

# TITLE 12

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## Utilities



# TITLE 12

## UTILITIES

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## CHAPTER 12.01 UTILITY CHARGES

### Sections:

- 12.01.010 Utility services establishment.
- 12.01.020 Utility field collection call.
- 12.01.030 Invoicing and late payment fee.
- 12.01.040 Residential conservation loan program charges – Light Division.
- 12.01.050 Waiver of utility connection and inspection charges during declared emergency.

### **12.01.010 Utility services establishment.**

A utility service establishment charge shall be imposed for each customer's service order for all utilities provided by the City of Tacoma as set forth below:

A. A utility service establishment charge shall be paid by each utility customer at the time of the service request. The charge includes turn-on and turn-off services if required. The establishment charge shall be as indicated in the table below for each service:

Power (metered)	\$10.50
Water (metered)	\$6.10
Solid Waste	\$3.00
Wastewater	\$1.00
Surface Water	\$1.00

Such utility service establishment charge will be allocated to, and recorded as revenue for City tax purposes by each utility providing service.

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### **B. Adjustments/Fees.**

A service charge shall be paid by each utility customer if a field call is required to adjust service to a new or different type of service or rate, or for turn-off or turn-on of service. For purposes of this chapter, normal City business hours means 8:00 a.m. to 5:00 p.m., Monday through Friday, except City recognized holidays. The service charge shall be the sum of the following applicable fees:

1. \$10.00 for collection or disconnection for nonpayment.
2. \$12.00 for service connection during normal City business hours.
3. \$60.00 for turn-on or turn-off during all other hours.
4. Plus an additional \$35.00 if a pole or vault cut-in or termination is necessary.
5. \$6.00 for failure to appear for utility turn-on.
6. \$20.00 for self cut-in.
7. \$5.00 for verification of meter reading at the customer's request after second reading within 12 consecutive months.
8. \$5.00 for lock-out during a reasonable attempt to read a meter.
9. \$5.00 for service provided to prepare information for collection on accounts closed over 30 days.
10. \$10.00 for service provided to prepare information for bankruptcy administration.

Effective January 1, 2021, a \$15.00 recurring billing cycle fee shall be charged for service provided for Opt Out of Advanced Metering Infrastructure. The low-income senior and/or disabled discount rate percentage, as specified in subsection 12.06.165.C, shall be applied to the Opt-Out fee for qualified eligible customers as determined by subsection 12.06.165.

There will not be a disconnection or connection fee charged if the action may ordinarily be performed remotely. Such adjustment charges will be allocated to and recorded as revenue for City tax purposes by each utility providing service.

C. Reconnection fees resulting from delinquency cut-offs shall be as follows:

1. \$12.00 during normal City business hours and \$60.00 during all other hours.
2. \$307.00 for a pole or underground reconnection during normal City business hours and \$433.00 for a pole or underground reconnection during all other hours.

There will not be a reconnection fee charged if the action may ordinarily be performed remotely. Such reconnection fees will be allocated to and recorded as revenue for City tax purposes by each utility providing service.

The disconnection, reconnection, or collection fees set forth in subsections 12.01.010.B.1 and 12.01.010.B.2, subsection 12.01.010.C.1, and subsection 12.01.020 will not be charged if the fees are due to non-payment between March 17, 2020, and May 31, 2024, and the non-payment is connected to an extended payment arrangement for balances incurred by the utility customer prior to March 31, 2022.<sup>1</sup>

The outside of normal business hours disconnection or reconnection fees set forth in subsections 12.01.010.B.3 and 12.01.010.C.1 will be waived one time per customer if the fees are due to non-payment between March 17, 2020, and May 31, 2024, and the non-payment is connected to an extended payment arrangement for balances incurred by the utility customer prior to March 31, 2022.<sup>2</sup>

(Ord. 28846 Ex. A; passed Nov. 22, 2022: Ord. 28812 Ex. A; passed Apr. 26, 2022: Ord. 28726 Ex. A; passed Dec. 15, 2020: Ord. 27137 § 1; passed Sep. 9, 2003: Ord. 27025 § 1; passed Dec. 10, 2002: Ord. 26076 § 1; passed Jun. 3, 1997: Ord. 24965 § 1; passed Aug. 27, 1991: Ord. 23337 § 6; passed Sept. 10, 1985)

#### **12.01.020 Utility field collection call.**

A charge of \$10.00 shall be imposed on the customer when a field call is necessary to collect or results from a delinquent utility bill, not-sufficient fund check, deposit, dishonored credit card, debit card, or Automated Clearing House (ACH) payment request and/or a delinquent residential energy conservation loan payment. The utility field collection call charge will be allocated to, and recorded as revenue for City tax purposes by, each utility providing service in the same ratio as Department credit and collection costs.

(Ord. 27025 § 2; passed Dec. 10, 2002: Ord. 24965 § 2; passed Aug. 27, 1991: Ord. 23337 § 6; passed Sept. 10, 1985)

#### **12.01.030 Invoicing and late payment fee.**

A. Invoices for City utility services may be issued by mail and/or electronic means. Any invoice shall be deemed issued on the date it is deposited in the United States Post Office with postage paid and/or electronically made available by Customer Services for customer review, and such methods of issuance shall be evidence of receipt of the invoice by a customer.

B. A late payment fee will be assessed for delinquent utility account invoices(s) for City residential utility customers, the late payment fee will be assessed on each invoice that is not paid in full within 30 days from the date issued. For all other City utility customers the late payment fee will be assessed on each invoice that is not paid in full within 24 days from the date the invoice is issued. The late payment fee shall be as follows:

<b>Utility Amount Balance</b>	<b>Late Payment Fee</b>
\$0 - \$9.99	\$0
\$10.00 and over	1% of balance with a \$3.00 minimum

After the initial delinquency and failure to pay, the late payment fee shall compound on a monthly basis at the above-stated rate or 1 percent per month, whichever is more. The fee will be assessed on the past due balance, and each utility will receive the portion assessed for its past due balance.

The late payment fee will be allocated to, and recorded as revenue for City tax purposes by each utility providing service.

C. Notwithstanding TMC 1.06.226, and except as otherwise provided in this Code or applicable state law, utility service charges or fees due and owing the City may be waived or adjusted by the Director of Utilities, or by the Director of Environmental Services Department as the case may be, or their respective designees by express delegation. Such waiver or adjustment authority may only be exercised under the following circumstances:

<sup>1</sup> Code Reviser's note: The temporary, two-year waiver of certain disconnection and reconnection service fees is in effect through May 31, 2024 (Ord. 28812).

<sup>2</sup> Code Reviser's note: The temporary, two-year waiver of certain disconnection and reconnection service fees is in effect through May 31, 2024 (Ord. 28812).

1. Amounts billed to an eligible residential utility customer, pursuant to TMC 12.06.165, 12.08.360, 12.09.090 and/or 12.10.400 who (1) qualifies as low income, (2) receives supplemental security income, or (3) is disabled and receives federal or state funds;

2. Late payment fees billed to a customer that is a public agency or Indian Tribe and that, due to governmental or similar processing delays, has substantial difficulty in paying accounts within 30 days;

3. Amounts billed in error or in cases where written evidence has been presented demonstrating such irregularity that waiver or reasonable adjustment is necessary to avoid substantial injustice to the Customer; or

4. Pursuant to written procedures promulgated by the Director of Finance and approved by the Director of Utility and the Director of Environmental Services Department.

D. Notwithstanding TMC 1.06.226, and except as otherwise provided in this Code or applicable state law, the Director of Utilities, with regard to power, water and rail services, and the Director of Environmental Services Department, with regard to wastewater, stormwater and solid waste services, and their designees, are authorized to approve a credit or refund to any utility customer for amounts paid and received and determined by the Director, or designee, to have been billed in error by the City and that are in excess of the true amount due and owing. The Directors are further authorized to establish policies and procedures governing the approval of any such refund or credit.

(Ord. 28778 Ex. A; passed Sept. 21, 2021: Ord. 28415 Ex. A; passed Mar. 21, 2017: Ord. 28160 Ex. A; passed July 9, 2013; Ord. 27025 § 3; passed Dec. 10, 2002: Ord. 24965 § 3; passed Aug. 27, 1991: Ord. 23337 § 6; passed Sept. 10, 1985)

#### **12.01.040 Residential conservation loan program charges – Light Division.**

##### **A. Late Payment Charge.**

A customer who fails to make full payment of any scheduled payment due for his or her Light Division (d.b.a. Tacoma Power) residential weatherization loan within 48 hours of delivery of a Disconnect Notice shall be assessed a late payment charge of \$25.00 for each such late payment. This late payment charge shall be in addition to and not mutually exclusive of any other City loan collection remedies including, but not limited to, termination of utility service and/or acceleration of the entire outstanding loan balance.

For City tax purposes, the late payment charge will be allocated to and recorded as revenue of the Department of Public Utilities, Light Division.

##### **B. Document Recording Charge.**

City Light Division residential weatherization loans shall be secured by a lien against the real estate benefited, and a charge shall be imposed for the costs of recording said lien and/or for recording formal releases of such liens, which charge shall be included in the total repayment amount for the loan. These recording charges shall be equal to the amount established in RCW 36.18.010 currently in effect on the date of loan approval or payoff, as appropriate.

##### **C. Subordination Agreements.**

In the event the City is requested to subordinate a previously recorded real estate lien securing a customer's Light Division residential weatherization loan, the following prepayments shall be required as consideration for approval of such request(s):

1. For a customer's first subordination request, and provided the City's lien position remains the same, a prepayment amount of \$250.00 shall be collected and accounted toward the outstanding balance of such customer's weatherization loan balance at the time of subordination. If the City's lien position is adversely affected by such subordination, an additional prepayment of \$100.00 shall be required;

2. For a customer's second or further request for lien subordination, a prepayment of \$250.00 or 25 percent of the outstanding balance of such customer's residential weatherization loan balance shall be collected at the time of subordination, whichever amount is greater, regardless of a change in the City's lien position. This amount shall be credited toward the customer's weatherization loan balance.

In the event that a customer's residential weatherization loan or electric utility bill payment history is marginal or poor, as determined by the Light Division Superintendent or his or her designee, the City may deny any lien subordination request in its sole discretion and nothing herein shall be construed to mandate approval of such subordination request(s).

(Ord. 27025 § 4; passed Dec. 10, 2002)

**12.01.050 Waiver of utility connection and inspection charges during declared emergency.**

Pursuant to Washington State Constitution Article VIII, section 7, and RCW 35.92.380, upon request, the Director of Utilities is authorized to waive all electric and water connection and inspection fees for cities (including the City of Tacoma) within Tacoma Power and Tacoma Water service territories that are providing facilities for sheltering low-income and/or infirm persons. Such authority is contingent upon the city passing an ordinance declaring a state of public health emergency. This section shall sunset pursuant to the requirements of Ordinance No. 28637, passed by the City Council on November 17, 2019.

(Ord. 28642 Ex. A; passed Dec. 17, 2019; Ord. 28577 Ex. A; passed Mar. 26, 2019; Extended by Ord. 28487 Ex A; passed Feb. 6, 2018; Expired Oct. 9, 2017; Ord. 28440 Ex. A; passed Jul. 18, 2017)



## CHAPTER 12.02 FRANCHISES<sup>1</sup>

### Sections:

- 12.02.010 Filing application for franchise.
- 12.02.015 Telecommunication systems, cable systems, and private communication systems.
- 12.02.020 Draft of franchise ordinance.
- 12.02.030 Fee for drafting.
- 12.02.040 Fees to be placed in General Fund.
- 12.02.050 Cost of publishing franchise ordinance.
- 12.02.060 Cost of publishing other ordinances specially benefiting particular persons.
- 12.02.070 Payment of costs is condition precedent.
- 12.02.080 Franchise grantees required to file certain information - Introductory.
- 12.02.090 Information required.
- 12.02.100 Notification of transfer of franchise.
- 12.02.110 Transferee to make report.
- 12.02.120 Clerk to keep records.
- 12.02.130 Violation of Sections 12.08.080 through 12.08.120 inclusive - Penalty.

### **12.02.010 Filing application for franchise.**

Hereafter when any person, firm or corporation shall desire a franchise over any streets, alleys, avenues or public places in the City of Tacoma for any purpose whatsoever, the said applicant shall file with the City Clerk of the City of Tacoma an application for such franchise, designating the route desired to be covered and the uses for which said franchise is desired.

