.

18  
19 “Wastewater” means liquids and water-carried industrial wastes and sewage from residential  
20 dwellings, commercial buildings, industrial and manufacturing facilities, institutions, etc.,  
21 whether treated or untreated, which are contributed to the POTW.

22  
23 “Wastewater Discharge Permit” means an authorization or equivalent control document issued  
24 by the County to users discharging wastewater to the POTW. The permit may contain  
25 appropriate pretreatment standards and requirements as set forth in this Chapter or in other  
26 applicable regulations.

27  
28 “Wastewater Treatment Plant” or “Treatment Plant” means that portion of the POTW which is  
29 designed to provide treatment of wastewater.

30  
31 ~~Wastewater Utility Manager (Manager). The person designated by Pierce County to administer~~  
32 ~~the operation of the County’s sewer utility and POTW, and who is charged with certain duties~~  
33 ~~and responsibilities in this Chapter, or a duly authorized representative.~~

34  
35 **13.06.040 Abbreviations and Acronyms.**

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

39  
40 “ASPP” means Accidental Spill Prevention Plan.



1  
2  
3 “BMPs” means Best Management Practices.

4  
5 “BOD” means Biochemical Oxygen Demand.

6  
7 “CFR” means Code of Federal Regulations.

8  
9 “COD” means Chemical Oxygen Demand.

10  
11 “EPA” means U.S. Environmental Protection Agency.

12  
13 “gpd” means gallons per day.

14  
15 “LEL” means Lower Explosive Limit.

16  
17 “mg” means milligrams.

18  
19 “mg/l” means milligrams per liter.

20  
21 “NPDES” means National Pollutant Discharge Elimination System.

22  
23 “O&M” means Operations and Maintenance.

24  
25 “POTW” means Publicly Owned Treatment Works.

26  
27 “RCRA” means Resource Conservation and Recovery Act.

28  
29 “RCW” means Revised Code of Washington.

30  
31 “SIU” means Significant Industrial User.

32  
33 “SWDA” means Solid Waste Disposal Act (42 U.S.C. 6901, et seq.).

34  
35 “TSS” means Total Suspended Solids.

36  
37 “USC” means United States Code.

38  
39 “WAC” means Washington Administrative Code.

40  
41 **13.06.050 Prohibited Discharge Standards.**

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



- 1 B. **Specific Prohibitions:** No user shall introduce or cause to be introduced into the  
2 POTW the following pollutants, substances, or wastewater:
- 3 1. Any pollutants including liquids, solids, or gases which by reason of their nature or  
4 quantity are, or may be, sufficient either alone or by interaction with other  
5 substances to cause fire or explosion. Waste streams shall not have a closed-cup  
6 flashpoint of less than 140° F (60° C) using the test methods specified in 40 CFR  
7 261.21;
  - 8 2. Pollutants which result in the presence of toxic gases, vapors, or fumes within the  
9 POTW in a quantity that may cause acute worker health and safety problems;
  - 10 3. Wastewater having a pH less than 5.5 or more than 11.0. In no case can a  
11 wastewater cause corrosive structural damage to the POTW or equipment, or cause  
12 the POTW's effluent to be less than 6.0 or greater than 9.0 (40 CFR 133.102(c)(2));
  - 13 4. Solid (greater than 1/4" in any dimension) or viscous substances which will or may  
14 cause obstruction to the flow in a sewer or other interference with the operation of  
15 the POTW;
  - 16 5. Grease, animal guts or tissues, paunch manure, bones, hair, hides or fleshings,  
17 entrails, whole blood, feathers, ashes, sand, spent lime, stone or marble dust, metal,  
18 glass, grass clippings, rags, spent grains, waste paper, wood, plastic, gases, tar,  
19 asphalt residues, residues from refining or processing of fuel or lubricating oil,  
20 dental amalgams, clay materials, glass grinding and polishing wastes in amounts  
21 that would adversely affect the POTW or the treatment plant effluent, residues or  
22 biosolids;
  - 23 6. Pollutants, including oxygen-demanding pollutants (BOD, etc.), released in a  
24 discharge at a flow rate and/or pollutant concentration which, either singly or by  
25 interaction with other pollutants, will cause interference with the POTW;
  - 26 7. Wastewater having a temperature which will inhibit biological activity in the  
27 treatment plant resulting in interference, but in no case wastewater which causes the  
28 temperature at the introduction into the treatment plant to exceed 104° F (40 C)  
29 unless the Approval Authority, upon the request of the POTW, approves alternate  
30 temperature limits;
  - 31 8. Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin, in  
32 excess of the local limits, or in amounts that will cause interference or pass through;
  - 33 9. Any of the following non-polluted discharges unless approved by the Manager  
34 under extraordinary circumstances, such as lack of direct discharge alternatives due  
35 to combined sewer service or need to augment sewage flows due to septic  
36 conditions:
    - 37 a. Non-contact cooling water in significant volumes.
    - 38 b. Stormwater, and other direct inflow sources such as wells, surface waters, roof  
39 drains, etc.
    - 40 c. Wastewater significantly affecting system hydraulic loading, which do not  
41 require treatment or would not be afforded a significant degree of treatment by  
42 the system such as swimming pool drainage, condensate, deionized water, non-  
43 contact cooling water, and unpolluted wastewater;
  - 44 10. Trucked or hauled pollutants, except as specifically approved by the Manager and at  
45 discharge points designated by the County;
  - 46 11. The contents of any tank or other vessel owned or used by any person in the  
47 business of collecting or pumping sewage, effluent, septage, or other wastewater



- 1 unless said person has first obtained testing and approval as may be generally  
2 required by the County and paid all fees assessed for the privilege of said discharge;
- 3 12. Wastewater which imparts color which cannot be removed by the treatment  
4 process, such as, but not limited to, dye wastes and vegetable tanning solutions,  
5 which consequently imparts color to the treatment plant's effluent, thereby violating  
6 the County's NPDES permit or other applicable regulations. Color (in combination  
7 with turbidity) shall not cause the treatment plant effluent to reduce the depth of the  
8 compensation point for photosynthetic activity by more than ~~10~~ten percent (10%)  
9 from the seasonably established norm for aquatic life;
- 10 13. Wastewater containing any radioactive wastes or isotopes except as specifically  
11 approved by the Manager in compliance with applicable State or federal regulations  
12 and when such person is licensed for the use of those radioactive materials by the  
13 Department of Health and the waste meets all requirements of WAC Section 246-  
14 221-190, "Disposal by release into sanitary sewerage systems", and the average  
15 concentration limits as defined in WAC Section 246-221-190 Appendix A, Table I,  
16 Column 2, and WAC Section 246-221-300 Appendix B;
- 17 14. Any sludges, screenings, or other residues from the pretreatment of industrial  
18 wastes or from industrial processes, unless specifically authorized by the Manager;
- 19 15. Medical wastes, except as authorized by the Manager;
- 20 16. Wastewater causing, alone or in conjunction with other sources, the treatment  
21 plant's effluent to fail a toxicity test;
- 22 17. Detergents, surface-active agents, or other substances in amounts which may cause  
23 excessive foaming in the POTW;
- 24 18. Any substance which will cause the POTW to violate its NPDES permit and/or  
25 other disposal system permits;
- 26 19. Any wastewater, which in the opinion of the Manager, can cause harm either to the  
27 sewers, sewage treatment process, or equipment; have an adverse effect on the  
28 receiving stream; or can otherwise endanger life, limb, public property, or constitute  
29 a nuisance, unless allowed under special agreement by the Manager (except that no  
30 special waiver shall be given from categorical pretreatment standards, unless  
31 authorized by federal pretreatment regulations);
- 32 20. Any dangerous, hazardous, or extremely hazardous wastes as defined in rules  
33 published in Chapter 173-303 of Washington Administrative Code or in EPA rules  
34 40 CFR Part 261 except as authorized by the County in an industrial pretreatment  
35 permit or other applicable permit, control mechanism, or applicable regulation.
- 36 21. Persistent pesticides and/or pesticides, such as those regulated by the Federal  
37 Insecticide Fungicide Rodenticide Act (FIFRA), in amounts that would have  
38 adverse effects on the POTW, treatment plant effluent, biosolids, or the  
39 environment;
- 40 22. Any substance which may cause the POTW's effluent or treatment residues,  
41 biosolids, or scum to be unsuitable for reclamation and reuse, or which may  
42 interfere with the reclamation process. Under no circumstances can a substance be  
43 discharged to the POTW which would cause the biosolids to be rendered unsuitable  
44 for beneficial utilization, such as land application;
- 45 23. Any slug load, which shall mean any pollutant (including suspended solids and  
46 BOD), and any other matter or flow, released in a single extraordinary discharge  
47 episode of such volume or strength as to cause interference to the POTW.





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

3  
4 **13.06.060 Federal Categorical Pretreatment Standards.**

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

8  
9 **13.06.070 State Requirements.**

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

- 20 A. Any person who constructs or modifies or proposes to construct or modify wastewater  
21 treatment facilities must first comply with the regulations for submission of plans and  
22 reports for construction of wastewater facilities (WAC Chapter 173-240). The County  
23 has been delegated the authority to review and approve such plans under RCW Section  
24 90.48.110. Sources of non-domestic discharges shall request approval for such plans  
25 through the County. To ensure conformance with this requirement, proof of the  
26 approval of such Plans and one copy of each approved plan shall be provided to the  
27 Manager before commencing any such construction or modification.
- 28 B. Users shall apply to the Manager for a permit at least 60 days prior to the intended  
29 discharge of any pollutants other than domestic wastewater or wastewater which the  
30 Manager has determined is similar in character and strength to normal domestic  
31 wastewater with no potential to adversely affect the POTW. (173-216-050(1))
- 32 C. All Significant Industrial Users must apply for and obtain a permit prior to discharge.
- 33 D. All users shall apply all known, available, and reasonable methods to prevent and  
34 control waste discharges to the waters of the state (AKART). (173-216-050(3))
- 35 E. Discharge restrictions of WAC Chapter 173-303 (Dangerous Waste) shall apply to all  
36 Users. (Prohibited discharge standards have been merged with Federal prohibitions in  
37 section 2.1).
- 38 F. Claims of confidentiality shall be submitted according to WAC Section 173-216-080.  
39 Information which may not be held confidential includes the: Name and address of  
40 applicant, description of proposal, the proposed receiving water, receiving water quality,  
41 and effluent data. Claims shall be reviewed based on the standards of WAC Section  
42 173-216-080, RCW Chapter 42.17, WAC Chapter 173-03, and RCW Section  
43 43.21A.160.
- 44 G. Applicants for a new permit or a permit renewal or modification which allows a new or  
45 increased pollutant loading shall publish notice for each application in the format  
46 provided by the County. Such notices shall fulfill the requirements of WAC Section  
47 173-216-090. These requirement include publishing:



1. The name and address of the applicant and facility/activity to be permitted.
  2. A brief description of the activities or operations which result in the discharge
  3. Whether any tentative determination which has been reached with respect to
  4. allowing the discharge.
  4. The address and phone number of the office of the Manager or his delegate where
  6. persons can obtain additional information.
  5. The dates of the comment period (which shall be at least 30 days).
  6. How and where to submit comments or have any other input into the permitting
  9. process, including requesting a public hearing.
- H. The Manager may require the applicant to also mail this notice to persons who have  
expressed an interest in being notified, to state agencies and local governments with a  
regulatory interest, and to post the notice on the premises. If the Manager determines  
there is sufficient public interest the County shall hold a public meeting following the  
rules of WAC Section 173-216-100. The Manager may assume responsibility for public  
notice requirements for any Person, and may waive this requirement for persons  
applying for a general permit, model permit, short term discharge authorization, or as a  
food service establishment.
- I. Permit terms shall include, wherever applicable, the requirement to apply all known,  
available, and reasonable methods of prevention, control, and treatment.
- J. All required monitoring data shall be analyzed by a laboratory registered or accredited  
under the provisions of WAC Chapter 173-50, except for flow, temperature, settleable  
solids, conductivity, pH, turbidity, and internal process control parameters. However, if  
the laboratory analyzing samples for conductivity, pH, and turbidity must otherwise be  
accredited, it shall be accredited for these parameters as well.

**13.06.080 Local Limits.**

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

**13.06.090 Additional Standards of Treatment.**

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

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



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

6  
7 **13.06.110 Special Agreement.**

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

15  
16 **13.06.120 Dilution.**

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

24  
25 **13.06.130 Providing and Maintaining Pretreatment Facilities.**

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

31  
32 **13.06.140 Reports for Industrial Facilities.**

33 Users constructing or modifying facilities for pretreatment of industrial wastewater to be  
34 discharged to the POTW shall submit to the County an engineering report, plans, and  
35 specifications, and O&M procedures which fulfill the requirements of WAC Chapter 173-240.  
36 Upon approval of the County, the O&M procedures may be combined with the engineering  
37 report, plans, and specifications, as provided for under WAC Chapter 173-240. Approval of the  
38 engineering report, plans, and specifications and O&M procedures by the County shall be  
39 obtained by the user before discharging to the POTW.

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

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



1  
2 **13.06.150 Deadline for Compliance with Applicable Pretreatment Requirements.**

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

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

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

20  
21 **13.06.160 Additional Pretreatment Measures.**

22 A. Whenever deemed necessary, the Manager may require users to restrict their discharge  
23 during peak flow periods, designate that certain wastewater be discharged only into  
24 specific sewers, relocate and/or consolidate points of discharge, separate domestic  
25 sewage Waste streams from industrial Waste streams, provide flow equalization or  
26 storage, and such other conditions as may be necessary to protect the POTW, determine  
27 the user's compliance with the requirements of this Chapter, and meet the objectives of  
28 this Chapter.

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

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

38  
39 **13.06.170 Minor Industrial User Permits.**

40 The County reserves the right to establish general permits, best management practices, or  
41 reasonable treatment standards for any category of minor industrial user, and to determine the  
42 applicability of these standards to any particular user. To ensure that minor industrial users are  
43 uniformly providing reasonable treatment, the County may establish or adopt treatment standards  
44 to be applied at the end of a particular process in lieu of local limits set forth in Section  
45 13.06.080 of this Section which apply at the user's point of discharge to the ~~sanitary sewer~~  
46 **POTW**. When specific process standards are less stringent than local limits, the Manager will  
47 ensure that adequate protection of the POTW is maintained.



1  
2 **13.06.180 Accidental Discharge/Slug Control Requirements.**

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

- 16 A. Any user required to develop and implement an accidental discharge/slug control plan  
17 shall submit a plan which addresses, at a minimum, the following:  
18 1. Description of discharge practices, including non-routine batch discharges;  
19 2. Description of stored chemicals;  
20 3. Description of all potential discharge pathways to the POTW;  
21 4. Procedures for immediately notifying the POTW of any accidental or slug discharge.  
22 Such notification must also be given for any discharge which would violate any of  
23 the standards in Sections 13.06.050 through 13.06.090; and  
24 5. Procedures to prevent adverse impact from any accidental or slug discharge. Such  
25 procedures include, but are not limited to, inspection and maintenance of storage  
26 areas, handling and transfer of materials, loading and unloading operations, control  
27 of plant site runoff, worker training, building of containment structures or  
28 equipment, measures for containing hazardous or toxic pollutants (including  
29 solvents), and/or measures and equipment for emergency response.
- 30 B. Users shall notify the County Wastewater Treatment Plant Superintendent immediately  
31 upon the occurrence of a "slug" or "accidental discharge" of substances regulated by this  
32 Chapter. The notification shall include location of discharge, date and time thereof, type  
33 of waste, concentration and volume, and corrective actions. Any user who discharges a  
34 slug load shall be liable for any expense, loss, or damage to the POTW, in addition to  
35 the amount of any fines imposed on the County under State or federal law.
- 36 C. Within five days following an accidental discharge, the user shall submit to the Manager  
37 a detailed written report describing the cause of the discharge and the measures to be  
38 taken by the user to prevent similar future occurrences. Such notification shall not  
39 relieve the user of any expense, loss, damage, or other liability which may be incurred as  
40 a result of damage to the POTW or the environment, fish kills, or any other damage to  
41 person or property; nor shall such notification relieve the user of any fines, civil  
42 penalties, or other liability which may be imposed by this Chapter or other applicable  
43 law.
- 44 D. The County may require signs to be permanently posted in conspicuous places on the  
45 user's premises advising employees whom to call in the event of a slug or accidental  
46 discharge, and may require that employers instruct all their employees who may cause or  
47 discover such a discharge with respect to emergency notification procedures.