(Ord. 2814 § 1; passed Dec. 27, 1906)

### **12.02.015 Telecommunication systems, cable systems, and private communication systems.**

The provisions of Sections 12.02.010 and 12.02.030 shall not apply to persons required to obtain a franchise or license under Title 16 of this code, and in the event a provision of this chapter conflicts with a provision in Title 16, the provision in Title 16 shall be controlling.

(Ord. 26053 § 2; passed Apr. 15, 1997)

### **12.02.020 Draft of franchise ordinance.**

Said application shall, by the Clerk, be presented to the City Council, and upon the recommendation of the City Council the City Attorney shall draw a franchise covering the routes and uses designated in the application.

(Ord. 2814 § 2; passed Dec. 27, 1906)

### **12.02.030 Fee for drafting.**

The City Attorney shall be allowed to charge and the applicant required to pay a reasonable fee for the drawing of such franchise, but in no event shall said fee exceed the sum of \$1,000.00.

(Ord. 24922 § 1; passed Jun. 11, 1991; Ord. 2814 § 3; passed Dec. 27, 1906)

### **12.02.040 Fees to be placed in General Fund.**

Any fees received by the City Attorney for the drawing of such franchises shall be by him paid to the City Treasurer and placed in the General Fund of said City.

(Ord. 2814 § 4; passed Dec. 27, 1906)

### **12.02.050 Cost of publishing franchise ordinance.**

The grantee or grantees of any franchise or privilege to construct, maintain or operate any railway line, light plant, telephone, telegraph, or other enterprise, in, upon or under any street or streets, or alleys, in the City of Tacoma, before the publication of

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<sup>1</sup> Specific franchises are not included herein but are on file in the Clerk's office.

any ordinance that may hereafter be passed granting any such franchise of privilege, and before the publication of any ordinance that may hereafter be passed altering, amending, enlarging or extending any franchise or privilege heretofore granted, and that may hereafter be granted, shall pay into the City Treasury the cost and expense of publication of such ordinance.

(Ord. 1162 § 1; passed Feb. 13, 1897)

**12.02.060 Cost of publishing other ordinances specially benefiting particular persons.**

Any person or persons to be benefited by the passage of any ordinance other than the granting of a franchise and privileges, as in Section 12.02.050, before the publication of such ordinance, and before the publication of any ordinance that may hereafter be passed, altering, amending, enlarging or extending any ordinance heretofore passed, shall pay to the Treasurer of the City of Tacoma the cost and expense of the publication of such ordinance.

(Ord. 1162 § 2; passed Feb. 13, 1897)

**12.02.070 Payment of costs is condition precedent.**

The payment of the sums named in Sections 12.02.050 and 12.02.060 shall be deemed a condition precedent to the publication and taking effect of any such ordinance, and such ordinance shall not be published until such payment shall have been made.

(Ord. 1162 § 3; passed Feb. 13, 1897)

**12.02.080 Franchise grantees required to file certain information – Introductory.**

Any person or persons, firm or corporation which has heretofore received or which may hereafter receive a franchise from the City of Tacoma, for any purpose whatsoever, shall enjoy said franchise subject to the provisions of the following sections.

(Ord. 14214 § 1; passed Jun. 13, 1951)

**12.02.090 Information required.**

In the month of January of each year between the first and fifteenth days thereof, the owner or owners of each and any franchise granted by the City of Tacoma shall file with the City Clerk, under oath, and upon blanks furnished by said City Clerk, a written (or printed) statement and exhibit setting forth:

- A. The name of the person or persons, firm or corporation owning, holding and enjoying such franchise.
- B. The character of said franchise.
- C. The period of years for which said franchise was granted.
- D. The date of the grant of said franchise.
- E. The name of the person or persons, firm or corporation to whom the same was originally granted.
- F. The date upon which said franchise was transferred to and became the property of the present claimants.
- G. A statement as to whether said claimant or claimants be or are a person, persons, firm or corporation.
- H. The name of the person or persons or the members of the firm claiming to own the same, or, in the case of a corporation, the name of the President, Vice President and the Secretary thereof.
- I. The number of the ordinance or ordinances of the City of Tacoma granting or amending said franchise.

(Ord. 14214 §§ 2, 3; passed Jun. 13, 1951)

**12.02.100 Notification of transfer of franchise.**

Whenever any parties owning or claiming any franchise shall lease, sell, assign, or otherwise transfer the title or control of the same, they shall notify the City Clerk of the date of such sale and the name of the person or persons, firm or corporation to whom said franchise shall have been leased, sold, assigned or otherwise transferred.

(Ord. 14214 § 4; passed Jun. 13, 1951)

**12.02.110 Transferee to make report.**

Any person or persons, firm or corporation purchasing or becoming the assignee of any franchise granted in the City of Tacoma shall forthwith and within 10 days after the purchase or assignment of said franchise report the same to the City Clerk in form and in the manner hereinabove prescribed in Section 12.08.090.

(Ord. 14214 § 5; passed Jun. 13, 1951)

**12.02.120 Clerk to keep records.**

All such statements and reports made as hereinabove provided shall be properly entered in a book kept for that purpose by the City Clerk and shall be subject to like public inspection as are other public records.

(Ord. 14214 § 7; passed Jun. 13, 1951)

**12.02.130 Violation of Sections 12.08.080 through 12.08.120 inclusive – Penalty.**

Any person or persons, firm or corporation, claiming to own or enjoy any such franchise who shall fail or refuse during the period of 20 days, to comply with the provisions of Sections 12.08.080 through 12.08.120 shall be guilty of a misdemeanor, and shall, upon conviction thereof, be fined in any sum not less than \$10.00 nor more than \$300.00 for each and every offense.

(Ord. 14214 § 6; passed Jun. 13, 1951)



**CHAPTER 12.04**  
**COLLECTION OF CHARGES BY AGENTS**

## Sections:

- 12.04.010 Designation of agents.
- 12.04.020 Duties of agents – Bond.
- 12.04.030 Compensation for making collections.

**12.04.010 Designation of agents.**

The City Treasurer, with the approval of the City Manager, be and is hereby authorized and empowered to designate and employ the owners or operators of such number of business establishments as he shall deem necessary and desirable, located at convenient points within the City, as agents for the collection at said establishments of the current bills of the various utilities of the City for services due the City on account of light, water, garbage and sewer charges.

(Ord. 15571 § 1; passed Mar. 26, 1956)

**12.04.020 Duties of agents – Bond.**

The conditions for the employment of any person, firm or corporation designated and employed by the City Treasurer for the purpose set forth in Section 12.04.010 hereof are as follows: coverage shall be required in an amount satisfactory to the City Treasurer as an employee under the blanket fidelity bond which the City now has or may hereafter procure covering other employees of the City and such employees shall pay to the City the actual cost for such individual coverage. All moneys collected or received shall be forwarded with receipted stubs to the Treasurer in sufficient time to insure that the same will be in the Treasurer's Office prior to 9:00 a.m. of the next business day following collection. The agency shall mark each receipt "paid" on the reverse side of the bill, with the date of payment indicated. Any corrections or changes shall not be made except when the customer presents the previous billing showing payment thereof and when so made shall be so indicated on the bill in red pencil marks. Where payments on account are received, the same shall be clearly shown on the billing with definite indication of the service or services to be credited. The agency agrees to indemnify and save harmless the City Treasurer and the City of Tacoma against any loss or damage to the Treasurer or the City resulting from or arising on account of such agency, whether the same shall result from the acts of the agent or from any of the agents or employees thereof.

(Ord. 15571 § 2; passed Mar. 26, 1956)

**12.04.030 Compensation for making collections.**

There shall be paid by the City Treasurer to any person, firm or corporation appointed in the manner and for the purpose hereabove specified, the sum of \$0.30 for each separate billing collected. The City Treasurer shall charge and collect from the various utilities the cost of making such payments on a pro rata basis, based upon the number of items collected for each utility.

(Ord. 23139 § 1; passed Mar. 27, 1984: Ord. 21938 § 1; passed Dec. 5, 1979: Ord. 19393 § 1; passed Jul. 6, 1971: Ord. 17634 § 1; passed Jun. 23, 1964: Ord. 15571 § 3; passed Mar. 26, 1956)



**CHAPTER 12.05**  
**ELECTRIC ENERGY – OTHER UTILITIES**

**Sections:**

- 12.05.010 Operation for other utilities or consumers authorized.
- 12.05.020 Definitions.
- 12.05.030 Fixed charges.
- 12.05.040 Variable charges.
- 12.05.050 Application of charges.
- 12.05.060 Billing.
- 12.05.070 Termination.

**12.05.010 Operation for other utilities or consumers authorized.**

The Superintendent, Light Division, Department of Public Utilities, with the approval of the Director of Utilities, is hereby authorized to operate the steam electric plants of the City of Tacoma for other utilities or consumers from time to time as he may determine, provided that such operation for other utilities or consumers does not interfere with the continued effective operation of the electrical system of the City of Tacoma, and providing further, that the charges herein prescribed shall not in any way affect the terms and conditions of the interchange contract with the City of Seattle so long as it is in effect.

(Ord. 15912 § 1; passed Jul. 8, 1957)

**12.05.020 Definitions.**

“Month” shall mean a calendar month. For computing and prorating monthly charges each month shall be considered as having 30 days.

“Active status” means the period which is started by actively engaging the plant in producing fuel generated power for the user.

“Inactive status” means the period in which the plant is not in operation for producing fuel generated power, but is still being retained by the user.

“kW load” is the power scheduled and delivered to the user. This is the amount of load as requested by the user and will be the amount of load used in the billing.

“Fuel cost” is the actual quoted replacement cost to the City of fuel at the time the fuel was used.

(Ord. 15912 § 2; passed Jul. 8, 1957)

**12.05.030 Fixed charges.**

**A. Inactive Status.**

Tacoma Plant No. 1 ..... \$1,500.00 per month

Tacoma Plant No. 2 ..... \$3,000.00 per month

**B. Active Status.**

Tacoma Plant No. 1 (for all kW loads up to but not more than 9,000 kW), \$2,500.00 per month or \$1.00 per kilowatt per month, whichever is greater.

Tacoma Plant No. 2 (for all kW loads up to but not more than 52,000 kW), \$20,000.00 per month or \$1.00 per kilowatt per month, whichever is greater.

(Ord. 15912 § 3; passed Jul. 8, 1957)

**12.05.040 Variable charges.**

**A. Direct Charges.**

The user will pay all costs of labor and materials including fuel cost and water for (1) placing the plant in operation from an inactive status, (2) in connection with the operation and ordinary maintenance of the plant, and (3) returning the plant to inactive status after the period of operation. Extraordinary or deferred maintenance, such as replacing refractory material,

bearings, reblading or turbines, generator rewinds, or other items that normally would be expected to last more than a year under normal operation will be borne by the owner of the plant.

Labor expense will include the cost of industrial insurance, pensions, etc.

**B. Indirect Charges.**

To each item of expense under direct charges, excluding fuel and water, there will be added 15 percent for administration, such as superintendence, engineering, accounting, etc.

(Ord. 15912 § 4; passed Jul. 8, 1957)

**12.05.050 Application of charges.**

**A. Inactive Status.**

1. Upon reservation of the plant, the Inactive Status fixed charge will be charged on a prorated portion for the calendar month.
2. If during any calendar month the plant goes to Active Status, the Inactive Status fixed charge will be prorated for the calendar month.
3. After Active Status and without termination, the Inactive Status charge will only be applied after the end of the particular calendar month and provided the plant does not return to Active Status for one calendar month following thereafter.

**B. Active Status.**

1. Upon Active Status, the Active Status fixed charge will apply on a prorated basis for the calendar month for the initial demand or any increase thereof for the remainder of the calendar month.
2. Upon return to Inactive Status, the previously established Active Status charge will continue to apply beyond the end of the calendar month in which it was established and through the following calendar month unless the plant remains in an inactive status for that calendar month.
3. During Active Status, the Variable Charges shall be applied in addition to the fixed charges.

**C. Scheduled Outages.**

When scheduled or emergency outages or reductions in capacity effect a reduction in capacity available to the user, the monthly billing for active status, subsection B above, will be prorated for the month of capacity available.

(Ord. 15912 § 5; passed Jul. 8, 1957)

**12.05.060 Billing.**

Monthly bills will be forwarded as soon as the costs may be determined. Payment shall be made within a reasonable time.

(Ord. 15912 § 6; passed Jul. 8, 1957)

**12.05.070 Termination.**

A. The City of Tacoma may terminate or reduce the output of the plant or plants for the benefit of the user at any time, with or without advance notice, that the needs of the City's electrical system or obligations to utilities or consumers other than the user may require.

B. The minimum time that the user may reserve or use a plant or plants is one calendar month.

(Ord. 15912 § 7; passed Jul. 8, 1957)



## CHAPTER 12.06

### ELECTRIC ENERGY – REGULATIONS AND RATES<sup>1</sup>

## Sections:

- 12.06.010 General application.
- 12.06.020 Definitions.
- 12.06.030 Available voltages.
- 12.06.040 Application for service and contract.
- 12.06.050 Inspection.
- 12.06.060 Equipment and wires.
- 12.06.070 Rearranging lines or equipment.
- 12.06.080 Metering.
- 12.06.090 Connected load.
- 12.06.100 Deposits and connection charges.
- 12.06.110 Billing – Payment of bills and delinquency.
- 12.06.115 Disconnection of electric service.
- 12.06.120 Resale of electric energy prohibited.
- 12.06.130 Diversion of current.
- 12.06.140 Tampering and injury to City equipment.
- 12.06.150 City not liable for damages.
- 12.06.160 Residential service – Schedule A-1.
- 12.06.165 Low-income/senior and/or low-income/disabled discount residential service – Schedule A-2.
- 12.06.166 Prepaid residential service – Schedule PR.
- 12.06.170 Small general service – Schedule B.
- 12.06.176 Prepaid small general service – Schedule PB.
- 12.06.180 *Repealed.*
- 12.06.190 *Repealed.*
- 12.06.210 *Repealed.*
- 12.06.215 General service – Schedule G.
- 12.06.220 *Repealed.*
- 12.06.225 High voltage general service – Schedule HVG.
- 12.06.240 *Repealed.*
- 12.06.250 *Repealed.*
- 12.06.260 Contract industrial service – Schedule CP.
- 12.06.265 New large load service under 10 aMW – Schedule NLL.
- 12.06.266 Very large load service of 10 aMW or more – Schedule VLL.
- 12.06.270 *Repealed.*
- 12.06.280 *Repealed.*
- 12.06.290 Street lighting and traffic signal service – Schedule H-1.
- 12.06.295 Street lighting service – Schedule H-3.
- 12.06.300 Private off-street lighting service – Schedule H-2.
- 12.06.310 Power factor provisions – Schedule P.
- 12.06.314 Tax credit – Schedule TC.
- 12.06.315 *Repealed.*
- 12.06.317 *Repealed.*
- 12.06.318 *Repealed.*
- 12.06.320 Additional rules may be made by director.
- 12.06.330 Customer service policies – Additional rules and regulations.
- 12.06.340 Violations – Penalties – Enforcement.
- 12.06.350 Severability.
- 12.06.360 *Repealed.*
- 12.06.370 Renewable Energy Program.
- 12.06.371 Electric Vehicle Fast Charge – Schedule FC. *Effective January 1, 2019, to December 31, 2031.*
- 12.06.372 Shore power – Schedule SP.
- 12.06.373 Electrofuel service pilot – Schedule EF.
- 12.06.374 Electric Vehicle Public Charging Provided by Tacoma Power – Schedule EVPC.

<sup>1</sup> Prior legislation: Ords. 16486, 16718, 16729, 16979, 17181, 17335, 17652, 17740, 18074, 18121, 18378, 18379, 18577, 18654, 18705 and 19120.

#### **12.06.010 General application.**

All persons receiving electric service from the Department shall be billed and pay for such service in accordance with the applicable published rate schedules hereinafter set forth in this chapter, or as the same may hereafter be amended by ordinance.

(Ord. 19320 § 2; passed Apr. 6, 1971)

#### **12.06.020 Definitions.**

A. The word “person” wherever used shall be held to mean and include persons of either sex, associations, copartnerships and corporations, whether acting by themselves or by a servant, agent or employee; the singular number shall be held and construed to include the plural and the masculine pronoun to include the feminine.

B. Where the word “City” is used reference is made to the City of Tacoma.

C. Where the word “Department” is used reference is made to the Light Division of the Department of Public Utilities of the City of Tacoma (doing business as “Tacoma Power.”)

D. Where the words “Tacoma Power” is used reference is made to the Light Division of the Department of Public Utilities of the City of Tacoma.

E. Where the word “Director” is used reference is made to the Director of Public Utilities of the City of Tacoma or person with delegated authority.

F. Where the word “month” is used the period between monthly meter readings is referred to, not a calendar month.

G. Where the word “customer” is used reference is made to persons obtaining electric service from Tacoma Power.

H. Where the word “inspector” is used reference is made to the Chief Electrical Inspector for the City or person with delegated authority.

I. Unless otherwise specified, the term “regular work hours” when applied to service cut-ins, regular and delinquent, shall mean 8:00 a.m. to 4:00 p.m., Monday through Friday, excluding holidays.

J. “Customer Service Policies” refers to the latest revision of the Customer Service Policies.

(Ord. 26848 § 1; passed Sept. 18, 2001: Ord. 25681 § 1; passed Mar. 21, 1995: Ord. 20267 § 1; passed Dec. 17, 1974: Ord. 19320 § 2; passed Apr. 6, 1971)

#### **12.06.030 Available voltages.**

A. Electric service shall be alternating current at 60 hertz; available at such suitable phase, voltage and metering as may be prescribed by the Department. The frequency and all voltages referred to in the Customer Service Policies are nominal. The normal operating tolerances in frequency and service voltage will be in accordance with the latest applicable industry standards.

B. The Department, at the option of the Director may from time to time establish additional service voltages as may be deemed advisable.

(Ord. 25681 § 2; passed Mar. 21, 1995: Ord. 19320 § 2; passed Apr. 6, 1971)

#### **12.06.040 Application for service and contract.**

A. Any person desiring to purchase electric energy from Tacoma Power shall make such request of the Department. Such request shall contain a description of the premises where such electric energy is desired and shall state whether the electric energy is to be used for lighting, cooking, heating, or power and shall constitute a consent to accept this electric supply subject to the general provisions and service policies of Tacoma Power, in force or thereafter adopted. The purchase and connection of electric energy shall be subject to the residential building and/or commercial building (that is proposed to be connected) complying with the energy efficiency standards as referenced in subsection D below. The connection of the applicant's premises by Tacoma Power to its electrical distribution system shall constitute acceptance of the request for service and shall be regarded as establishing the contractual obligations between the applicant and Tacoma Power.

B. The rate designation for the service applied for shall be made by the Department and such classification shall be governed by the provisions of this chapter. Where optional schedules are available for the service to be rendered, the customer shall designate in writing the desired available option. A change to a different method of billing shall not be made effective until the

next regular billing day after notice has been received by the Department. The Department shall have the right to restrict service to the premises to only one single-phase service and one three-phase service.

C. The requirements for electrical service equipment and the supply of electric power for service to large industrial users and the distributors of wholesale power to the ultimate consumer are such that special consideration must be given when the load is to be increased or a new demand for large use is in prospect. These services are offered at compatible rates under the terms of a written contract.

D. The furnishing of electric energy for: (1) new residential buildings, proposed to use electrical space heating; (2) new commercial buildings that are proposed to use electric space conditioning and/or electric lighting; and (3) conversions of residential or commercial buildings to electric space heating or electric space conditioning and/or electric lighting, respectively, is contingent upon and subject to said residential and/or commercial building satisfying the energy efficiency standards established by the Washington State Energy Code WAC 51-11, as adopted and amended in Chapter 2.10 of the Tacoma Municipal Code as the Official Energy Code for the City of Tacoma, except for application to existing buildings undergoing conversion to provide for electric space heating or conditioning, the 1983 Northwest Conservation and Electrical Power Plan, Appendix L. Copies of said Plan and Code are on file with the City Clerk and are incorporated herein by this reference. Existing exterior building and area lighting and existing exterior sign lighting shall be required to meet the lighting control requirements of the Tacoma Energy Code within six months of notification by the City of Tacoma.

(Ord. 26848 § 2; passed Sept. 18, 2001: Ord. 26795 § 5; passed Apr. 3, 2001: Ord. 25523 § 1; passed Jun. 14, 1994: Ord. 23166 § 1; passed May 22, 1984: Ord. 19320 § 2; passed Apr. 6, 1971)

#### **12.06.050 Inspection.**

A. Before connecting any premises with Tacoma Power's circuits or furnishing electric current therefrom the City shall cause the wiring and devices to be carefully inspected. Until such wiring and devices are installed according to City standards and City Code and all appropriate connection fees paid, Tacoma Power shall decline to connect or reconnect the service wires with Tacoma Power's circuit.

B. The Tacoma Power shall have free and safe access at reasonable times, to any and all premises furnished with electric service by Tacoma Power for the purpose of inspecting any wires or electrical devices on said premises, reading or installing meters, and removing or repairing any property of Tacoma Power or for any other reasonable purpose connected with the operation of the electrical system.

C. The Tacoma Power shall have the right to disconnect or refuse to furnish electric energy to machinery, premises or apparatus that, in the opinion of the Director, is detrimental to the safety of Tacoma Power employees, the general public, or to the rendering of good and satisfactory service to its other customers. The Department, Tacoma Power, or the City is authorized to disconnect the service from any premises at any time where the wiring, devices, appliances, or fixture have become, or are found to be defective or dangerous, and shall not reconnect service until such defects are corrected in accordance with the rules and regulations of the City or Tacoma Power.

D. The City shall not be liable for any damages by fire or other cause resulting from defective wiring or appliances installed by the owner or other persons on the premises supplied with such electric current; and the fact that the agents of the City may have inspected the wiring and appliances shall not be regarded as a basis for recovery in any case of damage to persons or property.

E. It shall be unlawful for any person to add any device of 2,000 watts or larger, or to wire for, or rewire for, any lights or other devices without first filing written notice with the Department and obtaining a permit therefor, and in addition to incurring the penalty hereinafter provided, such person shall be liable to the City for all damages, arising from interrupted service, or from increased load on meters, transformers or appliances, or occurring in any manner as a result of such addition or additions.

(Ord. 26848 § 3; passed Sept. 18, 2001: Ord. 25681 § 3; passed Mar. 21, 1995: Ord. 24549 § 1; passed Jan. 23, 1990: Ord. 19320 § 2; passed Apr. 6, 1971)

#### **12.06.060 Equipment and wires.**

A. When a person's request for service has been accepted, and the service connection fee has been paid, Tacoma Power shall connect the electrical service to the premises. Tacoma Power shall furnish meters and instrument transformers used for metering electric service taken by the customer. The customer shall furnish and install facilities for termination of the service drop to the customer's premises in accordance with standards and specifications of Tacoma Power. Tacoma Power shall have the right to require the customer to furnish vaults with necessary primary conduit, secondary conduit, conductors, transformer foundation, fence and such other protection as may be necessary.

B. When a request for service necessitates extending existing distribution facilities to serve persons or premises not now served by Tacoma Power, the Director shall determine the reasonableness and feasibility of serving the applicant and the amount of prepaid cost, if any, to be paid by the applicant in advance of construction. The location of the service drop or connection must be approved by the inspector. Tacoma Power will furnish service to the first point of contact on the customer's premises or a designated point. Said point of contact shall be as determined by Tacoma Power. The customer shall furnish and maintain space for transformers, transformer foundations, secondary services boxes, fence, and such other protection as may be necessary when requested to do so by Tacoma Power.

C. In areas supplied through overhead service facilities where the customer has made the request for an underground service connection, it may be granted under the terms of existing Customer Service Policies or by special arrangement.

D. All meters, transformers, lines, service entrances, switches, and equipment supplied by Tacoma Power shall be and remain the property of Tacoma Power and may be removed whenever the Director may so elect.

(Ord. 26848 § 4; passed Sept. 18, 2001: Ord. 25681 § 4; passed Mar. 21, 1995: Ord. 19320 § 2; passed Apr. 6, 1971)

#### **12.06.070 Rearranging lines or equipment.**

Whenever it becomes necessary for the benefit of any person to move, remove, change, rearrange and/or disconnect any wires, poles or apparatus belonging to the City, the cost of labor and material plus applicable administrative and general expense shall be charged to the person desiring the work to be done.