1  
2 **13.06.190 Hauled Wastes.**

- 3 A. Hauled waste, such as septic tank waste, may be introduced into the POTW only with  
4 specific prior approval by the Manager, only at a designated receiving point, and at such  
5 times as are established by the Manager. Such wastes shall not violate this Chapter or  
6 any other federal, State or local requirements or regulations. Wastewater discharge  
7 permits or authorizations for hauled wastes shall be issued by the Manager.  
8 B. The Manager may require sampling of each hauled load to ensure compliance with  
9 applicable pretreatment standards. The Manager may require the hauler to provide a  
10 waste analysis of any load prior to discharge.  
11 C. Haulers must provide a waste-tracking form for every load. This form shall include, at a  
12 minimum, the name and address of the waste hauler, permit number or authorization  
13 reference, truck identification, sources of waste, and volume and characteristics of  
14 waste.  
15 D. Fees for dumping hauled wastes may be established as part of the user fee system as  
16 authorized in Section 13.06.200 and/or as established in the Pierce County Sewer Utility  
17 Administrative Code.  
18 E. The Manager retains the right to refuse to accept any or all hauled wastes.  
19

20 **13.06.200 Fees and Charges.**

- 21 A. The County may adopt reasonable fees for reimbursement of costs of setting up and  
22 operating the County's Pretreatment Program which may include:  
23 1. Fees for wastewater discharge permit applications including the cost of processing  
24 such applications;  
25 2. Fees for reviewing and responding to accidental discharge procedures and  
26 construction;  
27 3. Fees for filing appeals; and  
28 4. Other fees as the County may deem necessary to carry out the requirements  
29 contained herein.  
30 B. The County may charge a user on a time-and-materials basis to recover its costs for  
31 activities such as monitoring, inspection, surveillance, review of reports, and  
32 enforcement procedures, (including the cost of collecting and analyzing a user's  
33 discharge), when such activities are necessary for the County to comply with regulations  
34 and requirements pertaining to the administration of the Pretreatment Program.  
35 C. The County may charge a user on a time-and-materials basis to recover its costs for  
36 activities undertaken as a result of the user being in violation of any of the provisions of  
37 this Chapter.

38 These fees relate solely to the matters covered by these Regulations and are separate from all  
39 other fees, fines, or penalties chargeable by the County.  
40

41 **13.06.210 Wastewater Discharges: Pretreatment Review.**

42 It shall be unlawful to discharge sewage wastewater, industrial wastes, or other wastes, ~~to any~~  
43 ~~sewer within the jurisdiction of the County and/or~~ to the POTW, except as authorized by the  
44 Manager in accordance with the provisions of these Regulations. The County is obligated under  
45 Federal law to identify all Users potentially subject to the pretreatment program, and the  
46 character and volume of pollutants discharged by such Users. To satisfy this requirement, all  
47 sources of non-domestic discharges to the POTW must complete a Pretreatment Review



1 Application form and complete other forms which the Manager determines appropriate to  
2 provide the information needed to categorize each User. The Manager shall be authorized to  
3 categorize each User, provide written notice of a User's categorization and what it means, and  
4 revise this categorization at any time.

5  
6 **13.06.220 Wastewater Discharge Permit.**

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

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

16  
17 **13.06.230 Wastewater Discharge Permitting: Existing SIU.**

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

25  
26 **13.06.240 Wastewater Discharge Permitting: New Source and New User.**

27 At least 90 days prior to their anticipated start-up, New Sources, users that become a New  
28 Source subsequent to the promulgation of an applicable categorical pretreatment standard, and  
29 New Users considered by the County to fit the definition of an SIU, shall apply for a wastewater  
30 discharge permit and must submit to the County at least the information listed in Section  
31 13.06.260. New Sources and New Users cannot discharge without first receiving a wastewater  
32 discharge permit or authorization from the County. Both New Sources and New Users which are  
33 required to have a wastewater discharge permit shall include in their application information on  
34 any method of pretreatment they intend to use to meet applicable pretreatment standards, and  
35 shall provide at least estimates of the information requested in Section 13.06.260.

36  
37 **13.06.250 Wastewater Discharge Permitting: Extra jurisdictional Users.**

38 Any municipal corporation or user located outside of the County's jurisdiction or Sewer  
39 Service Area discharging to, or that intends to discharge to, the County's POTW must comply  
40 with, and is subject to, the provisions of this Chapter these Regulations. Prior to allowing  
41 wastewater to be into the POTW, the County shall be empowered and obliged to enter into an  
42 agreement or contract with the municipal corporation or user to affix responsibilities in an  
43 enforceable manner to ensure that the pretreatment program is fully and equitably administered.

44  
45 **13.06.260 Wastewater Discharge Permit Application Contents.**

46 All users required to obtain a wastewater discharge permit must submit, as required by the  
47 County, the following information, along with information required in a permit application form



1 provided by the County. Categorical users submitting the following information shall have  
2 complied with federal pretreatment regulation 40 CFR 403.12(b). New Sources and New Users  
3 which have not begun discharging shall make estimates of the data required in subsections E. and  
4 F. of this Section, and shall submit a "90 day compliance report" within 90 days after startup  
5 containing the sampling information required by subsections E. and F. Newly identified users,  
6 and users subject to newly promulgated categorical standards shall submit actual data from  
7 sampling to fulfill the requirements of these Sections.

8 A. **Identifying Information.** The user shall submit the name and address of the facility  
9 including the name of the operator and owners.

10 B. **Standard Industrial Classification (SIC) Code.** The user shall submit the Standard  
11 Industrial Classification number(s) according to the Standard Industrial Classification  
12 manual, Bureau of the Budget, 1972, as amended, which apply to the facility.

13 C. **Permits.** The user shall submit a list of any environmental control permits held by or  
14 for the facility.

15 D. **Description of Operations.** The user shall submit a brief description of the nature,  
16 average rate of production, and SIC codes of the operation(s) carried out by such user,  
17 including a list of all raw materials and chemicals used or stored at the facility which  
18 are, or could accidentally or intentionally be, discharged to the POTW; number of  
19 employees; hours of operation; each product produced by type, amount, process or  
20 processes, and rate of production; type and amount of raw materials processed (average  
21 and maximum per day) and the time and duration of discharges. This description should  
22 also include a schematic process diagram which indicates points of discharge to the  
23 POTW from the regulated or manufacturing processes. The user shall submit site plans,  
24 floor plans, mechanical and plumbing plans and details to show all sewers, sewer  
25 connections, inspection manholes, sampling chambers, and appurtenances by size,  
26 location, and elevation.

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

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

- 31 a. Regulated or manufacturing process streams;  
32 b. Other streams as necessary to allow use of the combined waste stream formula of  
33 40 CFR 403.6(e); and  
34 c. Total discharge flow to the POTW.

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

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

42 1. **Categorical User:**

- 43 a. The user shall identify the applicable pretreatment standards for each regulated  
44 or manufacturing process.  
45 b. In addition, the user shall submit the results of sampling and analysis identifying  
46 the nature and concentration (or mass), where required by the Categorical  
47 Pretreatment Standard or as required by the County, of regulated pollutants





(including standards contained in Section 13.06.080 and in the Appendix Table, as appropriate) in the discharge from each regulated or manufacturing process. Both daily maximum and average concentration (or mass, where required) shall be reported. Samples shall be representative of daily operations and shall conform to sampling and analytical procedures outlined in Sections 13.06.490 and 13.06.500.

c. Where an alternate concentration or mass limit has been calculated in accordance with 40 CFR 403.6(e) for a categorical user covered by a categorical pretreatment standard this adjusted limit along with supporting data shall be submitted as part of the application.

2. **Non-Categorical User:**

a. The user shall identify the applicable pretreatment standards for its wastewater discharge.

b. In addition, the user shall submit the results of sampling and analysis identifying the nature and concentration (or mass where required by the County) of regulated pollutants contained in Sections 13.06.050 through 13.06.080, as appropriate in the discharge. Both daily maximum and average concentration (or mass, where required) shall be reported. Samples shall be representative of daily operations and shall conform to sampling and analytical procedures outlined in Sections 13.06.490 and 13.06.500.

c. Where the County has developed alternate concentration or mass limits because of dilution, this adjusted limit, along with supporting data, shall be submitted as part of the application.

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

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

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

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

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



1  
2 **13.06.270 Signatory Requirements.**

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

5  
6 "I certify under penalty of perjury under the laws of the State of Washington that this  
7 document and all attachments were prepared under my direction or supervision in  
8 accordance with a system designed to assure that qualified personnel properly gather and  
9 evaluate the information submitted. Based on my inquiry of the person or persons who  
10 manage the system, or those persons directly responsible for gathering the information,  
11 the information submitted is to the best of my knowledge and belief, true, accurate, and  
12 complete. I am aware that there are significant penalties for submitting false information,  
13 including the possibility of fine and imprisonment for knowing of violations."  
14

15 Such declarations shall include the date and place of execution.  
16

17 **13.06.280 Wastewater Discharge Permit Decisions.**

18 The Manager will evaluate the data furnished by the user and may require additional  
19 information. Within 30 days of receipt of a complete wastewater discharge permit application,  
20 the Manager will determine whether or not to proceed with issuance of a wastewater discharge  
21 permit. If the Manager determines a permit is to be issued, a draft permit shall be submitted for  
22 comment within 30 days of full evaluation and acceptance of the data furnished. A final permit  
23 shall be issued within 30 days of completion of regulatory review and public comment processes;  
24 resolution of any applicable, outstanding regulatory, permit, or compliance issues; and payment  
25 of any applicable fees, charges, assessments, or fines. The Manager may deny any application  
26 for a wastewater discharge permit.  
27

28 **13.06.290 Wastewater Discharge Permit Contents.**

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

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

- 34 1. A statement that indicates wastewater discharge permit duration, which in no event  
35 shall exceed five years;
- 36 2. A statement that the wastewater discharge permit is non-transferable without prior  
37 notification and approval from the County, and provisions for furnishing the new  
38 owner or operator with a copy of the existing wastewater discharge permit;
- 39 3. Applicable pretreatment standards and requirements, including effluent limits and  
40 Best Management Practices based on AKART methods of prevention, control and  
41 treatment and any special State requirements;
- 42 4. Applicable self monitoring, sampling, reporting, notification, submittal of technical  
43 reports, compliance schedules, and record-keeping requirements. These  
44 requirements shall include an identification of pollutants to be monitored, sampling  
45 location, sampling frequency, and sample type based on federal, State, and local law;
- 46 5. Requirement for notification to the County where self-monitoring results indicate  
47 non-compliance;



6. Requirement to report a by-pass or upset of a pretreatment facility;
  7. Requirement for the SIU who reports non-compliance to repeat the sampling and analysis and submit results to the County within the required time frame of becoming aware of the violation (when applicable).
  8. A statement of applicable civil, criminal, and administrative penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule.
  9. Requirements for the development and implementation of slug discharge and spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or non-routine discharges;
- B. Wastewater discharge permits may contain, but need not be limited to, the following conditions:
1. Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization;
  2. Requirements for approval of reports in accordance with WAC Chapters 173-216 and ~~Ch.~~173-240, and installation of pretreatment technology, pollution controls, or construction of appropriate containment devices designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works;
  - ~~3. Requirements for the development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or routine discharges;~~
  - ~~4~~3. Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW;
  - ~~5~~4. The unit charge or schedule of user charges and fees for the management of the wastewater discharged to the POTW;
  - ~~6~~5. Requirements for installation and maintenance of inspection and sampling facilities and equipment;
  - ~~7~~6. A statement that compliance with the wastewater discharge permit does not relieve the permittee of responsibility for compliance with all applicable federal and State pretreatment standards, including those which become effective during the term of the wastewater discharge permit;
  - ~~8~~7. Any special agreements the Manager chooses to continue or develop between the County and user;
  - ~~9~~8. Other conditions as deemed appropriate by the Manager to ensure compliance with this Chapter, and State and federal laws, rules, and regulations.

**13.06.300 Wastewater Discharge Permit Appeals.**

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

- A. The appeal must be in writing and served upon the Director within ten days from issuance of the permit. The appealing party must indicate the wastewater discharge permit provisions objected to, the reasons for this objection, and the alternative condition, if any, it seeks to place in the wastewater discharge permit. A fee of \$250.00 must be paid at the time of filing the appeal.
- B. The filing of the appeal does not stay the wastewater discharge permit.



- 1 C. The Director shall issue a written decision within 30 days after service of the appeal.  
2 The decision may uphold, revoke, or modify the conditions of the wastewater discharge  
3 permit.  
4

5 **13.06.310 Wastewater Discharge Permit Duration.**

6 Wastewater discharge permits shall be issued for a specified time period, not to exceed five  
7 years. A wastewater discharge permit may be issued for a period less than five years, at the  
8 discretion of the Manager. Each wastewater discharge permit will indicate a specific date upon  
9 which it will expire. (Ord. 99-26 § 2 (part), 1999)  
10

11 **13.06.320 Wastewater Discharge Permit Modification.**

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

- 14 A. To incorporate any new or revised federal, State, or local pretreatment standards or  
15 requirements;  
16 B. To address significant alterations or additions to the user's operation, processes, or  
17 wastewater volume or character since the time of wastewater discharge permit issuance;  
18 C. A change in the POTW that requires either a temporary or permanent reduction,  
19 modification, or elimination of the authorized discharge;  
20 D. Information indicating that the permitted discharge poses a threat to the County's  
21 POTW, County personnel, biosolids, treatment processes, or the receiving waters;  
22 E. Violation of any terms or conditions of the wastewater discharge permit;  
23 F. Misrepresentations or failure to fully disclose all relevant facts in the wastewater  
24 discharge permit application or in any required reporting;  
25 G. Revision of or a grant of variance from categorical pretreatment standards pursuant to 40  
26 CFR 403.13;  
27 H. To correct typographical or other errors in the wastewater discharge permit; or  
28 I. To reflect a transfer of the facility ownership and/or operation to a new owner/operator.  
29

30 **13.06.330 Wastewater Discharge Permit Transfer.**

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

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

42 Provided that the above occurs and that there were no significant changes to the  
43 manufacturing operation or wastewater discharge, the new owner will be considered an existing  
44 user and be covered by the existing limits and requirements in the previous owner's permit.  
45

46 **13.06.340 Wastewater Discharge Permit Revocation.**



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

- 3 A. Cessation of operations or failure to obtain approval for the transfer of a permitted  
4 facility;
- 5 B. Failure to notify the County prior to changing conditions and/or changes in wastewater  
6 characteristics;
- 7 C. Failure to complete or disclose or misrepresentation of relevant facts in a wastewater  
8 survey or wastewater discharge permit application;
- 9 D. Falsifying self-monitoring reports;
- 10 E. Tampering with monitoring equipment;
- 11 F. Refusing to allow the County timely access to the facility premises and records;
- 12 G. Failure to meet discharge limitations;
- 13 H. Failure to pay fines, fees, or sewer charges;
- 14 I. Failure to meet compliance schedules;
- 15 J. Causing the County to invoke its emergency provision as cited in Section 13.06.610.
- 16 K. Violation of any pretreatment standard or requirement, or any terms of the wastewater  
17 discharge permit, or this Chapter.

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

21  
22 **13.06.350 Wastewater Discharge Permit Reissuance and Renewal.**

23 A user required to have a wastewater discharge permit shall apply for wastewater discharge  
24 permit reissuance by submitting a complete wastewater discharge permit application, in  
25 accordance with Section 13.06.260, a minimum of 90 days prior to the expiration of the user's  
26 existing wastewater discharge permit. At the request of a user, the County may authorize the  
27 user to omit specified portions of a discharge permit application if the information omitted is  
28 already on file, available, and up to date with the County. A user whose existing wastewater  
29 discharge permit has expired and has submitted its re-application in the time period specified  
30 herein, shall be deemed to have an effective wastewater discharge permit until the County issues  
31 or denies the new wastewater discharge permit. A user whose existing wastewater discharge  
32 permit has expired and who failed to submit its re-application in the time period specified herein,  
33 will be deemed to be discharging without a wastewater discharge permit, and will be subject to  
34 enforcement by the County.

35  
36 **13.06.360 Public Notice.**

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

40  
41 **13.06.370 Baseline Monitoring Report.**

42 Within either 180 days after the effective date of a categorical pretreatment standard, or the  
43 final administrative decision on a category determination under 40 CFR 403.6(a)(4), whichever  
44 is later, users currently discharging to or scheduled to discharge to the POTW which are covered  
45 by new or existing categorical regulations (new sources) shall submit to the County a report  
46 containing the information listed in Section 13.06.260. The report shall be signed as required  
47 under Section 13.06.270. The report shall include the method of pretreatment the user intends to



1 use to meet applicable categorical standards and give estimates of the anticipated flow and  
2 quantity of pollutants discharged.