(Ord. 19320 § 2; passed Apr. 6, 1971)

#### **12.06.080 Metering.**

A. Tacoma Power shall have the right to require the installation of such metering facilities as it may deem necessary or any and all measurements of electric energy on a customer's service. These requirements will be specified by Tacoma Power provided, however, that temporary service, or service to isolated relatively small fixed demands, may be rendered without metering when in the judgment of the Director the installation of metering facilities is deemed to be impractical. The Director shall determine for billing purposes hereunder the service requirements and the charges to be rendered under the rate schedule and/or ordinances applicable to the class of service furnished.

B. For billing purposes the demand shall be figured to the nearest kilowatt.

C. When a demand meter is used, it shall record the highest 30-minute average demand occurring within the billing period.

D. Persons requiring temporary service shall pay for electricity at the regular rates applicable to the class of service furnished and such additional charges as may otherwise by ordinance be provided.

(Ord. 26848 § 5; passed Sept. 18, 2001: Ord. 25681 § 5; passed Mar. 21, 1995: Ord. 19320 § 2; passed Apr. 6, 1971)

#### **12.06.090 Connected load.**

When connected load is used in connection with any rate schedule, the estimated connected load as shown on customer's application shall be used for billing purposes until such time as the Department shall have made a load check. The Department may recheck a customer's connected load at any time it may deem desirable. A check of connected load will be made at the request of the customer providing six months have elapsed since the previous request for check was made. A change in billing demand, when a change is made in connected load will be made only after load check or inspection shall have been made of customer's equipment.

(Ord. 19320 § 2; passed Apr. 6, 1971)

#### **12.06.100 Deposits and connection charges.**

A. A service account establishment charge shall be made for each customer service order as set forth in Chapter 12.01 of the Tacoma Municipal Code.

B. The applicant may be required to make a cash deposit with the City Treasurer in an amount specified in customer policies adopted by the Public Utility Board. The City Treasurer may accept satisfactory securities or surety bond in lieu of cash deposit. Such deposit or security may be applied upon delinquent bills owing Tacoma Power and shall be applied to that portion first incurred. A change in the amount of the deposit or security may be required of any customer who changes status of service. The acceptance of a cash deposit or security by Tacoma Power shall not constitute a waiver of, or be a bar to the

enforcement of, Tacoma Power's lien rights granted by existing laws of the state of Washington or any amendment thereto or any law hereinafter enacted.

(Ord. 26848 § 6; passed Sept. 18, 2001: Ord. 26628 § 1; passed May 16, 2000: Ord. 25681 § 6; passed Mar. 21, 1995: Ord. 24946 § 1; passed Jul. 23, 1991: Ord. 23337 § 3; passed Sept. 10, 1985)

#### **12.06.110 Billing - Payment of bills and delinquency.**

A. The Director shall cause a bill, or statement, to be rendered to each customer for electric energy consumed and/or services rendered during the preceding period. The utility bill shall become due and payable at the office of the City Treasurer or such other places designated by the Director within 15 days from the date an invoice is issued per TMC 12.01.030 and shall become delinquent thereafter. PrePay customers will not receive invoices, but will receive statements that itemize PrePay service activity during the previous period. PrePay customers will receive an invoice for any services not enrolled in PrePay. The Power Division shall compute any bill due under TMC 12.06 by carrying the computation to the third decimal place and rounding to a whole cent using a method that rounds up to the next cent whenever the third decimal place is greater than four.

B. If said bills are not paid when due, they shall become delinquent and the Director shall, if the same is necessary to enforce payment of said bills, cause a discontinuance of the service from the premises affected by such delinquency and service shall remain off until arrangement satisfactory to the Director has been made covering payment of the delinquent bill. In addition, any invoice that becomes delinquent shall be subject to a late payment fee as set forth in TMC 12.01.030.

C. All charges for electric energy or service shall be the personal obligation of the customer applying for or signing for and/or receiving such service, and in addition thereto, the City shall have all the lien rights granted by state laws against the premises where such service is furnished. The Director shall have the absolute authority, except as limited by said state laws, to refuse to furnish service to, to discontinue service to, or to refuse to resume service to any applicant or customer on account of the failure to pay delinquent bills owing Tacoma Power by such person, whether such bills cover service at the premises sought to be served or elsewhere.

D. The owner of the premises or the owner of a delinquent mortgage thereon to which electric energy has been furnished, when giving notice to cut off service to said premises shall give notice upon a form approved, furnished and provided by Tacoma Power and shall specifically state therein the right, title and/or interest of such person in said premises and the name or names of any other person having an interest therein.

E. Any tax now or hereafter imposed upon the sale and/or delivery of electric energy shall be added by the Department to the bills rendered for service, which bills shall be paid by the customers.

F. Meter readings may be made by the Department on a bi-monthly or other periodic basis. The Department may for any reason implement and impose charges based on estimated electrical consumption or an estimated meter reading.

(Ord. 28726 Ex. B; passed Dec. 15, 2020: Ord. 28160 Ex. A; passed July 9, 2013; Ord. 28134 Ex. A; passed Feb. 26, 2013: Ord. 26848 § 7; passed Sept. 18, 2001: Ord. 25460 § 1; passed Mar. 22, 1994: Ord. 23337 § 3; passed Sept. 10, 1985)

#### **12.06.115 Disconnection of electric service.**

In addition to the other authority in this chapter (or other laws) to discontinue electric service, the Director is hereby authorized to discontinue electric service to a customer's premises when:

A. A customer defaults on a Tacoma Power energy conservation loan agreement; or

B. A customer defaults on an agreement with Tacoma Power to pay the cost for construction of secondary service conversion to underground, related to local improvement district undergrounding; or

C. A customer fails to provide a Department requested deposit pursuant to Code Section 12.06.100; or

D. A customer fails to satisfy his/her obligations pursuant to an Owner Guarantee for Utility Deposit Agreement or a Cosigner's Guarantee for Utility Deposit Agreement; or

E. A customer constructs or modifies a building or structure in violation of Tacoma Municipal Code Section 12.06.040.D relating to building thermal performance, selection of equipment for heating, ventilating and air conditioning, water heating, electrical distribution, and illuminating systems and equipment as specified in the energy efficiency standards as adopted by the City.

Except as otherwise provided in Sections 12.06.050 and 12.06.130, termination of electric service to a premises, as authorized by this chapter, shall not occur until: (1) Tacoma Power has provided the customer reasonable notice of the intent to terminate electric service, and (2) the customer has been offered the opportunity of a hearing before a hearing officer. Reasonable notice may be accomplished by mailing such notice to the customer using United States Postal Service.

(Ord. 26848 § 8; passed Sept. 18, 2001: Ord. 24946 § 2; passed Jul. 23, 1991)

**12.06.120 Resale of electric energy prohibited.**

A. No person shall be permitted to resell electric energy received from the City unless the schedule or contract under which service is obtained provides otherwise, and except as permitted by law, no person generating or receiving electric energy from other sources shall be permitted to sell or exchange such electric energy excepting to the City of Tacoma.

(Ord. 25681 § 7; passed Mar.21, 1995: Ord. 19320 § 2; passed Apr. 6, 1971)

**12.06.130 Diversion of current.**

A. "Current diversion" means any obtaining of electrical energy or power to which a person, building or structure is not legally entitled pursuant to state law, this chapter or customer service policies adopted hereunder, including but not limited to tampering as set forth in City Code Section 12.06.140.

B. Where it is found that current is being diverted illegally the service shall be discontinued immediately and shall remain disconnected until the conditions under subsection C following, have been satisfied.

C. The agent, the tenant or the owner of the premises to which current has been diverted has:

1. Caused the service entrance to be rewired to meet satisfactorily the present code requirements.
2. Satisfied any and all payments for service then due including a bill rendered by the City to recover the loss for power and energy diverted and all costs of investigation.

D. The civil remedies set forth herein are in addition to all other civil or criminal remedies available under State law, including but not limited to RCW 80.28.240 and/or RCW Title 9A, this Code, or Customer Services Policies adopted hereunder.

(Ord. 25460 § 2; passed Mar. 22, 1994: Ord. 19320 § 2; passed Apr. 6, 1971)

**12.06.140 Tampering and injury to City equipment.**

A. It shall be unlawful for any person, other than a duly authorized employee of the Department acting under the authority of the Director to connect any house, premises, wires or appliances with the City's electric circuits for the purpose of securing the electric current therefrom, or for any other purpose whatever. If such unlawful action is taken, the Department shall have the right to disconnect the service at the service source and demand a minimum restoration fee as set forth in City Code Section 12.01.010 plus all other unpaid charges owing the Department.

B. If the seal on the City's meter is broken, or the meter from any cause does not properly register, or any other evidence of energy having been used illegally is found, the Director shall charge the customer, or the owner of the premises when there is no current customer of utility services, with an energy consumption estimate along with all costs associated with the investigation and resealing of the meter.

C. The civil remedies set forth herein are in addition to all other civil or criminal remedies available under State law, including but not limited to RCW 80.28.240 and/or RCW Title 9A, this Code, or Customer Service Policies adopted hereunder.

(Ord. 28422 Ex. A; passed Apr. 4, 2017: Ord. 25681 § 8; passed Mar. 21, 1995: Ord. 25460 § 3; passed Mar. 22, 1994: Ord. 19320 § 2; passed Apr. 6, 1971)

**12.06.150 City not liable for damages.**

A. The City shall not be liable for damages nor will allowances be made for loss of production, sales or service; in case of abnormal voltage, frequency or current variations, or in case the operations of the City's source of power or means of distribution fails or is curtailed, suspended, interrupted or interfered with; for any cause reasonably beyond its control. Such failure, curtailment, suspension, interruption or interference shall not be held to constitute a breach of contract on the part of the City, or in any way affect any liability for payment for power made available or for money due on or before the date on which such failure or interference occurred. The customer shall notify the Department as soon as possible in case of such failure of or interference with the City's electric service.

B. If electrical service is left on between customers as a benefit to the customer, the Department, or both, or the service is discontinued for "nonpayment" or "no contract," the Department shall not be liable for damages incurred to the property because of such actions.

(Ord. 19320 § 2; passed Apr. 6, 1971)

**12.06.160 Residential service – Schedule A-1.**

**A. Availability.**

Available for domestic purposes in residences, apartments, duplex houses, multiple-family dwellings, and residential garages.

**B. Applicability.**

To single residences, individually metered apartments and per apartment for collectively metered apartments.

**C. Monthly Rate.**

The sum of the following energy, delivery and customer charges:

1. Energy: All energy measured in kilowatt-hours at \$0.045351 per kWh.

2. Delivery: All energy delivered in kilowatt-hours at \$0.038207 per kWh.

3. Customer Charge: Calculated on a monthly basis, invoiced, and collected pursuant to the applicable customer service policies: \$21.60 per month, for all but collectively metered apartments; \$17.70 per month, for collectively metered apartments.

**4. Exceptions:**

**(a) Within the City of Fife:**

(1) Energy: All energy measured in kilowatt-hours at \$0.045351 per kWh.

(2) Delivery: All energy delivered in kilowatt-hours at \$0.038207 per kWh.

(3) Customer Charge: Calculated on a monthly basis, invoiced, and collected pursuant to the applicable customer service policies: \$21.60 per month, for all but collectively metered apartments; \$17.70 per month, for collectively metered apartments.

**(b) Within the City of Fircrest:**

(1) Energy: All energy measured in kilowatt-hours at \$0.045351 per kWh.

(2) Delivery: All energy delivered in kilowatt-hours at \$0.038207 per kWh.

(3) Customer Charge: Calculated on a monthly basis, invoiced, and collected pursuant to the applicable customer service policies: \$21.60 per month, for all but collectively metered apartments; \$17.70 per month, for collectively metered apartments.

**(c) Within the City of Lakewood:**

(1) Energy: All energy measured in kilowatt-hours at \$0.045351 per kWh.

(2) Delivery: All energy delivered in kilowatt-hours at \$0.038207 per kWh.

(3) Customer Charge: Calculated on a monthly basis, invoiced, and collected pursuant to the applicable customer service policies: \$21.60 per month, for all but collectively metered apartments; \$17.70 per month, for collectively metered apartments.

**(d) Within the City of Steilacoom:**

(1) Energy: All energy measured in kilowatt-hours at \$0.045351 per kWh.

(2) Delivery: All energy delivered in kilowatt-hours at \$0.038207 per kWh.