3  
4 **13.06.380 Final Compliance Report (Initial Compliance Report).**

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

16  
17 **13.06.390 Periodic Compliance Report.**

- 18 A. Any user required to have an industrial waste discharge permit and perform self-  
19 monitoring shall submit to the Manager, at dates specified in the permit, a report  
20 compiling the results of all effluent sampling over the previous reporting period. The  
21 frequency of monitoring shall be as prescribed within the industrial waste discharge  
22 permit. At a minimum, SIU's shall sample their discharge, or have it sampled by the  
23 County at least twice per year.
- 24 B. The report shall include a record of the concentrations (and mass if specified in the  
25 wastewater discharge permit) of the pollutants that were measured and a record of all  
26 flow measurements (average and maximum) taken at the designated sampling locations,  
27 as required in the industrial waste discharge permit. The report shall also include any  
28 additional information required by this Chapter or the wastewater discharge permit.  
29 Production data shall be reported if required by the wastewater discharge permit. Both  
30 daily maximum and average concentration (or mass, where required) shall be reported.  
31 If a user sampled and analyzed more frequently than what was required by the Manager  
32 or by this Chapter, using methodologies in 40 CFR Part 136, it must submit all results of  
33 such sampling and analysis of the discharge during the reporting period.
- 34 C. Any user subject to equivalent mass or concentration limits established by the County or  
35 by unit production limits specified in the applicable categorical standards, shall report  
36 production data as outlined in subsection 13.06.260 D.
- 37 D. If the Manager calculated limits to factor out dilution flows or non-regulated flows, the  
38 user will be responsible for providing flows from the regulated process flows, dilution  
39 flows, and non-regulated flows.
- 40 E. Flows shall be reported on the basis of actual measurement; provided, however, that the  
41 Manager may accept reports of average and maximum flows estimated by verifiable  
42 techniques if the Manager determines that an actual measurement is not feasible.
- 43 F. Sampling shall be representative of the user's daily operations and shall be taken in  
44 accordance with the requirements specified in Section 13.06.490.
- 45 G. The Manager may require reporting by users that are not required to have an industrial  
46 wastewater discharge permit if information or data is needed to establish a sewer charge,



1 determine the treatability of the effluent, or determine any other factor which is related  
2 to the operation and maintenance of the sewer system.

- 3 H. The Manager may require self-monitoring by the user, or if requested by the user, may  
4 agree to perform the periodic compliance monitoring needed to prepare the periodic  
5 compliance report required under this Section. If the County agrees to perform such  
6 periodic compliance monitoring, it may charge the user for such monitoring, based upon  
7 the costs incurred by the County for the sampling, analyses, and reporting. The County  
8 is under no obligation to perform periodic compliance monitoring for a user.  
9

10 **13.06.400 Compliance Schedules for Meeting Pretreatment Standards.**

- 11 A. The Manager may require a user to submit a compliance schedule for meeting  
12 pretreatment requirements. The schedule shall contain increments of progress, in the  
13 form of dates for the commencement and completion of major events leading to the  
14 construction and operation of additional pretreatment, required for the user to meet the  
15 applicable pretreatment standards (e.g., hiring an engineer, completing preliminary  
16 plans, completing final plans, obtaining permits, executing contracts, commencing  
17 construction, completing construction, final compliance with standards).  
18 B. No increment referred to in subsection A. of this Section shall exceed nine months,  
19 unless an extension is granted by the County.  
20 C. Not later than 14 days following each date in the schedule and the final date for  
21 compliance, the user shall submit a progress report to the Manager including, at a  
22 minimum, whether or not it complied with the increment of progress to be met on such  
23 date and, if not, the date on which it expects to comply with this increment of progress,  
24 the reason for delay, and the steps being taken by the user to return the construction to  
25 the schedule established. In no event shall more than 9 months elapse between such  
26 progress reports.  
27

28 **13.06.410 Notification of Significant Production Changes.**

29 Any user operating under a wastewater discharge permit incorporating equivalent mass or  
30 concentration limits shall notify the Manager within two business days after the user has a  
31 reasonable basis to know that the production level will significantly change within the next  
32 calendar month. Any user not providing a notice of such anticipated change may be required to  
33 comply with the existing limits contained in its wastewater discharge permit.  
34

35 **13.06.420 Hazardous Waste Notification.**

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

44 Such notification shall include:

- 45 A. The name of the hazardous waste as set forth in 40 CFR Part 261;  
46 B. The EPA Hazardous waste number; and  
47 C. The type of discharge (continuous, batch, or other).



- 1 D. If an industrial user discharges more than 100 kilograms of such waste per calendar  
2 month to the ~~sewer system~~POTW, the notification shall also contain the following  
3 information to the extent it is known or readily available to the industrial user:  
4 1. An identification of the hazardous constituents contained in the wastes;  
5 2. An estimation of the mass and concentration of such constituents in the Waste  
6 streams discharged during that calendar month; and  
7 3. An estimation of the mass of constituents in the Waste streams expected to be  
8 discharged during the following 12 months.

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

11 Whenever the EPA publishes final rules identifying additional hazardous wastes or new  
12 characteristics of hazardous waste, a user shall notify the County of the discharge of such a  
13 substance within 90 days of the effective date of such regulations.  
14

### 15 **13.06.430 Notice of Potential Problems, Including Spills and Slug Loadings.**

16 Any user shall notify the Manager by telephone immediately of all discharges that could  
17 cause problems to the POTW, including any slug loadings, as defined in Section 13.06.030. The  
18 notification shall include the concentration and volume and corrective action. Steps being taken  
19 to reduce any adverse impact should also be noted during the notification. Any user who  
20 discharges a "slug" (or slugs) of pollutants shall be liable for any expense, loss, or damage to the  
21 POTW, including the amount of any fines imposed on the County, as a result of such slug  
22 discharge, under State or federal law.  
23

### 24 **13.06.440 Non-Compliance Reporting.**

25 If sampling performed by a user indicates a violation, the user shall notify the Manager by  
26 telephone and in writing within 24 hours of becoming aware of the violation. The user shall also  
27 repeat the sampling within five days of becoming aware of the violation and submit the results of  
28 the repeat analysis in writing to the Manager within 30 days after becoming aware of the  
29 violation, except the user is not required to resample if:

- 30 A. The County performs sampling at the user's facility at a frequency of at least once per  
31 month; or  
32 B. The County performs sampling at the user's facility between the time when the user  
33 performs its initial sampling and the time when the user receives the results of this  
34 sampling.  
35

### 36 **13.06.450 Notification of Changed Discharge.**

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

- 45 A. The Manager may require the User to submit whatever information is needed to evaluate  
46 the changed condition. The Manager may also require a new or revised wastewater  
47 discharge permit application under these Regulations.





1 B. The Manager may issue, reissue, or modify a wastewater discharge permit applying the  
2 procedures of this code in response to a User's notice under this section.

3  
4 **13.06.460 TO Reporting.**

5 Categorical users which are required by EPA to eliminate and/or reduce the levels of toxic  
6 organics (TO's) discharged into the ~~sewer system~~ POTW must follow the Categorical  
7 Pretreatment Standards for that industry. Those users must also meet the following  
8 requirements:

- 9 A. Sample, as part of the application requirements, for all the organics listed under the TO  
10 limit (no exceptions);  
11 B. Routinely monitor for TO's as a permit condition; or  
12 C. If no TO's are used at the facility or the user elects to develop a solvent management  
13 plan in lieu of continuously monitoring for TO the user must do the following:  
14 Routinely submit a certification statement as part of its self-monitoring report that there  
15 has been no dumping of concentrated ~~toxic organics~~ TOs into the ~~wastewater~~ POTW and  
16 it is implementing the solvent management plan approved by the County.

17  
18 **13.06.470 Reports from Unpermitted Users.**

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

21  
22 **13.06.480 Record Keeping.**

23 Users subject to the reporting requirements of this Chapter shall retain and make available for  
24 inspection and copying, all records of information obtained pursuant to any monitoring activities  
25 required by this Chapter and any additional records of information obtained pursuant to  
26 monitoring activities undertaken by the user independent of such requirements. Records of  
27 analyses shall include the date, exact place, method, and time of sampling and the name of the  
28 person(s) taking the samples; the dates analyses were performed; who performed the analyses;  
29 the analytical techniques or methods used; and the results of such analyses. Users must similarly  
30 maintain documentation associated with any Best Management Practices required under Sections  
31 13.06.090 and 13.06.290. These records shall remain available for a period of at least three  
32 years, or for a longer period if specified by the County. All records which pertain to matters  
33 which are the subject of administrative adjustment or any other enforcement or litigation  
34 activities brought by the County pursuant thereto shall be retained and preserved by the user until  
35 all enforcement activities have concluded and all periods of limitation with respect to any and all  
36 appeals have expired.

37  
38 **13.06.490 Sampling Requirements for Users.**

39 The County may, in wastewater discharge permits or other notification, require users to  
40 collect and analyze representative samples of their discharge(s); require users to report results to  
41 the County; and require users to follow specific sampling protocols and procedures, which may  
42 involve factors such as frequency, techniques, location, flow monitoring and proportioning,  
43 sample volume, preservation, and handling. All sample results shall indicate the time, date, and  
44 place, of sampling, and methods of analysis, and shall certify that such sampling and analysis is  
45 representative of normal work cycles and expected pollutant discharges from the user. If a user  
46 sampled and analyzed more frequently than what is required by the County, using methodologies



1 in 40 CFR Part 136, it must submit all results of sampling and analysis of the discharge as part of  
2 its self-monitoring report.

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

- 7 A. Users must use properly cleaned sample containers appropriate for the sample analysis  
8 and sample collection and preservation protocols specified in 40 CFR Part 136 and  
9 appropriate EPA guidance;
- 10 B. Users must obtain samples for oil and grease, temperature, pH, cyanide, total phenols,  
11 sulfides, and volatile organic compounds using grab collection techniques;
- 12 C. For certain pollutants, Users may composite multiple grab samples taken over a 24-hour  
13 period. Users may composite grab samples for cyanide, total phenols, and sulfides  
14 either in the laboratory or in the field, and may composite grab samples for volatile  
15 organics and oil & grease in the laboratory prior to analysis;
- 16 D. For all other pollutants, users must employ 24-hour flow-proportional composite  
17 samplers unless the Manager authorizes or requires an alternative sample collection  
18 method;
- 19 E. The Manager may authorize composite samples for parameters unaffected by the  
20 compositing procedures, as appropriate;
- 21 F. The Manager may require grab samples either in lieu of or in addition to composite  
22 sampling to show compliance with instantaneous discharge limits;
- 23 G. In all cases, Users must take care to ensure the samples are representative of their  
24 wastewater discharges;
- 25 H. User sampling for the baseline monitoring and 90-day compliance reports required by  
26 Sections 13.06.370 and 13.06.380 must satisfy some specific requirements. These  
27 reports require at least four grab samples for pH, cyanide, total phenols, oil and grease,  
28 sulfide and volatile organic compounds. Users may composite samples prior to analysis  
29 if allowed in Section 13.06.490.C. Where historical sampling data exists, the Manager  
30 may also authorize fewer samples; and
- 31 I. For periodic monitoring reports (Section 13.06.390), the Manager may specify the  
32 number of grab samples necessary to assess and assure compliance with applicable  
33 pretreatment standards and requirements.

### 35 **13.06.500 Analytical Requirements.**

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

### 46 **13.06.510 County Monitoring of User's Wastewater.**

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



1  
2 **13.06.520 Inspection and Sampling.**

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

- 9 A. When a user has security measures which require proper identification and clearance  
10 before entry into its premises, the user shall make necessary arrangements with its  
11 security guards so that, upon presentation of suitable identification, the Manager will be  
12 permitted to enter without delay for the purposes of performing specific responsibilities.  
13 B. The Manager shall have the right to set up on the user's property, or require installation  
14 of, such devices as are necessary to conduct sampling and/or metering of the user's  
15 operations.  
16 C. Any temporary or permanent obstruction to safe and easy access to the facility to be  
17 inspected and/or sampled shall be promptly removed by the user at the written or verbal  
18 request of the Manager and shall not be replaced. The costs of clearing such access shall  
19 be borne by the user.  
20 D. Unreasonable delays in allowing the Manager access to the user's premises shall be a  
21 violation of these Regulations and shall result in immediate revocation of the permit,  
22 immediate termination of sewer service, and any other penalties allowed by law.  
23

24 **13.06.530 Monitoring Facilities.**

25 Each user shall provide and operate at its own expense a monitoring facility to allow  
26 inspection, sampling, and flow measurements of each sewer discharge to the County. Each  
27 monitoring facility shall be situated on the user's premises, except where such a location would  
28 be impractical or cause undue hardship on the user, the County may concur with a request for an  
29 alternative location. The Manager, whenever applicable, may require the construction and  
30 maintenance of sampling facilities at other locations (for example, at the end of a manufacturing  
31 line or wastewater treatment system).

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

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

37 The Manager may require the user to install monitoring equipment as necessary. The  
38 facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper  
39 operating condition by the user at its own expense. All devices used to measure wastewater flow  
40 and quality shall be calibrated to ensure their accuracy.  
41

42 **13.06.540 Denial of Access.**

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



1  
2 **13.06.550 Confidential Information.**

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

7 Wastewater constituents and characteristics and other "effluent data" as defined by 40 CFR  
8 2.302 will not be recognized as confidential information. Neither shall the name and address of  
9 the applicant, the description of the proposal, the description of the project's environmental  
10 impacts as provided in the State Environmental Policy Act, or the description of the quantity and  
11 characteristics of the effluent be allowed to be kept confidential in accordance with WAC  
12 Section 173-216-080. This information shall be available to the public under the provisions of  
13 RCW Chapter 42.17.

14  
15 **13.06.560 Publication of Users in Significant Non-Compliance.**

16 The County shall publish annually, in ~~the largest daily newspaper circulated~~ a newspaper of  
17 general circulation in the municipality where the POTW is located, a list of the users which,  
18 during the previous 12 months, were in significant non-compliance with applicable pretreatment  
19 standards and requirements. The term significant non-compliance is defined in Section  
20 13.06.030.

21  
22 **13.06.570 Enforcement and Penalties.**

23 The provisions of Sections 13.06.590 through 13.06.640 shall be applicable to all uses of the  
24 POTW whether pursuant to a permit or not, that are contrary to any provision of the Pierce  
25 County Industrial Pretreatment Regulations. All provisions of any applicable state or federal  
26 regulations or statutes also apply and are not supplanted by these Regulations. Any activity or  
27 use that is contrary to this Chapter shall be an unlawful public nuisance and also subject to the  
28 provisions contained within this Chapter.

29  
30 **13.06.580 Permits, Approvals, and Uses.**

- 31 A. **Permits and Approvals.** The Industrial Pretreatment Regulations require acquisition of  
32 permits or approvals before certain activities may be performed. It shall be unlawful to  
33 conduct these regulated activities without first obtaining a written permit or approval.  
34 When a permit or approval has been issued pursuant to the Industrial Wastewater  
35 Pretreatment Regulations, it shall be unlawful to act in a manner which is inconsistent  
36 with such permit or approval.
- 37 B. **Uses.** The Industrial Pretreatment Regulations regulate types of wastewater discharges  
38 and require permits. It shall be unlawful to discharge wastewater contrary to the  
39 provisions of these Regulations and/or any permit issued under the provisions unless  
40 such use is considered to be legally nonconforming or otherwise exempt from the  
41 Industrial Pretreatment Regulations.
- 42 C. **No Conflicting Licenses or Permits Shall be Issued.** No license, permit, or approval  
43 for uses, buildings, or activity where the same would be in conflict with any provision of  
44 the Pierce County Industrial Pretreatment Regulations, shall be issued. In the event that  
45 conflicting licenses, permits, or approvals are issued, the most restrictive license, permit,  
46 or approval shall apply while any license, permit, or approval, if issued in conflict with  
47 the provisions hereof, shall be null and void.



1  
2 **13.06.590 General Enforcement Provisions.**

3 A. **Responsibility for Enforcement.** It shall be the duty of the Public Works and Utilities  
4 Department to enforce the provisions of the Pierce County Industrial Pretreatment  
5 Regulations. In response to noncompliance with any requirement of these Regulations,  
6 the Manager shall apply the Enforcement Response Plan, which is a part of the State  
7 approved procedures of the Industrial Pretreatment Program. This plan ensures that the  
8 application of remedies provided for in this section and Sections 13.06.600 and  
9 13.06.610 are appropriate to the violation and consistent with the treatment of other  
10 Industrial Users. Any person may obtain a copy of the Enforcement Response Plan by  
11 contacting the Manager.

12 B. **Compliance and Cease and Desist Orders.**

- 13 1. **Authority.** When the Manager finds that a user has violated or continues to violate  
14 any provision of these Regulations, a wastewater discharge permit or order issued  
15 hereunder, or any other pretreatment standard or requirement, the Manager is hereby  
16 authorized to issue an order to the user responsible for the discharge directing that  
17 the user come into compliance and/or complete certain steps towards compliance  
18 within a time frame specified in the order. The Manager, Building Official, Fire  
19 Marshal, Planning Director, Building Inspector, Code Enforcement Officer, Sheriff,  
20 or their respective designees, are hereby authorized to issue a Cease and Desist  
21 Order when any person, firm, corporation, or agent thereof has violated or continues  
22 to or threatens to violate any provision of the Pierce County Industrial Pretreatment  
23 Regulations, a wastewater discharge permit or order issued hereunder, or any other  
24 pretreatment standard or requirement.
- 25 2. **Orders.** Failure of the user to come into compliance or meet any compliance  
26 schedule date within the time specified in the order may result in the County taking  
27 additional enforcement measures, including, but not limited to, assessment of fines  
28 or discontinuation of sewer service. Compliance orders may also contain other  
29 requirements to address the non-compliance, including additional self-monitoring,  
30 and management practices designed to minimize the amount of pollutants discharged  
31 to the sewer. Cease and desist orders shall be obeyed immediately and all activity  
32 shall cease upon issuance of the order. The order shall specify each violation by  
33 reference to the specific Title, Chapter, and Section or by reference to the approved  
34 permit. Any person, firm, corporation or agent thereof subject to a cease and desist  
35 order shall immediately comply with all requirements and shall take such  
36 appropriate remedial or preventive action as may be needed to properly address a  
37 continuing or threatened violation, including halting operations and/or terminating  
38 the discharge. The order shall state that a hearing may be requested to the Director  
39 of Public Works and Utilities.
- 40 3. **Appeals and Decisions.** Appeals of cease and desist orders and other actions taken  
41 pursuant to this Section shall be made in writing to the Director of Public Works and  
42 Utilities. Appeals must be made within 15 days of issuance of the cease and desist  
43 order. The appeal must be in writing and specify what portion of the cease and  
44 desist order is being appealed. The appeal must be served upon the Director of  
45 Public Works and Utilities. The Director may set up a meeting within 10 days after  
46 receipt of the appeal with the appellant. After the meeting on the matter the Director  
47 shall issue a decision upholding, revoking, or modifying the prior order. The



1 Director will issue a written decision within 30 days of the receipt of the appeal or  
2 the meeting whichever is later. The decision of the Director is final and conclusive  
3 unless otherwise determined by a court of appropriate jurisdiction.