(3) Customer Charge: Calculated on a monthly basis, invoiced, and collected pursuant to the applicable customer service policies: \$21.60 per month, for all but collectively metered apartments; \$17.70 per month, for collectively metered apartments.

**(e) Within the City of University Place:**

(1) Energy: All energy measured in kilowatt-hours at \$0.048644 per kWh.

(2) Delivery: All energy delivered in kilowatt-hours at \$0.040981 per kWh.

(3) Customer Charge: Calculated on a monthly basis, invoiced, and collected pursuant to the applicable customer service policies: \$23.17 per month, for all but collectively metered apartments; \$18.99 per month, for collectively metered apartments.

**D. Service Conditions.**

1. Where load conditions warrant, three-phase electric service may be made available by prior written agreement.

2. Applicable provisions of the Tacoma Municipal Code, General Provisions, and Customer Service Policies governing the sale of electric energy shall apply.

(Ord. 28847 Ex. A; passed Nov. 22, 2022: Ord. 28737 Exs. B-1 and C-1; passed Mar. 2, 2021: Ord. 28710 Exs. B and C; passed Nov. 24, 2020: Ord. 28665 Ex. A-1 and Ex. B-1; passed Mar. 31, 2020: Ord. 28551 Ex. A; passed Nov. 20, 2018: Ord. 28489 Ex. A, passed Feb. 13, 2018: Ord. 28422 Ex. A and Ex. B; passed Apr. 4, 2017: Ord. 28285 Ex. A; passed Mar. 17, 2015: Ord. 28134 Ex. A and Ex. B; passed Feb. 26, 2013: Ord. 27976 Ex. A and Ex. B; passed Mar. 29, 2011: Ord. 27332 § 1; passed Mar. 22, 2005: Ord. 27150 § 1; passed Oct. 7, 2003: Ord. 27058 § 1; passed Mar. 18, 2003: Ord. 26848 § 9; passed Sept. 18, 2001: Ord. 26628 § 1; passed May 16, 2000: Ord. 25681 § 9; passed Mar. 21, 1995: Ord. 25460 § 4; passed Mar. 22, 1994: Ord. 25076 § 1; passed Mar. 24, 1992: Ord. 24584 § 1; passed Mar. 20, 1990: Ord. 24050 § 1; passed Mar. 29, 1988: Ord. 23703 § 1; passed Sept. 23, 1986: Ord. 23473 § 1; passed Sept. 24, 1985: Ord. 23372 § 1; passed Apr. 16, 1985: Ord. 23277 § 1; passed Oct. 23, 1984: Ord. 23093 § 1; passed Dec. 27, 1983: Ord. 23061 § 1; passed Nov. 22, 1983: Ord. 22951 § 1; passed Jul. 5, 1983: Ord. 22878 § 1; passed Mar. 1, 1983: Ord. 22460 § 1; passed Jul. 7, 1981: Ord. 21917 § 1; passed Dec. 11, 1979: Ord. 21566 § 1; passed Dec. 19, 1978: Ord. 20267 § 4; passed Dec. 17, 1974: Ord. 19320 § 2; passed Apr. 6, 1971)

## **12.06.165 Low-income senior and/or low-income disabled discount residential service – Schedule A-2.**

### **A. Availability.**

Available for domestic purposes in residences, apartments, duplex houses, multiple family dwellings, and residential garages.

### **B. Applicability.**

To single residences, individually metered apartments, and residential garages. To Tacoma Power customers who:

1. (a) Are 62 years of age or older, and have a maximum annual household income of not more than 45 percent of the Median Family Income as adjusted for Section 8 Income Limit calculations established by the Department of Housing & Urban Development (or its successor agency) for the Tacoma, WA Housing and Urban Development Fair Market Rent Area for the number of individuals in the household; or

(b) Receive Supplemental Security Income pursuant to 42 USC Sections 1381 through 1383; or

(c) Are disabled and receive income from a disability program as a result of a disability that prevents working consistent with the requirements of 42 USC Section 401 et seq., and have a maximum annual household income of not more than 45 percent of the Median Family Income as adjusted for Section 8 Income Limit calculations established by the Department of Housing & Urban Development (or its successor agency) for the Tacoma, WA Housing and Urban Development Fair Market Rent Area for the number of individuals in the household; and

2. Are a single occupant or the head of a household or the spouse of the head of the household; and

3. Reside in the dwelling unit; and

4. Are billed or are the spouse of a person billed by Tacoma Power; and

5. Customers who have been certified eligible by the authorized administering agency on or before January 1, 2021, and who have an active City of Tacoma Department of Public Utilities (d.b.a. Tacoma Public Utilities) utility account (prior to said date) shall be grandfathered pursuant to the prior income eligibility criteria until such account closes. If a customer closes the active account and does not reestablish a new account within ten business days, or if a customer has never applied for the discount rate, then the customer must apply in accordance with the hereinabove criteria. Eligibility shall be certified by Tacoma Power or appropriate authorized administering organization(s). Each applicant may be contacted regarding weatherization services.

### **C. Monthly Rate.**

Sixty-five percent of the monthly bill as calculated under Section 12.06.160 of the Tacoma Municipal Code, known as Residential Service - Schedule A-1.

### **D. Service Conditions.**

1. Where load conditions warrant, three-phase electric service may be made available by prior written agreement.



2. Applicable provisions of the Tacoma Municipal Code, General Provisions, and Customer Service Policies governing the sale of electric energy shall apply.

(Ord. 28710 Ex. A; passed Nov. 24, 2020: Ord. 27971 Ex. A; passed Feb. 8, 2011: Ord. 27332 § 2; passed Mar. 22, 2005: Ord. 27058 § 2; passed Mar. 18, 2003: Ord. 26848 § 10; passed Sept. 18, 2001: Ord. 26628 § 1; passed May 16, 2000: Ord. 25460 § 5; passed Mar. 22, 1994: Ord. 25076 § 2; passed Mar. 24, 1992: Ord. 24584 § 2; passed Mar. 20, 1990)

**12.06.166 Prepaid residential service – Schedule PR.**

**A. Availability.**

Available for domestic purposes in residences, apartments, duplex houses, multiple-family dwellings, and residential garages with Advanced Metering Infrastructure installed, subject to billing system availability.

**B. Applicability.**

To single residences and individually metered apartments.

**C. Monthly Rate:**

The sum of the following energy, delivery and customer charges:

1. Energy: The energy rate of the otherwise applicable published rate schedule as set forth in Chapter 12.06.160, Residential service.
2. Delivery: The delivery rate of the otherwise applicable published rate schedule as set forth in Chapter 12.06.160, Residential service.
3. Customer Charge: Calculated on a daily basis: The customer charge of the otherwise applicable published rate schedule as set forth in Chapter 12.06.160, Residential service, multiplied by 12, divided by 365, and rounded to the nearest cent.
4. Exceptions:

For Tacoma Power customers who meet the Applicability criteria as set forth in Chapter 12.06.165, Low-income senior and/or low-income disabled discount residential service, the amounts set forth above shall be reduced in the same proportion as set forth in Section C of that Chapter.

**D. Service Conditions.**

1. Where load conditions warrant, three-phase electric service may be made available by prior written agreement, subject to metering and billing system availability.
2. Applicable provisions of the Tacoma Municipal Code, General Provisions, and Customer Service Policies governing the sale of electric energy shall apply.

(Ord. 28705 Ex. A; passed Nov. 24, 2020)

**12.06.170 Small general service – Schedule B.**

**A. Availability.**

For nonresidential lighting, heating, and incidental power uses where a demand meter may be installed. Also for nonresidential incidental power uses where a meter is not installed. The customer's actual demand as determined by Tacoma Power may not exceed 50 kilovolt amperes or total connected load as estimated by Tacoma Power may not exceed 65 kilowatts upon initial service energization.

**B. Monthly Rate.**

The sum of the following energy, delivery and customer charges:

1. Energy: All energy measured in kilowatt-hours at \$0.044616 per kWh.
2. Delivery: All energy delivered in kilowatt-hours at \$0.038014 per kWh.
3. Customer Charge: Calculated on a monthly basis, invoiced, and collected pursuant to the applicable customer service policies: \$26.65 per month, for all but unmetered services; \$20.75 per month, for unmetered services.
4. Exceptions:

- (a) Within the City of Fife:

- (1) Energy: All energy measured in kilowatt-hours at \$0.044616 per kWh.
- (2) Delivery: All energy delivered in kilowatt-hours at \$0.038014 per kWh.
- (3) Customer Charge: Calculated on a monthly basis, invoiced, and collected pursuant to the applicable customer service policies: \$26.65 per month, for all but unmetered services; \$20.75 per month, for unmetered services.

(b) Within the City of Fircrest:

- (1) Energy: All energy measured in kilowatt-hours at \$0.044616 per kWh.
- (2) Delivery: All energy delivered in kilowatt-hours at \$0.038014 per kWh.
- (3) Customer Charge: Calculated on a monthly basis, invoiced, and collected pursuant to the applicable customer service policies: \$26.65 per month, for all but unmetered services; \$20.75 per month, for unmetered services.

(c) Within the City of Lakewood:

- (1) Energy: All energy measured in kilowatt-hours at \$0.044616 per kWh.
- (2) Delivery: All energy delivered in kilowatt-hours at \$0.038014 per kWh.
- (3) Customer Charge: Calculated on a monthly basis, invoiced, and collected pursuant to the applicable customer service policies: \$26.65 per month, for all but unmetered services; \$20.75 per month, for unmetered services.

(d) Within the City of Steilacoom:

- (1) Energy: All energy measured in kilowatt-hours at \$0.044616 per kWh.
- (2) Delivery: All energy delivered in kilowatt-hours at \$0.038014 per kWh.
- (3) Customer Charge: Calculated on a monthly basis, invoiced, and collected pursuant to the applicable customer service policies: \$26.65 per month, for all but unmetered services; \$20.75 per month, for unmetered services.

(e) Within the City of University Place:

- (1) Energy: All energy measured in kilowatt-hours at \$0.047856 per kWh.
- (2) Delivery: All energy delivered in kilowatt-hours at \$0.040774 per kWh.
- (3) Customer Charge: Calculated on a monthly basis, invoiced, and collected pursuant to the applicable customer service policies: \$28.59 per month, for all but unmetered services; \$22.26 per month, for unmetered services.

C. Service Conditions.

- 1. The maximum allowable total connected motor rating is 7.5 horsepower (5.6 kilowatts) exclusive of motors of 1/4 horsepower and under for standard plug-in applications.
- 2. At the option of Tacoma Power, a customer may be transferred to a demand metered rate if the customer's actual demand has exceeded 50 kilovolt amperes at least three times in the prior 24-month period.
- 3. Power factor provision applicable.
- 4. Applicable provisions of the Tacoma Municipal Code, General Provisions, and Customer Service Policies governing the sale of electric energy shall apply.

(Ord. 28847 Ex. A; passed Nov. 22, 2022: Ord. 28737 Exs. B-1 and C-1; passed Mar. 2, 2021: Ord. 28710 Exs. B and C; passed Nov. 24, 2020: Ord. 28665 Ex. A-1 and Ex. B-1; passed Mar. 31, 2020: Ord. 28551 Ex. A; passed Nov. 20, 2018: Ord. 28489 Ex. A, passed Feb. 13, 2018: Ord. 28422 Ex. A and Ex. B; passed Apr. 4, 2017: Ord. 28285 Ex. A; passed Mar. 17, 2015: Ord. 28134 Ex. A and Ex. B; passed Feb. 26, 2013: Ord. 27976 Ex. A and Ex. B; passed Mar. 29, 2011: Ord. 27604 § 1; passed Apr. 17, 2007: Ord. 27332 § 3; passed Mar. 22, 2005: Ord. 27150 § 2; passed Oct. 7, 2003: Ord. 27058 § 3; passed Mar. 18, 2003: Ord. 26848 § 11; passed Sept. 18, 2001: Ord. 26628 § 1; passed May 16, 2000: Ord. 25681 § 10; passed Mar. 21, 1995: Ord. 25460 § 6; passed Mar. 22, 1994: Ord. 25076 § 3; passed Mar. 24, 1992: Ord. 24584 § 3; passed Mar. 20, 1990: Ord. 24050 § 2; passed Mar. 29, 1988: Ord. 23372 § 2; passed Apr. 16, 1985: Ord. 22951 § 2; passed Jul. 5, 1983: Ord. 22878 § 2; passed Mar. 1, 1983: Ord. 22460 § 2; passed Jul. 7, 1981: Ord. 21917 § 2; passed Dec. 11, 1979: Ord. 21566 § 2; passed Dec. 19, 1978: Ord. 20267 § 5; passed Dec. 17, 1974: Ord. 19320 § 2; passed Apr. 6, 1971)

**12.06.176 Prepaid small general service – Schedule PB.****A. Availability.**

Available for nonresidential lighting, heating, and incidental power uses with Advanced Metering Infrastructure installed, subject to billing system availability. The customer's actual demand as determined by Tacoma Power may not exceed 50 kilovolt amperes or total connected load as estimated by Tacoma Power may not exceed 65 kilowatts upon initial service energization.