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

14  
15 **13.06.600 Penalties.**

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

- 18 **A. Administrative Fines.** Any person, firm, corporation, or association which has violated  
19 or continues to violate any provision of these Regulations, a wastewater discharge  
20 permit, or order issued hereunder, or any other pretreatment standard or requirement,  
21 shall be liable to the County for a maximum administrative fine of \$10,000.00 per  
22 violation, per day. Administrative fines shall be imposed in addition to any charges  
23 assessed for recovery of costs under Section 13.06.210 of these Regulations.
- 24 **B. Misdemeanor.** Any person, firm, or corporation violating any of the provisions of these  
25 Regulations or failing to obtain a wastewater discharge permit, shall be deemed guilty of  
26 a misdemeanor and shall be punishable as provided by the Statutes of the State of  
27 Washington for committing a misdemeanor.
- 28 **C. Other Criminal Penalties.** Any person, firm, corporation, or association or any agent  
29 of any person, firm, corporation, or association who violates any State or federal law  
30 shall also be subject to punishment under applicable County Ordinance, Code, or  
31 Regulation.
- 32 **D. Each Day a Separate Offense.** Each person, firm, or corporation found guilty of a  
33 violation shall be deemed guilty of a separate offense for every day during any portion  
34 of which any violation of any provision this Chapter is committed, continued, or  
35 permitted by such person, firm, or corporation and shall be punishable therefore as  
36 provided for in this Section.
- 37 **E. Injunction.** Violations of this Chapter constitute public nuisances. The Manager may  
38 seek injunctive relief and damages from the appropriate court for violations. A petition  
39 for injunctive relief shall not be a bar against, or a prerequisite for, taking any other  
40 action against a user.
- 41 **F. Additional Penalties.**
- 42 1. Failure to comply with these Regulations will be cause for withholding or  
43 withdrawing approval of the overall project plans, revocation of the approval or  
44 permit, suspension of building inspections, forfeiture of the financial guarantee  
45 submitted to the County, and/or nonacceptance of the work by the County.



2. Any person who violates any provision of the Shoreline Management Regulations shall also be subject to additional penalties as set forth in RCW Sections 90.58.210 and 90.58.230.
3. The County may undertake judicial action to recover costs incurred due to unlawful discharges, including but not limited to penalties imposed on the County for violations of environmental regulations and/or damages caused or contributed to by unlawful discharges.

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

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

- A. **Director's Authority.** The Director of ~~Public Works~~ has the authority to revoke or modify any permit or approval and/or terminate any connection to the sewer system which was issued pursuant to the Director's review.
- B. **Manager's Authority.** The Manager or ~~designee~~ has the authority to revoke or modify any permit or approval which was issued pursuant to the Manager's review and any permit or approval for which a determination that an emergency exists has been made by the Manager. Prior to such revocation or modification, except where an emergency has been determined, the Manager or designee shall follow procedures concerning notice and appeals as required for the initial consideration thereof, provided that when any permit or approval is not exercised within the time specified in such permit or approval or, if no date is specified, within one year from the approval date of said permit or approval, the permit or approval shall automatically become null and void and no public hearing shall be required on the matter. The Manager may immediately suspend a user's discharge whenever such suspension is necessary to stop an actual or threatened discharge which reasonably appears to present or cause an imminent or substantial endangerment to the health or welfare of persons. The Manager may also immediately suspend a user's discharge that threatens to interfere with the operation of the POTW, or which presents or may present an endangerment to the environment. In the event of a user's failure to immediately comply voluntarily with the suspension order, the Manager shall take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The Manager shall allow the user to recommence its discharge when the user has demonstrated to the satisfaction of the County that the period of endangerment has passed, unless the termination proceedings described in this Section are initiated against the user. Nothing in these Regulations shall be interpreted as requiring a hearing prior to any emergency suspension under this Section.
- C. **Grounds for Revocation or Modification.** Such revocation or modification or termination of permits, approvals, or sewer connection shall be made on any one or more of the following grounds:
  1. Any of the reasons for Wastewater Discharge Permit revocation set forth in Section 13.06.340 of these Regulations;
  2. That the approval or permit was obtained by fraud;
  3. That the use for which such approval or permit was granted is not being exercised;
  4. That the use for which such approval or permit was granted has ceased to exist or has been suspended for one year or more;

1 5. That the approval or permit granted is being, or recently has been, exercised contrary  
2 to the terms or conditions of such approval or permit, or in violation of any statute,  
3 resolution, code, law, or regulation;

4 6. That the use for which the approval or permit was granted was so exercised as to be  
5 detrimental to the public health or safety, or so as to constitute a nuisance.

6 D. **Initiation of an Action.** An action to revoke or modify any matter set forth in  
7 subsections ~~A. and B.~~ C. may be initiated by:

8 1. The Manager;

9 2. The Director; or

10 3. The petition of any aggrieved party directly affected by the termination or  
11 modification together with a filing fee listed in PCC Chapter 2.05-~~PCC~~, and filed  
12 with the Director.

13 E. **Expiration.** When any permit or approval is not exercised by the expiration date  
14 indicated on the approval or permit or, if no expiration date is specified one year from  
15 the approval date, the permit or approval shall expire. No extension of the expiration  
16 date for a permit or approval shall be granted unless such extension is approved pursuant  
17 to specific provisions for the relevant permit or approval.

18  
19 **13.06.620 Remedies Non-Exclusive.**

20 The provisions in Sections 13.06.590 through 13.06.630~~10~~ are not exclusive remedies. The  
21 County reserves the right to take any, all, or any combination of these actions against a non-  
22 compliant user. Further, the County is empowered to take more than one enforcement action  
23 against any non-compliant user. Enforcement of pretreatment violations will generally be in  
24 accordance with the County's Enforcement Response Plan. These actions may be taken  
25 concurrently. Issuance of any enforcement action under Sections 13.06.590 through 13.06.630~~10~~  
26 shall not be a bar to, or a prerequisite for, taking any other action against the user. A user in  
27 violation of these Regulations may also be in violation of other state or federal statutes (such as  
28 the Federal Clean Water Act), and is also subject to the enforcement measures of those statutes.

29  
30 **13.06.630 Severability.**

31 If any provision of this Chapter or its application to any person or circumstance is held  
32 invalidated or unenforceable by any court of competent jurisdiction, the remaining  
33 provisions remainder of the Chapter or the application of its provisions to other persons or  
34 circumstances shall not be affected and shall continue in full force and effect.  
35





APPENDIX TABLE TO CHAPTER 13.06

Local Limits for Discharges to the Pierce County POTW

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

<u>Constituent</u>	<u>24 Hour Average Concentration Limit (mg/L)</u>
arsenic	0.10
cadmium	0.11
chromium (total)	1.00
chromium (hexavalent)	0.25
copper	1.00
cyanide (amenable)	0.20
cyanide (total)	0.64
lead	0.40
mercury	0.05
nickel	1.00
selenium	0.05
silver	2.00
zinc	2.00
fats, oil and grease (FOG)	100
Total Petroleum Hydrocarbons (TPH)	50
Phenol	10

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

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

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

Users whose discharge exceeds 225 mg/l BOD and/or 225 mg/l suspended solids ~~TSS~~ must obtain authorization from the Manager prior to discharge, and are subject to ~~high strength~~ the BOD and TSS surcharges. ~~These charges are established in Pierce County Code Chapter 13.13 Public Sanitary Sewer Systems – Service Charges.~~



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 ~~Director~~ Department of Budget and Finance to Collect Sewer Assessments.
- 13.08.070 Record of Transactions.
- 13.08.075 Administrative Cancellation of Delinquent ~~Special~~ Sewer Assessments.
- 13.08.080 Governing Law.
- 13.08.090 Severability.

~~Cross references: Chapters 35.49, 35.50 RCW~~

13.08.010 Delinquent Assessments.

Whenever any local ULID sewer assessments ~~or shall have been made payable in annual installments and any two annual installments shall have become delinquent, the entire assessment shall be due and payable and the collection thereof shall be enforced in the manner prescribed by RCW Chapters 35.49 and RCW Chapter 35.50.~~

13.08.020 Conditions Precedent to Foreclosure.

- A. ~~If on the first day of January in any year, two installments of any ULID sewer assessment are delinquent, or if the final installment thereof has been delinquent for more than one year, t~~The County shall proceed with the foreclosure of the delinquent assessment ~~or delinquent installments thereof by proceedings brought in its own name in the Superior Court of Pierce County.~~
- B. ~~The proceedings shall be commenced 30 days after the date of mailing, but no sooner than the first of March of the calendar year of the first notice of foreclosure, exclusive of the date of service by the County Assessor-Treasurer, or his delegate. 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 in installments thereof 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.



1  
2 **13.08.030 Foreclosure Proceedings.**

3 The foreclosure proceedings shall be accomplished in accordance with the procedures set  
4 forth in ~~Sections 2 through 8, Ch. 91, Laws of 1982, codified as RCW Sections~~ Sections 35.50.220  
5 through 35.50.270.  
6

7 **13.08.040 Interest and Penalties.**

8 Assessments or installments thereof, when delinquent, in addition shall be subject to the  
9 interest charges provided for in the ordinance ordering the local ULID improvement(s), or in the  
10 ordinance confirming the assessment roll and levying the assessment, and shall also bear a  
11 penalty of ~~12~~ twelve percent (12%) on the assessment or installment thereof and the interest  
12 thereon until the date of sale. ~~The dates upon which sewer assessments or installments thereof~~  
13 ~~are due and payable shall be set forth in each specific ordinance levying sewer assessments,~~  
14 ~~approved at the time of confirmation of the assessment roll by the County Council.~~ (Ord. 84-32  
15 § 1 (part), 1984; prior Code § 82.22.040)  
16

17 **13.08.050 Sales to Collect Delinquent Assessments.**

18 Unless otherwise provided in the ordinance ordering the improvement, or in the ordinance  
19 levying the assessment roll, all property described in any local assessment roll, after the  
20 assessment or any installment thereof shall have become delinquent, shall be sold for the amount  
21 of the total unpaid assessment, together with penalty and interest accruing to date of sale, and for  
22 the costs of such sale, and a certificate of sale shall be executed and delivered to purchaser. An  
23 assessment deed shall be executed and delivered to the person entitled thereto in the manner and  
24 ~~after the proceedings set forth in RCW Chapter 35.50.~~ The last step in foreclosing the delinquent  
25 assessments is to move for summary judgment and obtain an order of sale on the property. Once  
26 summary judgment is signed, the entire assessment and foreclosure costs shall become due and  
27 must be paid to redeem the parcel from foreclosure. If the assessment remains unpaid, the  
28 property goes to sale where the minimum bid is the outstanding amount of the assessment,  
29 interest, penalty, and foreclosure costs. The successful bidder from the sale shall receive a  
30 Certificate of Sale; however, no deed can be issued until the redemption period has expired two  
31 years from the date of the sale.  
32

33 **13.08.060 ~~Director~~ Department of Budget and Finance to Collect Sewer Assessments.**

34 All local ULID assessments for sewers, either current or delinquent, shall be collected by the  
35 ~~Office of Budget and Finance~~ Department. The Director of Budget and Finance or his  
36 ~~delegated~~ designee shall execute and sign all receipts for payment of assessments.  
37

38 **13.08.070 Record of Transactions.**

39 The ~~Office of Budget and Finance~~ Department shall maintain a complete set of books in  
40 ~~which there shall be recorded~~ in detail of all transactions relating to the payment of principal,  
41 interest and penalties in every ~~Utilities Local Improvement District~~ ULID. ~~At the end of any~~  
42 ~~month, the Budget and Finance Director shall produce a statement showing the amount of money~~  
43 ~~on hand in each Utilities Local Improvement District assessment fund at the beginning of the~~  
44 ~~previous month, the amount of principal, interest and penalties received during the month, and~~  
45 ~~any disbursements would be made therefrom, together with the balance on hand at the close of~~  
46 ~~the month, and all transfers.~~  
47



1  
2 **13.08.075 Administrative Cancellation of Delinquent ~~Special Sewer~~ Assessments.**

- 3 A. The Director of the Department of Public Works & Utilities or designee is authorized to  
4 issue an order administratively canceling or writing-off the applicable ~~any~~ delinquent  
5 ~~ULID special sewer~~ assessments, including the principal, interest and penalties, under the  
6 following limited circumstances:  
7 1. The County has taken all feasible legal action to enforce collection of the delinquent  
8 assessments; ~~and~~  
9 2. a foreclosure sale has been attempted but no one bid on the subject property at the  
10 sale; ~~and~~  
11 3. the ~~ULID special sewer~~ assessment has been delinquent for more than three years;  
12 ~~and~~  
13 4. the ~~Public Works & Utilities~~ Department has determined that administratively  
14 writing off a delinquent ~~ULID special sewer~~ assessment will not have a material  
15 adverse affect on the ability of the County to repay its sewer revenue bonds or other  
16 obligations to which such ~~ULID~~ assessment is pledged; and  
17 5. the ~~Public Works & Utilities~~ Department has determined that it is extremely unlikely  
18 that the delinquent ~~ULID special sewer~~ assessment can ever be recovered.  
19 B. A copy of the order shall be transmitted to the ~~Pierce County~~ Assessor-Treasurer's  
20 Office and to the Budget and Finance Department so their records can be appropriately  
21 updated. Following implementation of the order, the subject property shall be disposed  
22 of pursuant to the procedures set forth in ~~PCC~~ Chapter 2.110 of the ~~Pierce County Code~~.

23  
24 **13.08.080 Governing Law.**

25 In the event of any conflict between this Chapter and RCW Chapters ~~35.49 or RCW Chapter~~  
26 35.50, the provisions of the state statutes shall govern.

27  
28 **13.08.090 Severability.**

29 If any provision of this Chapter or its application to any person or circumstance is held  
30 invalid ~~or unenforceable~~, the remainder of the Chapter or the application of the provision to other  
31 persons or circumstances shall not be affected.  
32



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 ~~Eligibility for 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-~~RCW~~, to enter into a Latecomers Agreements with an developer of real property (subsequently referred to as "the Applicant") for the installation construction of public sanitary-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 PCC 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.

~~An Applicant entering into a Latecomers Agreement shall be subject to future reimbursement by the County from a portion of the connection charges received from other property owners who subsequently benefit from such installation by utilizing capacity in the Improvements.~~

Conceptually, if the County elects to execute a Latecomers Agreement with the Applicant to install construct sanitary 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 sanitary-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.



1 **13.10.020 Definitions.**

2 The following definitions shall apply to terms used in this Chapter only. All other terms not  
3 defined in this Section shall have the same meaning as set forth in ~~Title 13 PCC~~Section  
4 13.04.010 and any amendments thereto.

5  
6 "Administrative Fee" means the charge imposed by the County to administer the Latecomers  
7 Agreements. The Administrative Fee shall be calculated ~~as stated in PCC~~pursuant to subsection  
8 13.10.050 BD.

9  
10 "Applicant's Area Charge" means the portion of the Applicant's connection charge related to the  
11 impact of wastewater discharges from the Development on the County's public sewer ~~collection~~  
12 ~~and transmission~~ facilities located downstream from the point of connection of the  
13 Improvements. ~~The Wastewater-treatment plant capacity charge, front footage latecomers~~  
14 ~~charge, and side sewer stub charges are~~ is not included in the Applicant's Area Charge. The  
15 Applicant's Area Charge ~~is~~shall be calculated pursuant to ~~PCC subsection~~ 13.04.10080 B.1.

16  
17 "Applicant's Pro Rata Share" means the Pro Rata Share times the proposed Average Dry Weather  
18 Flow from the Development.

19  
20 "Average Dry Weather Flow" (ADWF) means the average daily wastewater flow, in Residential  
21 Equivalent ~~units~~-(RE) units from a given drainage basin. Average Dry Weather Flow does not  
22 include inflow or infiltration, nor is it increased by diurnal curve peaking factors. For the  
23 purposes of this Chapter, one RE shall be equivalent to 220 gallons per day of wastewater flow.

24  
25 "~~Department~~" means the ~~Pierce County Department of Public Works and Utilities.~~

26  
27 "Development" means the Applicant's proposal for development and/or subdivision or short  
28 subdivision of the Property as depicted/described by a valid Pierce County land use or building  
29 permit application.

30  
31 "~~Director~~" means the ~~Director of the Pierce County Department of Public Works and Utilities.~~

32  
33 "Improvements" means the public ~~sanitary~~-sewer facilities ~~installed~~constructed by the Applicant  
34 that are eligible for reimbursement in accordance with this Chapter.

35  
36 "Property" means the parcel of land owned or developed by the applicant who wishes to enter  
37 into a Latecomers Agreement with the County.

38  
39 "Pro Rata Share" means the Total Eligible Construction Cost equally divided among the  
40 properties within the Tributary Service Area including the Development. The Pro Rata Share per  
41 Residential Equivalent shall be determined by dividing the Total Eligible Construction Cost by  
42 the ~~Average Dry Weather Flow (ADWF)~~ that is anticipated to be generated by all the properties  
43 within the Tributary Service Area including the Development. The anticipated ADWF will be  
44 calculated using the approved Tributary Service Area Map and allowable zoning densities at the  
45 time of execution of the Latecomers Agreement, with the exception that properties that are  
46 already developed or have submitted fully completed development applications will be assigned  
47 with their existing and proposed densities; respectively. Parcels with existing residential



1 buildings and less than one acre in total area shall be counted as being fully developed.  
2 Anticipated flows from properties within the Tributary Service Area that are outside the  
3 Comprehensive Urban Growth Area (CUGA) shall not be included in the calculation of the Pro  
4 Rata Share.

5  
6 "Total Eligible Construction Cost" means the actual cost incurred by the Applicant to  
7 ~~install~~construct the Improvements subject to the limitations set forth in PCC subsection 13.10.050  
8 E.

9  
10 "Total Reimbursable Construction Cost" means the Total Eligible Construction Cost minus the  
11 Applicant's Pro Rata Share of the cost of the Improvements.

12  
13 "Tributary Properties" means the all the properties within the Tributary Service Area except the  
14 Property.

15  
16 "Tributary Service Area" means the ~~sanitary~~-sewer sub-basin, as approved by the County, used to  
17 determine the appropriate size, depth and location of the Improvements that are necessary to  
18 serve the properties within the ~~Pierce County~~-Sewer Service Area, including the Development.  
19 The County may require the Tributary Service Area to include rural properties that are located  
20 within the ~~County's~~-Sewer Service Area. Rural properties will only be allowed to connect to the  
21 Improvements in accordance with the exceptions stated in PCC 19A.90.050 A.

22  
23 **13.10.030 Eligibility for Latecomers Agreements.**

24 A. To be eligible to enter into a ~~L~~atecomers ~~a~~Agreement with the County under this  
25 Chapter, an Applicant must:

- 26 1. Have submitted a complete ~~S~~ewer ~~L~~ine ~~E~~xtension (~~SWLE~~)-~~permit~~ application to  
27 the ~~County~~Department for a proposal to ~~install~~construct public ~~sanitary~~-sewer  
28 facilities which provide sewer line capacity in excess of that required for the  
29 Applicant's development proposal (the Development), and which have adequate  
30 size, depth, and accessibility to serve the Development and all other properties (the  
31 Tributary Properties) within a County-approved ~~sanitary~~-sewer sub-basin (the  
32 Tributary Service Area); and  
33 2. Either own the real property referred to as the "Property" herein, or be a designee of  
34 the owner(s) of the Property. If the Applicant is a designee of the owner(s) of the  
35 Property, the Applicant must provide notarized authorization to the Department  
36 from the owner(s) of the Property indicating approval of the application and  
37 forfeiting all rights of eligibility as an Applicant to enter into a Latecomers  
38 Agreement for development of the Property in accordance with this Chapter. The  
39 Department will not consider the application as fully completed until and unless such  
40 notarized authorization is provided.

41 B. Public ~~sanitary~~-sewer facilities eligible for reimbursement may include ~~sanitary~~  
42 ~~collection/collector or~~ interceptor lines, pump/~~lift~~ stations, force mains and all necessary  
43 appurtenances thereto. Such facilities must be ~~installed~~constructed in accordance with  
44 ~~County sewerage planning strategies~~ the USP, the Capital Facilities Plan, any approved  
45 Sewer Facility Plan, and Pierce County Sewer Standards and must be considered  
46 permanent by the ~~Public Works and Utilities Department~~ (subsequently referred to as the  
47 "Department"). Costs associated with ~~installation~~construction of temporary ~~sanitary~~



sewer facilities shall not be eligible for reimbursement except as noted in PCC subsection 13.10.050 F.

- C. All Latecomers Agreements must be executed by the Applicant and the County prior to the issuance of sewer line extension permit(s) for construction of the Improvements. No Latecomers Agreements shall be considered or entered into after the associated Sewer Line Extension permit(s) have/has been issued by the County Department.
- D. ~~If the Department elects to enter into a Latecomers Agreement, the~~ Director of the Public Works and Utilities Department (subsequently referred to as the "Director") is authorized to negotiate, on behalf of the County, with eligible Applicants to formulate Latecomers Agreements ~~and to recommend such agreements to the Pierce County Executive for execution on behalf of the County.~~

### 13.10.040 Proposals for Latecomers Agreements.

- A. A proposal for a Latecomers Agreement shall be submitted to the Director or an authorized designee for consideration by the County.
- B. A complete proposal for a Latecomers Agreement shall, at a minimum, include:
  - 1. A complete submittal for a Sewer Line Extension (SWLE) permit application including, but not limited to, a proposed sanitary sewer design Facility Plan for the Improvements;
  - 2. An Engineer's Estimate of the construction costs for the Improvements;
  - 3. A proposed Tributary Service Area map; and
  - 4. A Conceptual Sewerage Plan for the Tributary Service Area.
- C. The Engineer's Estimate shall include an estimate of the Total Eligible Construction Costs as ~~defined~~ described in PCC subsection 13.10.050 E. The Engineer's Estimate must be prepared and stamped by a ~~Washington State~~ Registered Professional Engineer.
- D. The Applicant's proposed Tributary Service Area shall include all properties which may subsequently use or require service from ~~such facilities~~ the Improvements, including the Development, and including property that will receive service from lateral or branch sewer lines connected to the ~~facilities~~ Improvements. Only ~~that~~ those properties within a defined sanitary sewer sub-basin whose ~~sewage wastewater~~ could flow to the ~~proposed sanitary sewer facilities~~ Improvements in a manner in keeping with the County's ~~sewerage strategies, plans, design standards and specifications~~ USP, the Capital Facilities Plan, any approved Sewer Facility Plan, and Pierce County Sewer Standards shall be included in the Tributary Service Area. The feasibility of a property to receive service from the Improvements does not in and of itself prescribe inclusion in the Tributary Service Area. The size and limits of the Tributary Service Area must be reviewed and approved by the County Department prior to sanitary sewer Facility Plan approval. The Tributary Service Area map must be prepared and stamped by a ~~Washington State~~ Registered Professional Engineer.
- E. The Applicant's Conceptual Sewerage Plan shall include the proposed design to serve all of the proposed lots within the Development as well as a conceptual design to serve the rest of the Tributary Service Area. At a minimum, the Conceptual Sewerage Plan must include the proposed sewer alignment, manhole locations, rim and invert elevations, pipe diameter, pipe slope, flow calculations for design capacity and flow velocities, topography, and parcel numbers and current zoning of all the properties within the Tributary Service Area. Approval of the Applicant's Conceptual Sewerage Plan for the purpose of determining the eligibility of the Improvements for





1 reimbursement shall not be construed to be an approval of all the design elements  
2 associated with said sewerage plan as they pertain to permanent sewer service for the  
3 Tributary Service Area. The Conceptual Sewerage Plan must be prepared and stamped  
4 by a ~~Washington State Registered Professional Engineer~~.

- 5 F. The County may require additional plans, specifications, easements, and legal  
6 documents as deemed necessary by the ~~Director~~ Department to evaluate and administer  
7 the Latecomers Agreement.  
8

9 **13.10.050 Latecomers Agreement – General Terms.**

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

- 12 A. ~~Installation~~ Construction of the Improvements shall be at the Applicant's expense.  
13 B. All construction shall be in accordance with an ~~engineering~~ Sewer Facility pPlan  
14 approved by the County, Department and in accordance with ~~all other applicable County,~~  
15 ~~State, and Federal ordinances, statutes, or regulations~~ the USP, the Capital Facilities  
16 Plan, and Pierce County Sewer Standards.  
17 C. Each and every parcel along the alignment of the proposed Improvements must be  
18 provided a side sewer stub for future connection. Prior to ~~sanitary s~~ Sewer Facility pPlan  
19 approval, the Applicant will be required to contact the property owners located adjacent  
20 to the ~~sanitary-public~~ sewer facilities to determine where the adjacent property owners  
21 prefer to have their ~~sanitary~~ side sewer stubs located. Contact shall be, at a minimum,  
22 through a certified letter to the owner of record of the properties, as indicated by the  
23 County Assessor-Treasurer's records. The Applicant shall maintain a record of contacts  
24 with adjacent property owners and submit a listing summarizing the results of the  
25 Applicant's efforts to contact adjacent property owners including the property owner's  
26 preferred location of the side sewer stub. The preferred stub locations must be included  
27 on the ~~sanitary s~~ Sewer Facility pPlans prior to approval. Written waivers may be  
28 granted at the Director's discretion in instances where a side sewer stub is not likely to  
29 be utilized. Side sewer stubs will not be permitted to properties located in a rural  
30 designated area. This provision shall not apply to side sewer stubs or sewer main stubs  
31 extending out of manholes. In the case of manholes, the County reserves the right to  
32 require the Applicant to provide, without direct compensation, side sewer stubs or  
33 sewer main stubs from manholes. The costs of installing side sewer stubs and sewer  
34 main stubs shall be included in the costs subject to reimbursement under the Latecomers  
35 Agreement.  
36 D. Where a Latecomers Agreement is in force, the County Department shall not allow any  
37 property owner within the Tributary Service Area to connect to the Improvements  
38 without ~~prior~~ payment to the County Department of the connection charges at the time  
39 and manner required by ~~County Code~~ Section 13.04.070, in addition to all other costs  
40 and charges assessed for such use or connection, including their Pro Rata Share of the  
41 Total Eligible Construction Cost. In addition, connection charges for properties located  
42 within the Tributary Service Area shall include an Administrative Fee equal to five  
43 percent (5%) of their total Area Charge and Pro Rata Share to cover the costs of  
44 administering the Applicant's Latecomers Agreement with the exception that an  
45 Administrative Fee shall not be added to the Applicant's Area Charge that is connection  
46 charges associated with the Development and ~~paid prior to approval of the sanitary~~  
47 ~~sewer plans for the Improvements~~. No charges or fees collected from ~~the any~~ property



1 within the Tributary Service Area other than their Pro Rata Share of the Total Eligible  
2 Construction Cost shall be utilized to reimburse the Applicant.

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

- 4 1. Sewer design work limited to ~~40~~ten percent (10%) of the Total Eligible Construction  
5 Cost. Sewer design work shall include the following:  
6 a. Preparation of ~~e~~Conceptual ~~s~~Sewerage design ~~p~~Plan and proposed Tributary  
7 Service Area map, including the engineering report and costs associated with a  
8 comprehensive plan amendment, if required;  
9 b. Survey work, including 2-foot interval topography, boundary, and right-of-way  
10 determination;  
11 c. Engineering design of ~~sanitary~~public sewer facilities to the required  
12 specifications;  
13 d. Coordination of ~~sanitary~~sewer design approval with other Pierce County  
14 departments and outside agencies, including permits or approvals for wetlands,  
15 shoreline, steep slope, and/or other sensitive-critical areas;  
16 e. Coordination with the appropriate agency for right-of-way access, easement, or  
17 permitting requirements;  
18 f. Costs associated with contacting potential users of the ~~sanitary sewer~~  
19 ~~system~~Improvements for the purpose of locating side sewer connections; and  
20 g. Preparation of construction cost estimate.  
21 2. Property acquisition done in accordance with County guidelines, including  
22 reasonable costs associated with collateral agreements whereby improvements to  
23 property are performed in exchange for granting of easement rights. The County  
24 reserves the right to require the Applicant to obtain an appraisal of the easement  
25 property in question at the Applicant's expense.  
26 3. Legal fees associated with easement or property acquisition for the actual sewer  
27 facilities, including preparation of the legal description in support of the easement or  
28 property acquisition.  
29 4. Construction costs including labor, materials, construction management,  
30 construction staking, and sales tax.  
31 5. Construction testing related to ~~installation~~construction of the sewer  
32 ~~facility~~Improvements.  
33 6. Preparation of as-built drawings, and operations and maintenance manuals.

34 F. It is entirely within the ~~County's~~Department's discretion whether it elects to allow the  
35 construction of temporary sewer facilities that are not in accordance with the ~~County~~  
36 ~~Sewer Facilities Plan, sewerage strategies, plans, design standards or specifications~~USP,  
37 ~~the Capital Facilities Plan, any approved Sewer Facility Plan, and Pierce County Sewer~~  
38 ~~Standards~~. If the ~~County~~Department permits the Applicant to ~~install~~construct  
39 temporary sewer facilities which are sized smaller or at depths higher than those  
40 required to provide permanent sewer service to all the properties in the Tributary Service  
41 Area, then the cost associated with the ~~installation~~construction of the temporary sewer  
42 facilities shall not be eligible for reimbursement unless the County requires that the  
43 temporary sewer facilities be upsized or ~~installed~~constructed at a depth lower than that  
44 required to serve the Property in accordance with Pierce County ~~Sanitary~~Sewer  
45 ~~Standards~~Plans, Details and Specifications. Only construction costs that are associated  
46 with the additional capacity and depth can be included in the Total Eligible Construction  
47 Cost.



1 | ~~G. All Latecomers Agreements and amendments thereto shall be recorded at the Pierce~~  
2 | ~~County Auditors Office against all the parcels within the Tributary Service Area.~~

3 |  
4 | **13.10.060 Processing of Latecomers Agreement.**

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

7 | A. Upon receipt of the Applicant's fully completed Latecomers Agreement proposal, the  
8 | Department staff will review and provide comment on the application proposal to the  
9 | Director. If the Director determines that a Latecomers Agreement is appropriate,  
10 | negotiations regarding the specific terms of the agreement in accordance with this  
11 | Chapter will continue until they have been completed ~~and the sanitary sewer plans for~~  
12 | ~~the Improvements have been approved.~~

13 | ~~B. The Applicant shall agree to pay in full all applicable connection charges due to the~~  
14 | ~~County for the connection of the Development to the public sanitary sewer system and~~  
15 | ~~all other fees required by law, including but not limited to, plan review fees, inspection~~  
16 | ~~fees, contract administration fees, side sewer stub charges, area charges, front footage~~  
17 | ~~charges, pro rata share costs of downstream Latecomers Agreements, and other~~  
18 | ~~administrative fees, prior to approval of the sanitary sewer plans for the Improvements.~~

19 | ~~C. The Department staff shall not forward the final draft of the Latecomers Agreement for~~  
20 | ~~approval by to the Director, the County's Prosecuting Attorney's Office, the County's~~  
21 | ~~Budget and Finance Department, and the Applicant until the sanitary sSewer Facility~~  
22 | ~~pPlans for the Improvements have been approved by the County Department.~~

23 | ~~D. The Latecomers Agreement shall be approved by the Director and, if necessary, by the~~  
24 | ~~Pierce County Executive. The Ssewer Lline Eextension permit for the construction of~~  
25 | ~~the Improvements shall not be issued until the Latecomers Agreement has been~~  
26 | ~~approved by all necessary signatories and executed by the approval of the Pierce County~~  
27 | ~~Executive. The Latecomers Agreement and any amendments thereto shall be recorded~~  
28 | ~~at the Pierce County Auditor's Office against all the parcels within the Tributary Service~~  
29 | ~~Area.~~

30 | ~~E. Upon execution of the Latecomers Agreement, the Applicant must proceed with~~  
31 | ~~obtaining the Ssewer Lline Eextension permit for the installation construction of the~~  
32 | ~~Improvements and commence construction prior to the expiration of the approved~~  
33 | ~~sanitary sSewer Facility pPlans. Unless extended by mutual agreement between the~~  
34 | ~~County and the Applicant, sShould the Applicant's approved sanitary sSewer Facility~~  
35 | ~~pPlans expire prior to the initiation of construction of the Improvements, then the~~  
36 | ~~Latecomers Agreement shall be null and void. Should the Applicant's approved~~  
37 | ~~sanitary sSewer Facility pPlans expire due to inactivity for one year, then the~~  
38 | ~~Latecomers Agreement shall be null and void.~~

39 | ~~F. Upon completion of construction and final acceptance of the Improvements by the~~  
40 | ~~County Department, the Applicant shall transfer the sewer facilities to the County, free~~  
41 | ~~and clear of all liens and debts, for inclusion into the public sewer system as a public~~  
42 | ~~facility.~~

43 | ~~G. Within 15 days following the completion of construction of the facilities Improvements~~  
44 | ~~and acceptance by the County Department, the Applicant shall provide complete and~~  
45 | ~~itemized copies of all invoices for costs related to construction of the~~  
46 | ~~facilities Improvements. The cost information provided by the Applicant shall be~~  
47 | ~~reviewed by the County Department to determine the Total Eligible Construction Cost.~~



1 Certification of the costs and authentication of the copies shall be made by the party  
2 providing the services and the Applicant. Costs not evidenced by an invoice shall not  
3 be included in the Total Eligible Construction Cost. Any costs not previously identified  
4 in the approved Engineer's Estimate shall not be included in the Total Eligible  
5 Construction Cost unless written authorization is received from the County Department.  
6 Construction costs which exceed those identified in the approved Engineer's Estimate  
7 shall not be included in the Total Eligible Construction Cost unless written authorization  
8 is received from the County Department.