**B. Monthly Rate.**

The sum of the following energy, delivery and customer charges:

1. Energy: The energy rate of the otherwise applicable published rate schedule as set forth in Chapter 12.06.170 Small general service.
2. Delivery: The delivery rate of the otherwise applicable published rate schedule as set forth in Chapter 12.06.170 Small general service.
3. Customer Charge: Calculated on a daily basis, invoiced, and collected pursuant to the applicable customer service policies: The customer charge of the otherwise applicable published rate schedule as set forth in Chapter 12.06.170 Small general service, multiplied by 12, divided by 365, and rounded to the nearest cent.

**C. Service Conditions.**

1. The maximum allowable total connected motor rating is 7.5 horsepower (5.6 kilowatts), exclusive of motors of ¼ horsepower and under for standard plug-in applications.
2. At the option of Tacoma Power, a customer may be transferred to a demand-metered rate if the customer's actual demand has exceeded 50 kilovolt amperes at least three times in the prior 24-month period.
3. Power factor provision applicable.
4. Applicable provisions of the Tacoma Municipal Code, General Provisions, and Customer Service Policies governing the sale of electric energy shall apply.

(Ord. 28844 Ex. A; passed Nov. 22, 2022)

**12.06.180 Commercial all-electric cooking, baking and water heating rate – Schedule C. *Repealed by Ord. 24584.***

(Ord. 24584 § 4; passed Mar 20, 1990: Ord. 20267 § 6; passed Dec. 17, 1974: Ord. 19320 § 2; passed Apr. 6, 1971)

**12.06.190 General commercial service – Schedule C. *Repealed by Ord. 24584.***

(Ord. 24584 § 5; passed Mar 20, 1990: Ord. 24050 § 3; passed Mar. 29, 1988: Ord. 23372 § 3; passed Apr. 16, 1985: Ord. 22951 § 3; passed Jul. 5, 1983: Ord. 22878 § 3; passed Mar. 1, 1983: Ord. 22460 § 3; passed Jul. 7, 1981: Ord. 21917 § 3; passed Dec. 11, 1979: Ord. 21566 § 3; passed Dec. 19, 1978: Ord. 20267 § 7; passed Dec. 17, 1974: Ord. 19320 § 2; passed Apr. 6, 1971)

**12.06.210 General service – Schedule E-1. *Repealed by Ord. 24584.***

(Ord. 24584 § 6; passed Mar 20, 1990: Ord. 24050 § 4; passed Mar. 29, 1988: Ord. 23372 § 4; passed Apr. 16, 1985: Ord. 22951 § 4; passed Jul. 5, 1983: Ord. 22878 § 4; passed Mar. 1, 1983: Ord. 22460 § 4; passed Jul. 7, 1981: Ord. 21917 § 4; passed Dec. 11, 1979: Ord. 21566 § 4; passed Dec. 19, 1978: Ord. 20267 § 9; passed Dec. 17, 1974: Ord. 19320 § 2; passed Apr. 6, 1974: Ord. 19320 § 2; passed Apr. 6, 1971)

**12.06.215 General service – Schedule G.<sup>2</sup>****A. Availability.**

For general power use where a demand meter is installed, for standby capacity to customers generating all or a part of their electric power requirements, and for intermittent use. The customer's actual demand as determined by Tacoma Power must

<sup>2</sup> Code Reviser's note: See 12.06.215.E for an exception to the effective date of Chapter 12.06.215.

exceed 50 kilovolt amperes or total connected load as estimated by Tacoma Power must exceed 65 kilowatts upon initial service energization.

The customer's initial load or subsequent load growth cannot exceed 10 average megawatts (aMW) over any consecutive 12-month period. If a customer's energy consumption grows by 10 aMW or more during any consecutive 12-month period, it will no longer be eligible for this rate schedule. The customer will be transitioned to Schedule Very Large Load (VLL) pursuant to subsection E of TMC 12.06.266.

For customers providing all their own transformation from Tacoma Power's distribution system voltage, a discount for transformer investment and maintenance will be provided by reducing the monthly bill by 0.8 percent. For customers metered on the primary side of a transformer, a discount for transformer losses will be provided by reducing the monthly bill by 1 percent. These discount percentages are additive, and not compounded.

For customers (1) who take power directly from the high-voltage transmission level and do not use any of Tacoma Power's local distribution facilities other than substation transformation; and (2) who do not take service under Schedule Contract Industrial Service, a local distribution credit of \$3.73 per kilowatts per month will be provided.

**B. Monthly Rate.**

The sum of the following energy, delivery, and customer charges:

1. Energy: All energy measured in kilowatt-hours at \$0.054780 per kWh.
2. Delivery: All kilowatts of Billing Demand delivered at \$9.12 per kW.
3. Customer Charge: Calculated on a monthly basis, invoiced, and collected pursuant to the applicable customer service policies: \$82.80 per month.
4. Exceptions:
  - (a) Within the City of Fife:
    - (1) Energy: All energy measured in kilowatt-hours at \$0.054780 per kWh.
    - (2) Delivery: All kilowatts of Billing Demand delivered at \$9.12 per kW.
    - (3) Customer Charge: Calculated on a monthly basis, invoiced, and collected pursuant to the applicable customer service policies: \$82.80 per month.
  - (b) Within the City of Fircrest:
    - (1) Energy: All energy measured in kilowatt-hours at \$0.054780 per kWh.
    - (2) Delivery: All kilowatts of Billing Demand delivered at \$9.12 per kW.
    - (3) Customer Charge: Calculated on a monthly basis, invoiced, and collected pursuant to the applicable customer service policies: \$82.80 per month.
  - (c) Within the City of Lakewood:
    - (1) Energy: All energy measured in kilowatt-hours at \$0.054780 per kWh.
    - (2) Delivery: All kilowatts of Billing Demand delivered at \$9.12 per kW.
    - (3) Customer Charge: Calculated on a monthly basis, invoiced, and collected pursuant to the applicable customer service policies: \$82.80 per month.
  - (d) Within the City of Steilacoom:
    - (1) Energy: All energy measured in kilowatt-hours at \$0.054780 per kWh.
    - (2) Delivery: All kilowatts of Billing Demand delivered at \$9.12 per kW.
    - (3) Customer Charge: Calculated on a monthly basis, invoiced, and collected pursuant to the applicable customer service policies: \$82.80 per month.
  - (e) Within the City of University Place:
    - (1) Energy: All energy measured in kilowatt-hours at \$0.058758 per kWh.
    - (2) Delivery: All kilowatts of Billing Demand delivered at \$9.78 per kW.

(3) Customer Charge: Calculated on a monthly basis, invoiced, and collected pursuant to the applicable customer service policies: \$88.81 per month.

C. Billing Demand.

Determined by means of a demand meter, 30-minute interval. The Billing Demand shall be the highest of:

1. The highest measured demand for the month adjusted for power factor;
2. 60 percent of the highest measured demand occurring during any of the preceding 11 months after adjustment for power factor; or
3. 100 percent of the standby capacity.

For purposes of the determination of Billing Demand in subsection 2 above, the 11 months of history shall be carried forward from the customer's previous account(s).

D. Standby Capacity.

That amount of power requested by written application or estimated by the Director to be made continuously available for exclusive use of the customer.

E. Customer-Owned Generation: *Effective January 1, 2021.*

1. Any customer taking service under this schedule is eligible to sell to Tacoma Power the quantity of generation that exceeds its actual demand over an hour along with the generation's associated Renewable Energy Credits (REC), as defined by RCW 19.285.030, provided that such a customer:

- (a) utilizes solar photovoltaic (PV) arrays sized not greater than 2 MW, or
- (b) owns generation and has an agreement with Tacoma Power that provides for:
  - (i) compensation of excess generation under this rate schedule,
  - (ii) the purchase of Standby Capacity in the amount of no less than the expected energy output of the generator, and
  - (iii) the recovery of the cost of integration into Tacoma Power's system.

This section shall not apply to customer-owned generation facilities with a capacity less than 100 kW, which are subject to Tacoma Power's net metering requirements under RCW 80.60.030.

2. To participate, an eligible customer must comply with the following subsections (a), (b), and (c):

- (a) Enter into a generator interconnection agreement with Tacoma Power and comply with all its terms. Tacoma Power may adopt any generator interconnection requirements as necessary to protect public safety, system reliability, or other regulatory requirements.
- (b) Transfer to Tacoma Power ownership of all environmental, social, REC, and other non-power attributes of the electricity generated in excess of that consumed by the customer. The customer may retain ownership of all environmental, social, REC, and other non-power attributes of the electricity produced by the generator that is consumed on-site.
- (c) Pay for a two-way advanced meter that is selected and installed by Tacoma Power at the generator that will be used to measure kilowatt-hours of inbound retail energy consumed by the customer's load and the outbound exported generation. Customers totalizing multiple meters may integrate customer-owned generation into their totalized service consistent with Tacoma Power's policies for meter totalization. Otherwise, meter aggregation across multiple customer premises shall not be permitted.

3. Any electricity produced by the customer's generation may be used to reduce inbound retail electricity consumption in accordance with this schedule.

4. The price Tacoma Power shall pay the customer for the quantity of excess generation delivered to Tacoma Power shall equal the quantity, as measured by the advanced meter over each hour, multiplied by:

- (a) if available, the applicable Pricing Node of the Real-time Dispatch price of Energy Imbalance Market where the generator is located, as determined by the California Independent System Operator under its market tariff, or
- (b) a published index price for firm energy at the Mid-Columbia applicable to the time in which energy was delivered;
- (c) plus \$4.43 for each REC transferred to Tacoma Power.

If excess generation is provided during any hour in which the advanced meter fails to record generation, Tacoma Power shall estimate the quantity of excess generation.

F. Service Conditions.

1. At the option of Tacoma Power, primary metering may be installed where the service transformers aggregate 500 kVA or more.
2. At the option of Tacoma Power, a customer may be transferred to a non-demand metered rate if the customer's actual demand has not exceeded 50 kilovolt amperes in the prior 24-month period.
3. Power factor provision applicable.
4. Applicable provisions of the Tacoma Municipal Code, General Provisions, and Customer Service Policies governing the sale of electric energy shall apply.