9 **H.G.** Once the Total Eligible Construction Cost has been finalized, Department staff will draft  
10 an amendment to the executed Latecomers Agreement which will finalize the Total  
11 Eligible Construction Cost, the Pro Rata Share, and the Total Reimbursable Construction  
12 Cost. No reimbursement toward the Applicant's Total Reimbursable Construction Cost  
13 shall be made by the County until the Improvements are accepted by the  
14 County Department and the Latecomers Agreement has been amended to reflect the  
15 actual construction costs.

16 **H.I.** The County agrees to reimburse the Applicant up to the Total Reimbursable  
17 Construction Cost from the eligible portion of connection charges collected from the  
18 properties within the Tributary Service Area until the Total Reimbursable Construction  
19 Cost has been paid in full or until the term of the Agreement expires. Reimbursement  
20 payments made from the eligible portion of the connection charges collected from the  
21 Tributary Properties shall be made to the Applicant within 60 days following collection  
22 of the connection charges by the County or within 60 days following the execution of  
23 the amended Latecomers Agreement, whichever is later.

24 **H.J.** No interest shall be paid on any unpaid balances of the Total Reimbursable Construction  
25 Cost for the life of the Latecomers Agreement.

26 **H.K.** No Latecomers Agreement shall extend for a period longer than 15 years from the date  
27 of final acceptance of the Improvements by the County.

28 **L.K.** The Applicant shall be responsible for providing the County with his/her current  
29 address at all times during the term of the Latecomers Agreement. Any change of  
30 address notice submitted by the Applicant shall be sent by means of certified mail,  
31 return receipt requested to the Department.

### 32 33 **13.10.070 Denial of Latecomers Agreement.**

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



1  
2 | **13.10.080 Eligibility for Appeals to Hearing Examiner.**

3 | Administrative determinations of the County covering the following specific issues may be  
4 | appealed to the Pierce County Hearing Examiner, in accordance with ~~Pierce County Code~~ PCC  
5 | Chapter 1.22:

- 6 | A. Size and limits of Tributary Service Area (Section 13.10.040 D.); and/or  
7 | B. Costs subject to reimbursement (Section 13.10.050 E.).  
8 |

9 | **13.10.090 Severability.**

10 | If any provision of this Chapter or its application is held invalid or unconstitutional, the  
11 | remainder of the Chapter or the application of the provision to other persons or circumstances  
12 | shall not be affected.  
13 |



Chapter 13.13

SERVICE CHARGES

Sections:

- 13.13.005 — Adoption.
- 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 Time of Payment; Delinquent Charges.
- 13.13.045 Collection of Delinquencies.
- 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.
- ~~13.13.090 — Authority of the Director.~~
- 13.13.095 Construction.
- 13.13.100 Severability.

~~13.13.005 — Adoption.~~

~~The following general and specific definitions, provisions, rates, regulations, and rules are hereby adopted and supersede prior and existing ordinances, definitions, provisions, rates, regulations, and rules insofar as they conflict.~~

~~13.13.010 Definitions and Acronyms.~~

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

~~Adjusted. Revised or corrected by the Director unless otherwise specified.~~

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

~~Approved. Approved by the Director unless otherwise specified.~~

~~“Basic Service Charge” means the portion of the service charges on commercial customers representsing 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.~~



1 “Biological Oxygen Demand (BOD)” means the quantity of oxygen used in the biochemical  
2 oxidation of organic matter in a specified time, at a specified temperature, and under specified  
3 conditions. This is a standard test used in assessing wastewater strength. [Reference PCSSUAC  
4 13.04.010 E.]

5  
6 “CCF” means Hundred Cubic Feet.

7  
8 “Commercial Class 1” means a customer class consisting of those commercial units whose  
9 wastewater discharge contains ~~Biological Oxygen Demand (BOD)~~ or Total Suspended Solids  
10 (TSS) levels less than 300 milligrams per liter (mg/l).

11  
12 “Commercial Class 2” means a customer class consisting of those commercial units whose  
13 wastewater discharge contains ~~Biological Oxygen Demand (BOD)~~ or ~~Suspended Solids (TSS)~~  
14 levels equal to or greater than 300 and less than 500 ~~milligrams per liter (mg/l)~~.

15  
16 “Commercial Class 3” means a customer class consisting of those commercial units whose  
17 wastewater discharge contains ~~Biological Oxygen Demand (BOD)~~ or ~~Suspended Solids (TSS)~~  
18 levels equal to or greater than 500 and less than 700 ~~milligrams per liter (mg/l)~~.

19  
20 “Commercial Class 4” means a customer class consisting of those commercial units whose  
21 wastewater discharge contains ~~Biological Oxygen Demand (BOD)~~ or ~~Suspended Solids (TSS)~~  
22 levels equal to or greater than 700 and less than 900 ~~milligrams per liter (mg/l)~~.

23  
24 “Commercial Class 5” means a customer class consisting of those commercial units whose  
25 wastewater discharge contains ~~Biological Oxygen Demand (BOD)~~ or ~~Suspended Solids (TSS)~~  
26 levels which are equal to or exceed 900 ~~milligrams per liter (mg/l)~~. Also, it means any  
27 commercial unit whose wastewater discharge exceeds 150,000 gallons per day as an average  
28 during any seven days in a year, consecutive or not.

29  
30 “Commercial Customer” means ~~an owner or operator of a commercial unit.~~

31  
32 “Commercial Service Charge” means the total monthly service charge applicable to a  
33 commercial unit. ~~The regular charge~~ It is the total of the Basic Service Charge and plus the  
34 Volume Service Charge.

35  
36 “Commercial Unit” means any structure or portion of a structure not classified as a residential  
37 unit. It may be a commercial, industrial, or other non-residential use.

38  
39 “Contract Sewer Service Area” means the geographical area served by the public sewer system  
40 pursuant to a contract between Pierce County and a municipal corporation.

41  
42 ~~Department. The Pierce County Utilities Department, Pierce County, Washington, U.S.A.~~

43  
44 ~~Director. The Director of the Pierce County Utilities Department, or his/her authorized deputy,~~  
45 ~~agent or representative. [Reference PCSSUAC 13.04.010 P.]~~



1 “Mixed Use Unit” means a single structure where both residential and commercial units are  
2 present.

3  
4 ~~Mg/l. Milligrams Per Liter.~~

5  
6 “Mobile Home Park” means where the parcel of property on which four or more mobile homes  
7 are situated is owned by another party unrelated to the owners of the mobile homes and the  
8 property on which the mobile home rests is rented or leased to the mobile home owner on a  
9 periodic basis for less than five year intervals.

10  
11 “Multi-Family Residential Class” means a customer class consisting of those residential units not  
12 in the single-family residential class, including (but not limited to) duplexes, triplexes,  
13 fourplexes, apartment buildings, and mobile home parks. ~~A “multiple dwelling” defined in~~  
14 ~~PCSSUAC 13.04.010 X. is a type of multi family residential unit.~~

15  
16 ~~NPDES. National Pollution Discharge Elimination System. This permitting process is~~  
17 ~~administered by the United States Environmental Protection Agency and the State of Washington~~  
18 ~~Department of Ecology.~~

19  
20 “Owner of Record” shall mean the property owner identified in the indexed records of the Pierce  
21 County Assessor-Treasurer's Office and, if those records are found not to reflect the current  
22 ownership, the indexed records of the Pierce County Auditor's Office.

23  
24 ~~PCC. Pierce County Code.~~

25  
26 ~~PCSSUAC. Pierce County Sanitary Sewer Utility Administrative Code as adopted by Ord.~~  
27 ~~91-190S and presently codified at Chapter 13.04 PCC.~~

28  
29 ~~RCW. Revised Code of Washington.~~

30  
31 “Residential Unit” means a structure or portion of a structure capable of human habitation,  
32 including but not limited to private houses; each unit of a duplex, triplex, fourplex, apartment  
33 building, condominium, or townhouse; or a mobile home.

34  
35 “Residential Service Charge” means the service charge applicable to a residential unit. ~~The~~  
36 ~~regular charge~~ It is a flat monthly charge and is only applicable to single-family residential and  
37 multi-family residential units customer classes.

38  
39 “Service Charge(s)” means the charges required by the County for the furnishing of sewer  
40 service, or for having such service available, to customers in order to cover the cost of collection,  
41 maintenance and treatment of wastewater discharged to the System, including debt service costs,  
42 capital costs, and disposal costs for treated wastewater and residuals, especially treatment of the  
43 wastewater to remove suspended solids (SS), biological oxygen demand (BOD), and any other  
44 substance necessary to meet the State and Federal legal standards for municipal sewage effluent  
45 and other discharges as set forth in the Department's NPDES wastewater disposal permit and  
46 other State and Federal regulations to maintain, operate, preserve, improve, and administer the  
47 public sewer system. In addition, customers are required to pay any taxes, fees, and surcharges





1 | ~~imposed on any regular service charges.~~ Any fee, time and material charge, administrative fine,  
2 | or adjudicated civil penalty owed by any ~~person~~ customer to the Department shall, if past due,  
3 | become a service charge upon a customer if that fee, charge, fine, or penalty (or part thereof) is  
4 | approximately related to providing sewer service (or its availability) to that customer. ~~This~~ Any  
5 | extraordinary service charge is additional to any regular service charges. Such a charge may be  
6 | apportioned among several accounts if appropriate.

7 |  
8 | “Single-Family Residential Class” means ~~this a~~ customer class encompasses consisting of all the  
9 | following residential units: 1) where there is but one residential unit on a parcel of property; or  
10 | 2) held under RCW Chapters 64.32 (condominiums) and 64.36 (time-share) (or succeeding  
11 | statutes); or 3) held under a cooperative apartment agreement; or 4) where the mobile home is  
12 | under the same ownership as the underlying parcel; or 5) where the ~~Director~~ Department finds  
13 | this to be the most reasonable classification. ~~This is the same as a "single family dwelling"~~  
14 | ~~defined in PCSSUAC 13.04.010 GGG.~~

15 |  
16 | “Standard Industrial Classification (SIC)” means a classification system used to categorize  
17 | commercial units into similar or like groups based on the characteristics of ~~the commercial~~  
18 | units their operations.

19 |  
20 | “Suspended Solids (SS)” means ~~solids that either float on the surface of, or are in suspension in~~  
21 | ~~water, wastewater, or other liquids, and which are largely removable by laboratory filtering.~~  
22 | [~~Reference PCSSUAC 13.04.010 KKK.~~]

23 |  
24 | ~~System. The Pierce County Wastewater Treatment System as operated by the Department,~~  
25 | ~~including sanitary sewers, outfalls, treatment works, equipment, facilities, and land utilized for~~  
26 | ~~sewage treatment and disposal either through outright ownership or other legal means. This is~~  
27 | ~~the same as the "County Sanitary Sewerage System" defined in PCSSUAC 13.04.010 JJ.~~

28 |  
29 | “Transfer Sewer Service Area” means ~~all or a portion of a former municipal system of sewerage~~  
30 | ~~acquired by Pierce County in accordance with Chapter 36.94 RCW.~~

31 |  
32 | “Volume Service Charge” means ~~that component~~ the portion of ~~a~~ the commercial service charge  
33 | ~~which represents~~ ing the volume and strength related costs of treating a commercial unit's  
34 | wastewater discharge. The charge is calculated by determining the quantity and characteristics  
35 | of the wastewater discharged by the commercial unit and applying the appropriate rate.

36 |  
37 | “Wastewater Discharge” means the quantity of wastewater, ~~sewerage~~, or other liquid released  
38 | into the ~~System~~ public sewer system by a person as determined by: 1) water use at a specific  
39 | property as determined by metering of the water supply from all sources; or 2) clause (1) above,  
40 | as adjusted for water use determined not to contribute wastewater loading to the ~~System~~ public  
41 | sewer system as measured by standard, recognized methods approved by the  
42 | ~~Director~~ Department; or 3) if water meter records are not available or inaccurate, an estimate of  
43 | water use at a specific property using standard, recognized means approved by the  
44 | ~~Director~~ Department.

45 |  
46 | “Wastewater Loading” means the volume of wastewater flow and its constituent pollutants  
47 | including: ~~five-day biological oxygen demand (BOD); and suspended solids (TSS).~~



1  
2 **13.13.015 Commencement of Charges.**

- 3 A. Service charges shall be levied upon all persons properties or structures to whom which  
4 service is furnished ~~or made available~~ by the public sewer S system, as determined by the  
5 ~~Director under applicable laws and regulations~~ Department.
- 6 B. Service charges for properties or structures to which service is available within the  
7 boundaries of a ULID shall commence 60 days after such service becomes available  
8 and written notice of such availability is sent to the owner of record of the property, or  
9 upon connection to the public sewer S system, whichever event occurs first.

10  
11 **13.13.020 Duration of Charges.**

- 12 A. Service charges once imposed on any property or structure shall continue until that  
13 property or structure is demolished, removed, or no longer in existence. The only  
14 exception is if it is shown, ~~to the satisfaction of the Director~~, by legalsworn affidavit  
15 signed by the property owner, that water service cannot be made available to the  
16 property or structure. The Department reserves the right at any time to verify the  
17 accuracy of the sworn affidavit and to back-bill the property owner for service charges if  
18 the sworn affidavit is determined to be false. [~~Replaces PCC 13.12.040~~]
- 19 B. ~~Disconnection from the System shall be in accordance with the requirements of the~~  
20 ~~PCSSUAC.~~ The property owner shall continue to be responsible for the payment of  
21 service charges for any building or structure until the permit for disconnection is  
22 approved by the Department and the building sewer has been disconnected and capped  
23 to the satisfaction of the Department.

24  
25 **13.13.025 Billings – To Whom Sent; Payment Responsibility.**

- 26 A. Billings shall be sent to the owner of record of the ~~property on which the structure~~  
27 ~~served is located~~ properties or structures for which service is furnished or made available  
28 so far as the Department can reasonably ascertain. "Reasonably ascertain" shall mean  
29 resorting first to the indexed records of the Pierce County Assessor-Treasurer's Office,  
30 and second, if those records are found not to reflect the current ownership, the indexed  
31 records of the Pierce County Auditor's Office. It shall not mean resorting to certified or  
32 registered mail, or messengers, on a regular basis for any one account.
- 33 B. Failure to receive such billings shall not relieve the property owner from ~~the obligation~~  
34 ~~to paying for any~~ service availability charges owed or from paying any penalty, interest,  
35 ~~or foreclosure costs,~~ or all fess, expenses, and costs necessary to effect the recording of  
36 any lien that are accrued upon failure to pay such billings when due. In addition, failure  
37 to receive such billings shall not prevent the Department from attaching a lien to the  
38 property ~~receiving, or capable of receiving, service.~~ as provided in RCW Section  
39 36.94.150 (or succeeding statutes) and as prescribed in Section 13.04.100. [~~Reference~~  
40 ~~PCSSUAC13.04.080~~]
- 41 C. At the property owner's option, a legalsworn affidavit designating a property  
42 manager person or entity responsible for payments to whom billing shall be sent may be  
43 filed with the Department. Such affidavit shall be in a form prescribed by the  
44 ~~Director~~ Department. Such affidavit shall not relieve the property owner from his/her the  
45 responsibility for payment of all service charges, penalties, interest, and foreclosure  
46 costs, and all fees, expenses, and costs necessary to effect the recording of any lien.



1 D. The owner of record of the property shall be responsible for the payment of all service  
2 charges, penalties, interest, foreclosure costs, and all fees, expenses, and costs necessary  
3 to effect the recording of any lien.  
4

5 **13.13.030 Frequency of Billing.**

6 Billings for service charges shall, at a minimum, be made every two months for single-family  
7 and multi-family residential ~~units~~ customer classes, and monthly for commercial ~~units~~ customer  
8 classes. Any customer requests to change the frequency of billings are subject to the  
9 Department's approval. [~~Replaces PCC 13.12.050 A.~~]

10  
11 **13.13.035 Forms of Payment; Returned Check Charge.**

- 12 A. Payments shall may be made in with U.S. currency, by personal check, money order, or  
13 cashier's or certified check, and other forms of payment approved by the Department.  
14 Some forms of payments will only be accepted using the Department's online system  
15 and will be subject to a convenience fee. The Department reserves the right to accept or  
16 decline ~~these~~ any form of payment (except U.S. currency and cashier's check) and other  
17 forms of payment for administrative convenience, ~~at the discretion of the Director.~~  
18 B. In instances where a lien for non-payment of service charges has been attached to the  
19 property, the lien will only be released when the account is paid to a zero balance. If  
20 paid by U.S. currency or cashier's check, the lien will be released immediately. If paid  
21 by other forms of payment, the lien will be released 30 days from the payment date. The  
22 Department reserves the right to accept payments only in with U.S. currency, money  
23 order, or cashier's or certified check.  
24 C. A returned check charge shall be assessed against an account in cases where the  
25 Department receives a returned check for payment of service charges. Said charge shall  
26 be the same charge assessed by the Budget and Finance Department in accordance with  
27 its policy for returned checks as adopted and hereafter amended.  
28

29 **13.13.040 Time of Payment; Delinquent Charges.**

- 30 A. Service charges for properties or structures for which service is furnished or made  
31 available are due 25 days after the billing date. [~~Replaces PCC 13.12.060~~]  
32 B. If service charges are not paid when due, ~~there~~ then a penalty shall be added to the  
33 service charges equal to ten percent (10%) of the latest billed amount as a one-time  
34 late penalty, and interest shall ~~then be attached and~~ accrue on ~~such~~ the unpaid  
35 charges balance figured from the billing due date at a rate of eight percent (8%) per  
36 year. The interest shall be applied monthly on the entire unpaid balance, excluding any  
37 accrued interest, foreclosure costs, and all fees, expenses, and costs necessary to effect  
38 recording of any lien. [~~Reference PCSSUAC 13.04.080~~]  
39 C. A partial payment of any past due charges, ~~penalties, interest, or foreclosure costs~~ shall  
40 be applied ~~first to any foreclosure costs, then to taxes, then to the accrued interest, then~~  
41 ~~the penalty, and finally on the delinquent service charges~~ to the below costs in the  
42 following order of priority:  
43 1. Foreclosure costs;  
44 2. All fees, expenses, and costs necessary to effect the recording of any lien;  
45 3. Taxes and fees;  
46 4. Accrued interest;  
47 5. Penalty payments; and



6. Surcharges and delinquent service charges – oldest first.  
~~[Replaces PCC 13.12.060; Reference PCSSUAC13.04.080~~

**13.13.045 Collection of Delinquencies.**

- A. Service charges on properties or structures for which service is furnished or made available become delinquent if not paid when due.
- B. The Department shall certify all delinquent charges, penalties, interest, ~~and~~ foreclosure costs, and all fees, expenses, and costs necessary to effect the recording of any lien thereon to the King or Pierce County Auditor, as appropriate, when such charges have been delinquent for 60 days but may so certify such delinquencies earlier. The Department may later amend these certifications when appropriate.
- C. Upon such certification, such charges, penalties, interest, ~~and~~ foreclosure costs, and all fees, expenses, and costs necessary to effect the recording of any lien shall automatically become a lien on such property and shall be enforceable as provided in RCW 36.94.150 or succeeding statutes. An amended certification shall likewise automatically take effect.
- D. All costs associated with the ~~filing~~ recording and releasing of a lien for delinquent charges, such as filing fees and administrative costs, shall be charged to the delinquent property's sewer account at the time the lien is filed with the appropriate County Auditor.

**13.13.050 Adjustment of Billings.**

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

**13.13.055 Meters – Commercial Units.**

- A. ~~Commercial~~ The volume service charges for commercial units ~~are~~ is based first upon the quantity of wastewater discharging into the public sewer S system. This discharges measurement is determined by the average monthly water use at a property from the previous twelve months as shown by ~~actual metering of the water supply from all sources in water meter records~~, as adjusted for water use determined not to contribute wastewater loading to the public sewer S system. The commercial customer shall



1 provide the Department with all information on water use at a property necessary to  
2 determine the consumptive water use for the commercial unit. This shall include  
3 furnishing records kept by the water purveyor for the commercial unit.

- 4 B. Measurement of water use determined not to contribute wastewater loading to the public  
5 sewer Ssystem shall be by means approved by the ~~Director~~Department.
- 6 C. ~~At the effective date of this Chapter, a~~All new commercial units will be allowed  
7 adjustments for water use determined not to contribute wastewater loading to the public  
8 sewer Ssystem only when a separate approved water meter is provided, at the owner's  
9 expense, to quantify the actual volume not discharging to the public sewer Ssystem.
- 10 D. The Department shall have access to the premises for meter reading so as to confirm that  
11 the water use is as claimed by the customer.
- 12 E. If water meter records are not reliable or available for any reason, an estimate of water  
13 use at the property shall be used to determine water consumption there. Estimates of  
14 water use at a property shall be by means approved by the ~~Director~~Department.
- 15 F. Commercial units which derive all or part of the wastewater discharge from product  
16 concentration, moisture condensation, or other non-metered sources, shall install  
17 approved wastewater flow monitoring equipment upon written notice given by the  
18 ~~Director~~Department.
- 19 G. If the measurement of water use results in a fractional part of a CCF, the number used  
20 for calculating rates and charges shall be the next highest whole number.

21  
22 **13.13.060 Uncontaminated Wastewater Adjustments.**

- 23 A. A commercial customer may use water for purposes which produce uncontaminated  
24 wastewater satisfactory for direct discharge into means other than the ~~System~~public  
25 sewer system. These purposes may include irrigation, cooling, heating, or processing.  
26 In such cases, the customer may submeter the uncontaminated water flow not discharged  
27 into the ~~System~~public sewer system and have adjusted the metered water usage to the  
28 property so that he/she may be charged only for water flow actually discharged into the  
29 ~~System~~public sewer system.
- 30 B. All submetering shall be subject to the written approval of the ~~Director~~Department and  
31 installed at the customer's sole expense.
- 32 C. The ~~Director~~Department shall have the authority to regulate all submetering activities,  
33 including (but not limited to): the approval of plans and specifications for the  
34 installation and operation of the submetering system; approval of successful inspection  
35 of the system; procedures for continued operation and adjustment of the system; and the  
36 calibration and testing of the submeters on a regular basis at the sole expense of the  
37 customer. [~~Reference PCSSUAC 13.04.040 N.~~]

38  
39 **13.13.065 Taxes, Fees, and Surcharges on Services.**

40 Taxes, fees, and surcharges imposed on Departmental sewer services or billings by the State  
41 of Washington, or any municipality, shall be passed on to the ~~System~~customers of the public  
42 sewer system as surchargesadditional levies above and beyond the Department's established rates  
43 and charges for service. These taxes, fees, and surcharges will appear as a separate line item on  
44 the customer's billing statement. These taxes, fees, and surcharges will not require additional  
45 action or approval by the Council.



1 **13.13.070 Customer Classes.**

- 2 A. All properties served by the ~~System~~ public sewer system, or having such service  
3 available, shall be classified for billing purposes into the following customer classes:  
4 1. Single-Family Residential Class;  
5 2. Multi-Family Residential Class;  
6 3. Commercial Class 1;  
7 4. Commercial Class 2;  
8 5. Commercial Class 3;  
9 6. Commercial Class 4; and  
10 7. Commercial Class 5.  
11 B. For mixed use units, each customer class shall be treated separately for billing purposes  
12 as may be practical. If required, a separate account shall be set up and billed according  
13 to the rates and charges currently in effect. ~~[Replaces PCC 13.12.010]~~  
14

15 **13.13.075 Classification of Commercial Units.**

- 16 A. All commercial units shall be classified into one of the five available SIC Group  
17 Classifications for billing purposes. Placement into a SIC Group Classification will be  
18 determined by levels of BOD and ~~SS~~ TSS contained in the commercial unit's wastewater  
19 discharge into the ~~System~~ public sewer system. The levels of BOD and ~~SS~~ TSS  
20 contained in a commercial unit's wastewater shall be termed to be a measure of the  
21 "strength" of the wastewater. The determination of BOD and ~~SS~~ TSS levels shall be  
22 obtained through one of two alternative methods. Those methods are an actual  
23 monitoring of the commercial unit's wastewater strength or an estimation of the BOD  
24 and ~~SS~~ TSS levels for the commercial unit based on the best information available.  
25 B. Initial classification of all commercial units into SIC Groups shall be based on an  
26 estimation of the levels of BOD and ~~SS~~ TSS (or strength) contained in the commercial  
27 unit's wastewater discharge. All estimates of BOD and ~~SS~~ TSS levels shall be by means  
28 approved by the ~~Director~~ Department and may be later adjusted.  
29 C. As an alternative, at the customer or property owner's sole expense, the commercial  
30 customer may submit a plan for monitoring its wastewater discharge on a regular basis  
31 and for purposes of determining the strength of its wastewater discharge. All monitoring  
32 plans shall be reviewed and approved by the ~~Director~~ Department prior to  
33 implementation. The results of such a monitoring plan shall be taken into account, along  
34 with all other available information, when determining a commercial unit's SIC group  
35 placement.  
36 D. The Department may monitor the wastewater from any commercial customer to  
37 determine the flow, wastewater strength and suitability for treatment at a frequency to be  
38 determined by the ~~Director~~ Department. The results of this monitoring may be used to  
39 assess representative wastewater charges or to assure that no wastewater loading  
40 changes have occurred at the commercial unit.  
41

42 **13.13.080 Commercial Class 5 Requirements.**

- 43 A. ~~Commercial~~ eCustomers classified within Commercial Class 5 shall install approved  
44 wastewater flow metering, recording, and totalizing equipment, and refrigerated, flow-  
45 proportioned sampling equipment.  
46 B. If ~~such~~ eCommercial Class 5 customers do not supply approved monitoring  
47 ~~facilities~~ equipment, they shall provide to the Department every three months a



wastewater loading report for periods of normal operations based upon a minimum seven days of flow proportioned sampling. The report shall be prepared by an independent licensed professional engineer or independent laboratory approved in advance by the ~~Director~~Department. The form and manner of such a report shall be prescribed and approved in advance by the ~~Director~~Department.

- C. Designs and plans of wastewater flow measurement and sampling installations must be submitted to the ~~Director~~Department for approval prior to installation.
1. Flow or level sensor equipment must be insensitive to, or protected from, solids accumulation, temperature variations, and surface foaming. The equipment must be capable of being readily calibrated and holding said calibration for at least three months after calibration.
  2. Wastewater sampling equipment must obtain flow proportioned samples without distorting the concentration of any waste constituent.
  3. Flow instrumentation must include a means for determining daily peak flow rate and a digital flow totalizer reporting in thousands of gallons. The totalizer must not turn over more than once per year during the first year of installation.
  4. The Department shall be permitted access to the monitoring station equipment at all times.
  5. The eCommercial Class 5 customer shall maintain the monitoring facility's equipment's accuracy and good working order at all times at his/her sole expense.
  6. If the equipment becomes inoperable, or for any reason is not capable of providing monitoring information, the user customer shall provide a wastewater report as described in subsection B. above.
- D. Each Commercial Class 5 customer shall provide an approved wastewater monitoring access point to its wastewater discharge entering the System public sewer system and ~~downstream of all the commercial unit's drainage flow~~. The Department shall be permitted access to all wastewater monitoring point(s).
- E. The ~~Director~~Department shall be empowered to require installation and maintenance, at the eCommercial 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 bill 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:



**Customer Class**

**Rates and Charges**

**2012 2013**

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

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

B. Regular rates and charges for the furnishing of sewer service, or for having such service available, for the Cascadia Sewer Service Area, shall be as follows:

**Customer Class ..... Rates and Charges**

1. Single-Family Residential Class:		
Service Charge.....	\$55.00	per unit per month
2. Multi-Family Residential Class:		
Service Charge.....	\$48.44	per unit per month
3. Commercial Class 1:		
Basic Service Charge .....	\$ 7.40	per account per month
Plus: Volume Service Charge .....	\$ 5.69	per CCF of water consumption





- 4. Commercial Class 2:  
 Basic Service Charge .....\$ 7.40 per account per month  
 Plus: Volume Service Charge .....\$ 5.69 per CCF of water consumption
- 5. Commercial Class 3:  
 Basic Service Charge .....\$ 7.40 per account per month  
 Plus: Volume Service Charge .....\$ 5.69 per CCF of water consumption
- 6. Commercial Class 4:  
 Basic Service Charge .....\$ 7.40 per account per month  
 Plus: Volume Service Charge .....\$ 5.69 per CCF of water consumption

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

- C. Municipalities discharging wastewater into the ~~System~~ public sewer system under contract with the Department shall be charged according to the provisions of the respective contracts. ~~[Replaces PCC 13.12.010]~~
- D. The following surcharge shall be charged to customers in the listed ~~transfer~~ Contract ~~s~~ Sewer s ~~Service a~~ Area until all debt incurred by the County as a consequence of said transfer has been satisfied:  
  
 City of Dup~~P~~ ont Historic Village Area .....\$24.00 per unit per month
- E. A Franchise Agreement Fee in an amount equal to ~~6~~ six percent ~~(6%)~~ (6%) of the regular rates and charges for the furnishing of service, or for having such service available, shall be charged to all customers in the City of Lakewood.

**~~13.13.090~~ Authority of the Director.**

- ~~A. Overall authority for the execution, administration, and interpretation of these rates and regulations resides with the Director.~~
- ~~B. Such authority shall include the power: to determine questions of applicability or interpretation of rates or regulations; to adopt or modify implementing regulations; and to grant exemptions therefrom or order specific actions, forbearance, or impose other additional requirements. These decisions shall be made when deemed reasonably necessary in the interest of the public health and safety.~~
- ~~C. The Director shall have the authority to delegate, as necessary, specific authority to carry out the execution, administration and interpretation of these rates and regulations.~~

**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 ~~RCW~~ (or succeeding statutes).

**13.13.100 Severability.**

If any ~~Section, provision, sentence, phrase, word, or part thereof, of this Chapter, or of any implementing regulations,~~ its application is declared held invalid or unenforceable, ~~or the applicability thereof to any person or circumstance is held invalid,~~ the ~~legality and remainder of~~



1 | ~~this Chapter; or any implementing regulations, and the applicability thereof~~ the application of  
2 | the provision to other persons and circumstances shall not be affected ~~unless such a resulting~~  
3 | ~~application would be absurd.~~  
4 |



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, and penalty payments, lien fees, foreclosure costs, and administrative 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, and penalty payments, lien fees, foreclosure costs, and administrative fees, of any liens for delinquent ~~monthly~~ 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

**~~RULES OF PRACTICE AND PROCEDURE FOR  
HEARINGS AND APPEALS ON SEWER ASSESSMENT PROTESTS~~**

Sections:

- 13.20.010 Purpose.
- ~~13.20.020 Hearing Examiner – Generally.~~
- ~~13.20.030 Appearance and Practice Before Examiners and Council – Persons Who May and May Not Appear.~~
- ~~13.20.040 Appearance and Practice Before Examiners and Council – Appearance by Representative – Method.~~
- ~~13.20.050 Appearance and Practice Before Examiners and Council – Conduct.~~
- ~~13.20.060 Hearing Examiner – Duties and Powers.~~
- ~~13.20.070~~ 13.20.070~~20~~ Protests of Assessments – Filing.
- ~~13.20.080~~ 13.20.080~~30~~ Protests of Assessments – Contents.
- ~~13.20.090~~ 13.20.090~~40~~ Protests of Assessments – Notice of Hearing.
- ~~13.20.100 Hearings – Continuances.~~
- ~~13.20.110~~ 13.20.110~~50~~ Protest Hearings – Procedures at Hearings Before Examiners.
- ~~13.20.120 Hearings – Scope of Review.~~
- ~~13.20.130 Rules of Evidence – Admissibility Criteria.~~
- ~~13.20.140 Hearings – Record.~~
- ~~13.20.150~~ 13.20.150~~60~~ Hearing Examiner's Decision and Recommendation Protests of Assessments – Findings and Conclusions Required Examiner's Decision.
- ~~13.20.160 Appeals to Council.~~
- ~~13.20.170 Notice of Appeal – Contents.~~
- ~~13.20.180 Appeal Hearings – Notice of Hearing.~~
- ~~13.20.190 Appeal Hearings – Council Action.~~
- ~~13.20.200~~ 13.20.200~~70~~ Confirmation of Assessment Roll.
- ~~13.20.080 Severability.~~

13.20.010 Purpose.

The purpose of this Chapter is to establish ~~rules of practice~~ provisions and procedures applicable to ~~all hearings on~~ protests of sewer assessments in connection with Pierce County Utility Local improvement Districts (hereinafter ULID's), ~~and applicable to all appeals therefrom, and applicable to any hearings to confirm assessment rolls in such ULID's.~~ The authority for such rules and regulations is contained in ~~Section 17 and Section 18 of Chapter 313 of the Laws of 1981, RCW Sections 36.94.250 and RCW 36.94.260, as amended, respectively (or succeeding statutes).~~ The intent of the County Council (hereinafter Council) is to delegate its authority to hold such assessment ~~roll~~ protest hearings to the Office of the Pierce County Hearing Examiners (hereinafter Examiner), so that they may make recommendations to the County Council, which shall either adopt or reject the recommendations of the Hearing Examiner.