(Ord. 28911 Ex. A; passed Nov. 21, 2023 (ratified and reconfirmed by Ord. 28934; passed Jan. 16, 2024); Ord. 28847 Ex. A; passed Nov. 22, 2022; Ord. 28737 Exs. B-1 and C-1; passed Mar. 2, 2021; Ord. 28710 Exs. B and C; passed Nov. 24, 2020; Ord. 28709 Ex. A; passed Nov. 24, 2020; Ord. 28689 Ex. A; passed Sept. 1, 2020; Ord. 28665 Ex. A-1 and Ex. B-1; passed Mar. 31, 2020; Ord. 28551 Ex. A; passed Nov. 20, 2018; Ord. 28489 Ex. A, passed Feb. 13, 2018; Ord. 28422 Ex. A and Ex. B; passed Apr. 4, 2017; Ord. 28285 Ex. A; passed Mar. 17, 2015; Ord. 28134 Ex. A and Ex. B; passed Feb. 26, 2013; Ord. 27976 Ex. A and Ex. B; passed Mar. 29, 2011; Ord. 27332 § 4; passed Mar. 22, 2005; Ord. 27150 § 3; passed Oct. 7, 2003; Ord. 27058 § 4; passed Mar. 18, 2003; Ord. 26848 § 12; passed Sept. 18, 2001; Ord. 26628 § 1; passed May 16, 2000; Ord. 25681 § 11; passed Mar. 21, 1995; Ord. 25460 § 7; passed Mar. 22, 1994; Ord. 25076 § 4; passed Mar. 24, 1992; Ord. 24584 § 7; passed Mar. 20, 1990; Ord. 24050 § 5; passed Mar. 29, 1988)

**12.06.220 *Repealed by Ord. 24584.* Primary general service – Agencies – Schedule E-2.**

(Ord. 24584 § 8; passed Mar 20, 1990; Ord. 24050 § 6; passed Mar. 29, 1988; Ord. 23372 § 5; passed Apr. 16, 1985; Ord. 22951 § 5; passed Jul. 5, 1983; Ord. 22878 § 5; passed Mar. 1, 1983; Ord. 22460 § 5; passed Jul. 7, 1981; Ord. 21917 § 5; passed Dec. 11, 1979; Ord. 21566 § 5; passed Dec. 19, 1978; Ord. 20267 § 10; passed Dec. 17, 1974; Ord. 19320 § 2; passed Apr. 6, 1971)

**12.06.225 High voltage general service – Schedule HVG.**

A. Availability.

For customers receiving service from Tacoma Power under this rate schedule prior to April 1, 2021. After April 1, 2021, customers served under this rate schedule who transition their service to another rate schedule shall no longer be eligible for service under this schedule. For general power use where a demand meter is installed and where a customer served does not require the use of Tacoma Power's distribution facilities other than substation transformation. For customers who provide all of their own transformation from Tacoma Power's transmission system voltage, a credit of 20.00 percent will be applicable to the delivery charge.

The customer's load growth cannot exceed 10 average megawatts (aMW) over any consecutive 12-month period. If a customer's energy consumption grows by 10 aMW or more during any consecutive 12-month period, it will no longer be eligible for this rate schedule. The customer will be transitioned to Schedule Very Large Load (VLL) pursuant to subsection E of TMC 12.06.266.

B. Monthly Rate.

The sum of the following energy, delivery, and customer charges:

1. Energy: All energy measured in kilowatt-hours at \$0.045729 per kWh.
2. Delivery: All kilowatts of Billing Demand delivered at \$5.21 per kW.
3. Customer Charge: Calculated on a monthly basis, invoiced, and collected pursuant to the applicable customer service policies: \$1,750.00 per month.
4. Exceptions:
  - (a) Within the City of Fife:
    - (1) Energy: All energy measured in kilowatt-hours at \$0.045729 per kWh.
    - (2) Delivery: All kilowatts of Billing Demand delivered at \$5.21 per kW.

(3) Customer Charge: Calculated on a monthly basis, invoiced, and collected pursuant to the applicable customer service policies: \$1,750.00 per month.

(b) Within the City of Fircrest:

(1) Energy: All energy measured in kilowatt-hours at \$0.045729 per kWh.

(2) Delivery: All kilowatts of Billing Demand delivered at \$5.21 per kW.

(3) Customer Charge: Calculated on a monthly basis, invoiced, and collected pursuant to the applicable customer service policies: \$1,750.00 per month.

(c) Within the City of Lakewood:

(1) Energy: All energy measured in kilowatt-hours at \$0.045729 per kWh.

(2) Delivery: All kilowatts of Billing Demand delivered at \$5.21 per kW.

(3) Customer Charge: Calculated on a monthly basis, invoiced, and collected pursuant to the applicable customer service policies: \$1,750.00 per month.

(d) Within the City of Steilacoom:

(1) Energy: All energy measured in kilowatt-hours at \$0.045729 per kWh.

(2) Delivery: All kilowatts of Billing Demand delivered at \$5.21 per kW.

(3) Customer Charge: Calculated on a monthly basis, invoiced, and collected pursuant to the applicable customer service policies: \$1,750.00 per month.

(e) Within the City of University Place:

(1) Energy: All energy measured in kilowatt-hours at \$0.049050 per kWh.

(2) Delivery: All kilowatts of Billing Demand delivered at \$5.59 per kW.

(3) Customer Charge: Calculated on a monthly basis, invoiced, and collected pursuant to the applicable customer service policies: \$1,877.08 per month.

#### C. Billing Demand.

Determined by means of a demand meter, 30-minute interval. The billing demand shall be the higher of:

1. The highest measured demand for the month adjusted for power factor, or
2. 60 percent of the highest measured demand occurring during any of the preceding 11 months after adjustment for power factor.

For purposes of the determination of Billing Demand in subsection 2 above, the 11 months of history shall be carried forward from the customer's previous account(s).

#### D. Service Conditions.

1. Power factor provision applicable.

2. Applicable provisions of the Tacoma Municipal Code, General Provisions, and Customer Service Policies governing the sale of electric energy shall apply.

(Ord. 28911 Ex. A; passed Nov. 21, 2023 (ratified and reconfirmed by Ord. 28934; passed Jan. 16, 2024): Ord. 28847 Ex. A; passed Nov. 22, 2022: Ord. 28737 Exs. B-1 and C-1; passed Mar. 2, 2021: Ord. 28710 Exs. B and C; passed Nov. 24, 2020: Ord. 28689 Ex. A; passed Sept. 1, 2020: Ord. 28665 Ex. A-1 and Ex. B-1; passed Mar. 31, 2020: Ord. 28551 Ex. A; passed Nov. 20, 2018: Ord. 28489 Ex. A, passed Feb. 13, 2018: Ord. 28422 Ex. A and Ex. B; passed Apr. 4, 2017: Ord. 28285 Ex. A; passed Mar. 17, 2015: Ord. 28134 Ex. A; passed Feb. 26, 2013: Ord. 27976 Ex. A; passed Mar. 29, 2011: Ord. 27332 § 5; passed Mar. 22, 2005: Ord. 27150 § 4; passed Oct. 7, 2003: Ord. 27058 § 5; passed Mar. 18, 2003: Ord. 26848 § 13; passed Sept. 18, 2001)

### **12.06.240 *Repealed by Ord. 24584.* Primary general service – Schools – Schedule E-3.**

(Ord. 24584 § 9; passed Mar 20, 1990: Ord. 24050 § 7; passed Mar. 29, 1988: Ord. 23372 § 6; passed Apr. 16, 1985: Ord. 22951 § 6; passed Jul. 5, 1983: Ord. 22878 § 6; passed Mar. 1, 1983: Ord. 22460 § 6; passed Jul. 7, 1981: Ord. 21917

§ 6; passed Dec. 11, 1979: Ord. 21566 § 6; passed Dec. 19, 1978: Ord. 20267 § 12; passed Dec. 17, 1974: Ord. 19320 § 2; passed Apr. 6, 1971)

**12.06.250 *Repealed by Ord. 24584. Temporary general service – Schedule L.***

(Ord. 24584 § 10; passed Mar 20, 1990: Ord. 19320 § 2; passed Apr. 6, 1971)

**12.06.260 Contract industrial service – Schedule CP.**

**A. Availability.**

For (1) existing customers receiving service from Tacoma Power under this rate schedule as of December 31, 2023; (2) existing Tacoma Power customers migrating from Schedule NLL, provided such customers were served under Schedule NLL for at least ten consecutive years; (3) existing Tacoma Power customers migrating from Schedule G who begin taking power from high voltage transmission level and do not use Tacoma Power's distribution system and who meet the requirements this rate schedule; (4) existing Tacoma Power customers migrating from Schedule HVG and meet the requirements for this rate schedule.

If a customer's energy consumption grows by 10 average megawatts or more during any consecutive 12-month period, it will no longer be eligible for this rate schedule. The customer will be transitioned to Schedule Very Large Load (VLL) pursuant to subsection E of TMC 12.06.266.

**B. Minimum Requirements.**

Every customer under Schedule CP must execute upon the execution of a written Power Service Agreement (Contract) with Tacoma Power, which shall require among other conditions:

1. A minimum Contract Demand (as set forth in the Contract) of not less than 8 megawatts;
2. Delivery of power at one primary voltage;
3. Metering at primary voltage but in no case at less than nominal 4,160 volts;
4. Power factor adjustment to 95 percent lagging or better; and
5. Service is subject to curtailment.

**C. Monthly Rate.**

The sum of the following power service, delivery, customer and other charges:

**1. Power Service Charges:**

- (a) Energy: All energy measured in kilowatt-hours at \$0.034198 per kWh.
- (b) Demand: All kilowatts of Billing Demand delivered at \$5.25 per kW.
- (c) Minimum Charge: The Demand Charge.
- (d) Contract Demand Overrun: A Contract Demand Overrun charge shall be imposed when the total measured demand (highest 30-minute integrated demand) exceeds the Contract Demand (as set forth in the Contract). Said charge is pursuant to the following formula:

Contract Demand Overrun Charge = Excess MW x 300% x DC

Where: Excess MW = MW of metered Demand in excess of the Contract Demand; DC = Demand Charge.

2. Delivery: All kilowatts of Billing Demand delivered at \$4.61 per kW.
3. Customer Charge: Calculated on a monthly basis, invoiced, and collected pursuant to the applicable customer service policies: \$5,155.00 per month.
4. Additional Charges:

This rate schedule specifies power rates based on Tacoma Power's system portfolio. If the customer requires additional environmental or locational attributes in power supply, additional charges including the incremental costs and Tacoma Power's administrative costs will apply and be stated in the Power Service Agreement.

**D. Billing Demand.**

Determined by means of a demand meter, 30-minute interval.



1. The Billing Demand shall be the highest of:

- (a) The highest measured demand for the month, adjusted for power factor;
- (b) 60 percent of the highest measured demand occurring during any of the preceding 11 months after adjustment for power factor; or
- (c) 60 percent of the highest Contract Demand (as set forth in the Contract) during any of the preceding 11 months.

E. Service Conditions.

1. Power factor provision applicable; and

2. Applicable provisions of the Tacoma Municipal Code, General Provisions, and Customer Service Policies governing the sale of electric energy and delivery services shall apply.

(Ord. 28911 Ex. A; passed Nov. 21, 2023 (ratified and reconfirmed by Ord. 28934; passed Jan. 16, 2024): Ord. 28710 Exs. B and C; passed Nov. 24, 2020: Ord. 28689 Ex. A; passed Sept. 1, 2020: Ord. 28665 Ex. A-1 and Ex. B-1; passed Mar. 31, 2020: Ord. 28551 Ex. A; passed Nov. 20, 2018: Ord. 28489 Ex. A, passed Feb. 13, 2018: Ord. 28422 Ex. A and Ex. B; passed Apr. 4, 2017: Ord. 28285 Ex. A; passed Mar. 17, 2015: Ord. 28134 Ex. A and Ex. B; passed Feb. 26, 2013: Ord. 27976 Ex. A and Ex. B; passed Mar. 29, 2011: Ord. 27332 § 6; passed Mar. 22, 2005: Ord. 27150 § 5; passed Oct. 7, 2003: Ord. 27058 § 6; passed Mar. 18, 2003: Ord. 26848 § 14; passed Sept. 18, 2001: Ord. 26628 § 1; passed May 16, 2000: Ord. 25681 § 12; passed Mar. 21, 1995: Ord. 25460 § 8; passed Mar. 22, 1994: Ord. 25076 § 5; passed Mar. 24, 1992: Ord. 24584 § 11; passed Mar. 20, 1990: Ord. 24050 § 8; passed Mar. 29, 1988: Ord. 23372 § 7; passed Apr. 16, 1985: Ord. 22951 § 7; passed Jul. 5, 1983: Ord. 22878 § 7; passed Mar. 1, 1983: Ord. 22460 § 7; passed Jul. 7, 1981: Ord. 21917 § 7; passed Dec. 11, 1979: Ord. 21566 § 7; passed Dec. 19, 1978: Ord. 20267 § 13; passed Dec. 17, 1974: Ord. 19320 § 2; passed Apr. 6, 1971)

## **12.06.265 New large load service under 10 aMW – Schedule NLL.**

A. Applicability.

For new loads or expanding existing loads greater than 8 megawatts (MW) but less than 10 average megawatts (aMW) within any consecutive 12-month period. Loads receiving service under Schedule NLL may receive service under Schedule CP (or a successor rate) after a period of ten consecutive years from the beginning of service if applicable requirements are met.

The customer's initial load or subsequent load growth cannot exceed 10 aMW over any consecutive 12-month period. If a customer's energy consumption grows by 10 aMW or more during any consecutive 12-month period, it will no longer be eligible for this rate schedule. The customer will be transitioned to Schedule Very Large Load (VLL) pursuant to subsection E of TMC 12.06.266.