1  
2 **13.20.020 Hearing Examiner Generally.**

3 Hearing Examiners under this Chapter shall be retained by Pierce County as independent  
4 contractors pursuant to Professional Service Contracts. Such Hearing Examiners must be  
5 attorneys admitted to the Bar of the State of Washington.  
6

7 **13.20.030 Appearance and Practice Before Examiners and Council Persons Who May  
8 and May Not Appear.**

- 9 A. Any property owner may represent himself/herself and may appear before a Hearing  
10 Examiner or the Council. Alternatively, a property owner may select a representative of  
11 his own choosing, to appear in a representative capacity before a Hearing Examiner or  
12 the Council.  
13 B. A bona fide officer, partner or full-time employee of a firm, association, partnership,  
14 corporation or local government unit may appear for such firm, association, partnership,  
15 corporation or local government unit in accordance with Section 13.20.040 of this  
16 Chapter.  
17 C. No former employee of the Utilities Department of Pierce County or member of the  
18 Prosecuting Attorney's staff may appear in a representative capacity on behalf of any  
19 party in any proceeding, within two years after terminating his or her employment held  
20 under this Chapter wherein he/she previously took an active part as a representative of  
21 the Utilities Department in the same case or proceeding.  
22

23 **13.20.040 Appearance and Practice Before Examiners or Council Appearance by  
24 Representative Method.**

- 25 A. Appearances may be made on behalf of any party by his or her attorney or other duly  
26 authorized representative as defined in Section 13.20.030 by:  
27 1. Filing a written notice of appearance containing the name of the party to be  
28 represented, and the name and address of the representative; or by  
29 2. Entering an appearance at the time and place of hearing on the protest, or appeal of  
30 same, and notifying the Hearing Examiner or Council conducting the hearing of the  
31 party to be represented and the name and address of the representative.  
32 B. Copies of every written notice of appearance shall be furnished by the Clerk of the  
33 Council to the Prosecuting Attorney at the time the original notice of appearance is filed  
34 with the Hearing Examiner or Clerk of the Council, as the case may be.  
35 C. In all cases of appeals filed with the County Council by the Utilities Department, of  
36 Hearing Examiner's recommendations, the Prosecuting Attorney shall, unless the  
37 Utilities Department or the Prosecuting Attorney has notified the Council otherwise, be  
38 deemed to have entered an appearance for the Utilities Department and the Prosecuting  
39 Attorney and shall therefore be exempt from the requirement of filing and serving a  
40 written notice of appearance.  
41 D. Thereafter, all future notices and orders shall be served by the Hearing Examiner or  
42 County Council upon such representative. Service upon the representative shall  
43 constitute service upon the party.  
44

45 **13.20.050 Appearance and Practice Before Examiners and Council Conduct.**

46 All persons appearing in a representative capacity in proceedings held pursuant to this  
47 Chapter shall conform to reasonable standards of ethical conduct established by the person



1 responsible for the hearing. If any such person does not conform to such standards, an Examiner  
2 or Chair of the County Council may, in his/her discretion and depending on all the  
3 circumstances, admonish or reprimand such person, or exclude such person from further  
4 participation in the proceedings and adjourn the same, or report the matter to the Council, if  
5 applicable, and the Council may, in its discretion, after notice and hearing, take appropriate  
6 disciplinary action.

7  
8 **13.20.060 Hearing Examiner – Duties and Powers.**

9 It shall be the duty of the Hearing Examiners to conduct hearings in protest cases assigned to  
10 them in an impartial and orderly manner, and they shall have the authority, subject to the other  
11 provisions of these rules:

- 12 A. To administer oaths and affirmations;
- 13 B. To rule on all procedural matters, objections and motions;
- 14 C. To rule on all offers of proof and receive relevant evidence;
- 15 D. To interrogate witnesses called by the parties in an impartial manner to develop any  
16 facts deemed necessary to fairly and adequately decide the matter;
- 17 E. To secure and present in an impartial manner such evidence, in addition to that  
18 presented by the parties, as they deem necessary to fairly and equitably decide the  
19 matter;
- 20 F. To take appropriate disciplinary action with respect to representatives of the parties  
21 appearing before an Examiner;
- 22 G. To consolidate matters for hearing when such consolidation will expedite disposition of  
23 the matters and avoid duplication of testimony, if the rights of the parties will not be  
24 prejudiced thereby;
- 25 H. To regulate the course of hearings;
- 26 I. To enter findings of fact, conclusions of law, and recommendations on each protest to  
27 the County Council;
- 28 J. To take any other action necessary and authorized by these rules and the law.

29  
30 **13.20.07020 Protests of Assessments – Filing.**

31 In accordance with RCW Section 36.94.250, The original of each any protest of an  
32 assessment shall be filed by mail or otherwise; with the Clerk of the County Council not less than  
33 15 days nor more than 45 days from the date of first publication of the notice for the assessment  
34 roll for the ULID. In order to be assigned a date for hearing, such protests must be filed no later  
35 than the date contained in the notice given pursuant to RCW 36.94.250. Protests received in an  
36 untimely manner will be given docket numbers and referred to the Utilities Department for  
37 disposition. All protests filed in a timely manner shall be given a docket number and the date  
38 received shall be stamped thereon by the Clerk as prima facie evidence of the date of filing.

39  
40 **13.20.08030 Protests of Assessments – Contents.**

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



1 provided, that nothing contained in this Section shall be construed to obviate the need for a  
2 notice of appearance.

3  
4 **13.20.09040 Protests of Assessments – Notice of Hearing.**

5 Notices shall be mailed at least 15 days prior to any hearing to the owners or reputed owners  
6 of all assessable parcels in the ULID, as they appear on the books of the Pierce County Assessor-  
7 Treasurer. Also, a notice shall be published in accordance with RCW 36.94.250, stating that the  
8 assessment roll is on file and open to inspection in the office of the County Council, and fixing  
9 the time, not less than fifteen nor more than 45 days from the date of first publication of the  
10 notice, within which protests must be filed with the Clerk of the Council. That notice shall also  
11 set forth the date when the hearing or hearings will commence on the protests, provided that a  
12 published notice shall state that not all protests will be heard on the initial date of hearing, if the  
13 Council decides that the number or nature of the protests to be expected would preclude  
14 completion of the hearing on the date assigned for the initial hearing.

15  
16 **13.20.100 Hearings – Continuances.**

17 A. ~~If a written agreement is reached prior to hearing, continuances shall be granted in~~  
18 ~~accordance with such agreement, upon filing of the agreement with the Hearing~~  
19 ~~Examiner or Clerk of the Council, as the case may be.~~

20 B. ~~If prior to the hearing date, a party finds that he or she will not be able to present all such~~  
21 ~~evidence at the scheduled hearing as the party deems necessary, such party shall file a~~  
22 ~~written request for continuance with the Examiner setting forth the reasons therefor as~~  
23 ~~soon as such reasons are known. If reasons requiring a continuance are not known prior~~  
24 ~~to hearing, application for a continuance may be made orally at the hearing. In either~~  
25 ~~case, requests for continuance shall be made prior to the calling of the first witness on~~  
26 ~~that particular protest hearing.~~

27 C. ~~Applications for a continuance made pursuant to subsection B. of this Section shall only~~  
28 ~~be granted upon a proper showing of good cause to prevent manifest injustice. In order~~  
29 ~~to demonstrate "good cause," the party applying for a continuance because of the~~  
30 ~~unavailability of a witness or witnesses must show that due diligence was exercised in~~  
31 ~~attempting to obtain the presence of the witness at the time set for hearing, and the~~  
32 ~~reasons for their unavailability, and shall identify the witnesses and explain, in~~  
33 ~~substance, what he or she intends to prove by the testimony of such witnesses. In all~~  
34 ~~cases in which continuances are granted, a new date for hearing shall be scheduled by~~  
35 ~~the Utilities Department.~~

36 D. ~~Since all hearings before the Council in their appellate capacity are hearings "on the~~  
37 ~~record" made before the Hearing Examiners, continuances of hearings before the~~  
38 ~~Council shall only be granted because of the illness or other justifiable absence of a~~  
39 ~~party or his authorized representative, on the date assigned for hearing.~~

40  
41 **13.20.11050 Protest Hearings – Procedures at Hearing Before Examiners.**

42 A. **Hearing Examiner.** All hearings shall be conducted by Hearing The Examiners who  
43 shall conduct the all protest hearings in an orderly manner and rule on all procedural  
44 matters, objections and motions accordance with the procedures in PCC Section  
45 1.22.110.

46 B. **Order of Presentation of Evidence.** Each Hearing Examiner shall determine the  
47 proper order of presentation of evidence. As a general rule, on each protest, officials of



1 the Utilities Department should discuss the amount and components of the assessment  
2 and summarize the nature of the written protest. The protesting parties may then  
3 introduce the evidence necessary to their case in chief. Rebuttal evidence from the  
4 Utilities Department will then be received. Witnesses may be called out of turn in  
5 contravention of this rule only by agreement of all parties and the Hearing Examiner.

6 **C. Opening Statements.** Opening statements are unnecessary, but parties may present an  
7 oral opening statement setting out briefly a statement of the basic facts, disputes and  
8 issues of the case.

9 **D. Written Statement of Qualifications of Expert Witnesses.** Any party who plans to  
10 introduce the testimony of any expert witness at a hearing shall submit to the Examiner  
11 and other party at the outset of the hearing a written statement of the qualifications,  
12 experience or expertise of each such expert.

13 **E. Former Employee as Expert Witness.** No former employee of the Utilities  
14 Department shall, at any time after terminating his or her employment with the  
15 Department, appear as an expert witness on behalf of other parties in a proceeding  
16 wherein he or she previously took an active part in the matter as a representative of the  
17 Department.

18 **F. Objections and Motions to Strike.** Objections to the admission or exclusion of  
19 evidence or motions to strike must be in short form, stating the legal grounds of  
20 objection relied upon, and the transcript shall not include extended argument or debate.

21 **G. Rulings.** The Hearing Examiners, on objection or on their own motion, shall exclude all  
22 irrelevant or unduly repetitious evidence and all ruling upon objections to the  
23 admissibility of evidence shall be made in accordance with Section 13.20.130.

24 **H. Property Owners Protesting Pursuant to RCW 36.94.260.** The sewer assessments on  
25 their property shall have the burden of proof and the burden of overcoming the usual  
26 presumptions in such matters, as provided in the laws and statutes of the state of  
27 Washington.

### 28 29 **13.20.120 Hearings — Scope of Review.**

30 Hearings upon protests of sewer assessments shall be quasi-judicial in nature and shall be  
31 conducted de novo. The hearings before Hearing Examiners shall be attended by a Court  
32 Reporter, so that a complete verbatim transcript of any and all hearings may be made for Council  
33 review and/or judicial review. The costs of producing any such transcript shall be borne by the  
34 appellant, in the event of an appeal, as set forth in this Chapter.

### 35 36 **13.20.130 Rules of Evidence — Admissibility Criteria.**

37 Subject to the other provisions of these rules, all relevant evidence is admissible which, in the  
38 opinion of the Hearing Examiner conducting the hearing, is the best evidence reasonably  
39 obtainable, having due regard for its necessity, availability and trustworthiness. In passing upon  
40 the admissibility of evidence, the Hearing Examiners shall give consideration to, but shall not be  
41 bound to follow, the rules of evidence governing civil proceedings in nonjury trials in the  
42 Superior Courts of the state of Washington.

### 43 44 **13.20.140 Hearings — Record.**

45 The record before the Hearing Examiner in any protest hearing shall consist of the findings  
46 of fact, conclusions of law and recommendation appealed from, the original protest, notices of  
47 appearance, any exhibits, motions or stipulations, together with the verbatim transcript.





1  
2 **13.20.15060 Hearing Examiners' Decision and Recommendation ~~Protests of Assessments –~~**  
3 **~~Findings and Conclusions Required~~ Examiner's Decision.**

4 When a ~~Hearing~~The Examiner shall renders a decision on any protest, the Examiner shall  
5 make and enter findings of fact based upon the evidence, and conclusions of law supporting his  
6 decision or recommendation in accordance with the provisions in PCC Section 1.22.120. The  
7 findings and conclusions shall set forth and demonstrate the manner in which the decision or  
8 recommendation was arrived at, taking in consideration the relevant principles of law as set forth  
9 in the statutes and laws of the state of Washington.

10 Upon issuance of the Examiner's decision, the Utilities Department shall transcript by  
11 certified mail a copy of the decision to the protesting party. The Examiner's decision is final, and  
12 conclusive on all parties, is not subject to reconsideration by the Examiner, but is subject to  
13 appeal to the Council as set forth in this Chapter and shall be appealable only to a court of  
14 competent jurisdiction.

15  
16 **13.20.160 Appeals to Council.**

17 Any property owner who has filed a timely protest pursuant to RCW 36.94.260, and who has  
18 had a hearing before a Hearing Examiner, and who feels aggrieved by recommendation of any  
19 Hearing Examiner, may file written notice of appeal with the Clerk of the County Council,  
20 within 15 days of the mailing of the Hearing Examiner's written recommendation. No filing fee  
21 will be charged. However, the costs of producing the transcript and reproducing the balance of  
22 the record before the Hearing Examiner shall be borne by the appellant. The County Council  
23 will not render its decision on any such appeal until such costs are paid.

24  
25 **13.20.170 Notice of Appeal – Contents.**

26 Each notice of appeal should contain the name of the appellant, his or her mailing address  
27 and telephone number, the parcel numbers and protest numbers. The notice should set forth  
28 concisely each error and/or issue which the Council is asked to consider on appeal. A notice of  
29 appeal in the form attached to the ordinance codified in this Chapter as Exhibit A, shall be  
30 presumed to be sufficient.

31  
32 **13.20.180 Appeal Hearings – Notice of Hearing.**

33 The Clerk of the Council shall cause written notice to be mailed to the appellant and the  
34 adverse party and the Examiner to inform them of the appeal hearing date and time of the  
35 hearing before the County Council. The notice shall specify that the appeal hearing is on the  
36 record made as provided in Section 13.20.190 before the Hearing Examiner, does not allow for  
37 new or additional evidence, and is limited to a presentation of ten minutes per side.

38  
39 **13.20.190 Appeal Hearings – Council Action.**

40 A. **General.** For Examiner decisions on which an appeal is timely and properly filed, the  
41 Utilities Department and Hearing Examiner shall cooperate in providing one copy of the  
42 record to the Clerk of the Council within ten days after notification by the Clerk that an  
43 appeal has been filed. The Utilities Department shall be responsible for insuring that the  
44 Court Reporter's transcript is filed with the Clerk of the Council. The Clerk of the  
45 Council shall be responsible for scheduling the appeal hearing and giving the notice as  
46 stated in the foregoing provision.



1 B. ~~**Council Action.** Whenever a decision by a Hearing Examiner is reviewed by the~~  
2 ~~Council pursuant to this Chapter, the appellant and the respondent may submit written~~  
3 ~~memoranda in support of their positions. The Council shall allow each party or its~~  
4 ~~representative no more than a total of ten minutes of oral presentation. No new evidence~~  
5 ~~or testimony shall be presented to the Council during such oral presentations. The~~  
6 ~~Council may view the property either individually or together; provided, that unless both~~  
7 ~~parties are given reasonable notice of the time of the view, neither party can accompany~~  
8 ~~the Council members during the view.~~

9 C. ~~**Council Decision on Appeal.** The Council shall either adopt or reject the~~  
10 ~~recommendation of the Hearing Examiner. If the recommendation is rejected, the~~  
11 ~~Council may remand the matter to the same Hearing Examiner for further consideration.~~  
12 ~~Any decision by the Council shall be based on the record of the hearing held by the~~  
13 ~~Examiner; however, the Council may, upon motion, publicly request additional~~  
14 ~~information of the appellant, the respondent, or the Examiner. The County Council's~~  
15 ~~decision shall be in writing and shall either adopt the findings, conclusions and~~  
16 ~~recommendation of the Hearing Examiner, or if the Council rejects his recommendation,~~  
17 ~~the Council shall specify by amended findings and conclusions and decision, the~~  
18 ~~appropriate amount of the assessment, unless the Council finds that it has insufficient~~  
19 ~~evidence to render a decision on the appropriate amount of the assessment and has~~  
20 ~~decided to remand for that reason. In such event, it shall not be necessary for the~~  
21 ~~Council to enter any approved amount of assessment.~~

22 D. ~~**Council Action – Final.** The action of the Council, adopting or rejecting the~~  
23 ~~recommendation of the Hearing Examiner, is final and conclusive, shall not be~~  
24 ~~reconsidered, but may be appealed to the Superior Court as provided in RCW 36.94.290~~  
25 ~~within ten days after the resolution confirming the assessment roll shall have been~~  
26 ~~published. Thus, the Council's decision on any appeal is not final for purposes of~~  
27 ~~judicial review until such time as the Council confirms the roll pursuant to RCW~~  
28 ~~36.94.280.~~

### 29 30 **13.20.20070 Confirmation of Assessment Roll.**

31 Once a hearing has been held on each protest filed in a timely manner, and recommendations  
32 have been made on all such protests filed, and any and all appeal~~protest~~ hearings of ~~the~~ Hearing  
33 Examiner's recommendations in connection with any ULID have been completed, the County  
34 Council shall hold a hearing on whether the assessment roll should be approved or confirmed.  
35 At the conclusion of such hearing, the Council shall either approve the assessment roll by  
36 ordinance or resolution, or it shall be set aside the roll and order that the assessments be made de  
37 novo.

### 38 39 **13.20.080 Severability.**

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