B. Minimum Requirements.

For large power use upon the execution of a written Power Service Agreement (Contract) with Tacoma Power, which shall require among other conditions:

- 1. A minimum Contract Demand (as set forth in the Contract) of not less than 8 MW and not more than 10 aMW within any consecutive 12-month period;
- 2. Delivery of power at one primary voltage;
- 3. Metering at primary voltage but in no case at less than nominal 4,160 volts;
- 4. Power factor adjustment to 95 percent lagging or better; and
- 5. Service is subject to curtailment.

C. Monthly Rate.

The sum of the following power service, delivery, customer and other charges:

1. Power Service Charges:

- (a) Energy: All energy measured in kilowatt-hours at \$0.039328 per kWh.
- (b) Demand: All kilowatts of Billing Demand delivered at \$6.04 per kW.
- (c) Minimum Charge: The Demand Charge.

(d) Contract Demand Overrun: A Contract Demand Overrun charge shall be imposed when the total measured demand (highest 30-minute integrated demand) exceeds the Contract Demand (as set forth in the Contract). Said charge is pursuant to the following formula:

Contract Demand Overrun Charge = Excess MW x 300% x DC

Where: Excess MW = MW of metered Demand in excess of the Contract Demand; DC = Demand Charge.

2. Delivery: All kilowatts of Billing Demand delivered at \$5.30 per kW.

3. Customer Charge: Calculated on a monthly basis, invoiced, and collected pursuant to the applicable customer service policies: \$5,928.25 per month.

4. This rate schedule specifies power rates based on Tacoma Power's system portfolio. If the customer requires additional environmental or locational attributes in power supply, additional charges including the incremental costs and Tacoma Power's administrative costs will apply in the Power Service Agreement.

**D. Billing Demand.**

Determined by means of a demand meter, 30 minute interval.

1. The Billing Demand shall be the highest of:

(a) The highest measured demand for the month, adjusted for power factor;

(b) 60 percent of the highest measured demand occurring during any of the preceding 11 months after adjustment for power factor; or

(c) 60 percent of the highest Contract Demand (as set forth in the Contract) during any of the preceding 11 months.

**E. Service Conditions.**

1. Power factor provision applicable; and

2. Applicable provisions of the Tacoma Municipal Code, General Provisions, and Customer Service Policies governing the sale of electric energy and delivery services shall apply.

(Ord. 28911 Ex. A; passed Nov. 21, 2023 (ratified and reconfirmed by Ord. 28934; passed Jan. 16, 2024); Ord. 28707 Exs. A and B; passed Nov. 24, 2020)

**12.06.266 Very large load service of 10 aMW or more– Schedule VLL.**

**A. Applicability.**

For new loads of 10 average megawatts (aMW) or more, or existing loads that grow by 10 average megawatts or more within any consecutive 12-month period.

**B. Minimum Conditions.**

For very large power use upon the execution of a written Power Service Agreement (Contract) with Tacoma Power, which shall require among other conditions:

1. A minimum Contract Demand (as set forth in the Contract) of not less than 10 megawatts;

2. Delivery of power at one primary voltage;

3. Metering at primary voltage but in no case at less than nominal 4,160 volts;

4. Power factor adjustment to 95 percent lagging or better;

5. Service is subject to curtailment;

6. The new power supply resource acquisition to serve the customer may be based on a Power Purchase Agreement (PPA) Tacoma Power enters with an independent power provider. If the underlying PPA is terminated for any reason, Tacoma Power may look for a different power supply resource for the customer and shall have the right to amend the Contract based on the new resource costs and terms.

7. Service is subject to the evaluation and approval of Tacoma Power's Transmission and Distribution department. Customer is responsible for the cost of substation and other necessary infrastructure to serve their load.

**C. Monthly Rate.**

The sum of the following power service, delivery, customer and other charges:

1. Power Supply Charges:

(a) Energy: to be based on Tacoma Power's incremental cost of acquiring power to serve the customer's load including applicable taxes, plus a reasonable service fee no greater than 10% to recover ancillary services and administrative costs, pursuant to the contract between Tacoma Power and the customer.

(b) Demand: to be based on Tacoma Power's incremental cost of acquiring power capacity to serve the customer's load including applicable taxes, plus a reasonable service fee no greater than 10% to recover ancillary services and administrative costs, pursuant to the contract between Tacoma Power and the customer. The demand costs will include any transmission costs to deliver the power from the generation sites to Tacoma Power's network delivery point, including line losses over the transmission system. The demand for billing purpose follows subsection D of this rate schedule, unless otherwise specified in the Contract.

(c) Minimum Charge: The Energy and Demand Charge.

(d) Contract Demand Overrun: A Contract Demand Overrun charge shall be imposed when the total measured demand (highest 30-minute integrated demand) exceeds the Contract Demand (as set forth in the Contract). This charge is pursuant to the following formula:

$$\text{Contract Demand Overrun Charge} = \text{Excess MW} \times 300\% \times \text{DC}$$

Where: Excess MW = MW of metered Demand in excess of the Contract Demand; DC = Demand Charge.

2. Delivery: Applicable delivery charge on Schedule CP if local distribution service is not required, or Schedule G if local distribution service is required.

3. Customer Charge: Applicable customer charge on Schedule CP if local distribution service is not required, or Schedule G if local distribution service is required.

D. Billing Demand.

Determined by means of a demand meter, 30 minute interval.

1. The Billing Demand shall be the highest of:

(a) The highest measured demand for the month, adjusted for power factor;

(b) 60 percent of the highest measured demand occurring during any of the preceding 11 months after adjustment for power factor; or

(c) 60 percent of the highest Contract Demand (as set forth in the Contract) during any of the preceding 11 months.

E. Applicable Interim Rate.

If a customer on Schedule G, Schedule HVG, Schedule CP and Schedule NLL grows its energy consumption by 10 average megawatts or more during any consecutive 12-month period, the customer will become a "New Large Single Load" as determined by Bonneville Power Administration (BPA) and will no longer be eligible for the customer's original rate schedule. To continue to receive power service, the customer will be required to enter a Power Service Agreement with Tacoma Power for specific rates, terms and conditions pursuant to TMC 12.06.266, subject to the approval by Tacoma Public Utility Board and Tacoma City Council.

During the period beginning from the month the customer becomes "New Large Single Load" and before a Power Service Agreement becomes effective (Transition Period), the customer's Power Supply Charges shall be based on BPA's New Resource Firm Power rates effective at the time plus the costs for the additional environmental attributes that the customer may require. BPA's New Resource Firm Power rates include energy charges, demand charges and all other applicable charges. The customer's Delivery Charge and Customer Charge will be based on Schedule CP if no local distribution is needed; and based on Schedule G if local distribution is needed. Additionally, the customer may be subject to mandatory curtailment based on power costs and reliability reasons at Tacoma Power's discretion during any Transition Period.

The initial Transition Period will last up to 12 months and may be extended subject to Tacoma Power's approval. If the Transition Period is not extended, the customer will be charged two times the BPA's New Resource Firm Power rates after the initial Transition Period until a Power Service Agreement becomes effective.

Tacoma Power will charge BPA's New Resource Firm Power rates as the customer's Power Supply Charges starting from the month in which the customer exceeds 10 aMW or more during any consecutive 12-month period until such time as the customer executes a Contract for service under this Schedule VLL. To the extent Tacoma Power's billing process is not

immediately updated, Tacoma Power may retroactively charge the customer based on BPA’s New Resource Firm Power rates in order to properly account for all consumption during the Transition Period.

**F. Service Conditions.**

1. Power factor provision applicable; and
2. Applicable provisions of the Tacoma Municipal Code, General Provisions, and Customer Service Policies governing the sale of electric energy and delivery services shall apply.

(Ord. 28911 Ex. A; passed Nov. 21, 2023 (ratified and reconfirmed by Ord. 28934; passed Jan. 16, 2024)

**12.06.270 *Repealed by Ord. 25681.* General time of day/off-peak service – Schedule TODG.**

(Ord. 25681 § 13; passed Mar 21, 1995: Ord. 25460 § 9; passed Mar. 22, 1994: Ord. 25076 § 6; passed Mar. 24, 1992: Ord. 24584 § 12; passed Mar. 20, 1990: Ord. 24050 § 9; passed Mar. 29, 1988: Ord. 23737 § 1; passed Nov. 25, 1986)

**12.06.280 *Repealed by Ord. 26848.* Interruptible power service – Schedule IP.**

(Ord. 26848 § 15; passed Sept. 18, 2001: Ord. 26628 § 1; passed May 16, 2000: Ord. 24050 § 10; passed Mar. 29, 1988: Ord. 22460 § 8; passed Jul. 7, 1981: Ord. 21917 § 8; passed Dec. 19, 1978: Ord. 20267 § 14; passed Dec. 17, 1974: Ord. 19320 § 2; passed Apr. 6, 1971)

**12.06.290 Street lighting and traffic signal service – Schedule H-1.**

**A. Availability: Available for:**

1. Public street lighting service where the lighting system is in operation during hours of darkness and where the street light system and equipment is owned by the customer, or there have been other suitable prior written arrangements agreed to by Tacoma Power and the applicant; and
2. Traffic controllers, signal lights, warning lights, danger lights, pedestrian lights and similar uses, where the traffic control system and equipment is owned and maintained by the customer.

**B. Monthly Rate.**

Rates stated herein are for (1) unmetered installations [items 1 and 2] where charges are per fixture and shall be applied to the number of installed units on the system as determined by Tacoma Power at the time the billing is rendered, and (2) metered installations [item 3].

**1. Street Lighting Units (Unmetered):**

**(a) Incandescent Lamps:**

<b>Nominal Wattage</b>	<b>Energy Charge Per Unit</b>
Up to 150 Watts	\$3.71
151-220 Watts	\$5.44
221-320 Watts	\$7.91
321-520 Watts	\$12.87
521 & Over Watts	\$20.29

## (b) High Intensity Discharge Lamps:

Energy Charge Per Unit			
Nominal Wattage	Continuous	Dusk to Dawn	Dusk to 2:20 a.m.
50 Watts	\$2.75	\$1.48	\$0.93
70 Watts	\$3.82	\$2.08	\$1.30
100 Watts	\$5.47	\$2.95	\$1.86
150 Watts	\$8.21	\$4.43	\$2.79
175 Watts	\$9.57	\$5.17	\$3.25
200 Watts	\$10.94	\$5.90	\$3.71
250 Watts	\$13.69	\$7.39	\$4.65
310 Watts	\$16.96	\$9.17	\$5.77
400 Watts	\$21.88	\$11.82	\$7.43
700 Watts	\$38.29	\$20.69	\$13.03
1000 Watts	\$50.15	\$27.08	\$17.06
1500 Watts	\$82.06	\$44.32	\$27.92

(c) At the discretion of Tacoma Power, all lamps may be charged the following equivalent rate: Energy charge for lamp installations at the rate of \$45.59, \$24.63, and \$15.51 per month per kilowatt of total connected load for Continuous, Dusk to Dawn, and Dusk to 2:20 a.m. lamps, respectively.

## 2. Traffic Control Units (Unmetered):

## (a)

Unit Type	Energy Charge Per Unit
(1) Red - Amber – Green	
Controllers	\$2.88
Heads	\$4.36
(2) Flashing	
Controllers	\$1.44
Heads	\$2.17

## (1) Incandescent Lamps:

Unit Type	Energy Charge Per Unit					
	Red	Amber	Green	Flashing	Walk	Wait
8 Inch Bulb	\$2.39	\$0.13	\$1.83	\$2.17		
12 Inch Bulb	\$5.85	\$0.32	\$4.46	\$5.31		
Pedestrian Head					\$2.17	\$2.17

## (2) Light Emitting Diodes (LED) Lamps:

Unit Type	Energy Charge Per Unit					
	Red	Amber	Green	Flashing	Walk	Wait
8 Inch LED	\$0.28	\$0.02	\$0.19	\$0.26		
12 Inch LED	\$0.45	\$0.02	\$0.37	\$0.40		
Pedestrian Head					\$0.26	\$0.26

## (3) Neon Lamps:

Unit Type	Energy Charge Per Unit	
	Walk	Wait
Pedestrian Head	\$0.22	\$0.86

## (4) Controllers:

Unit Type	Energy Charge Per Unit
Traffic	\$2.88
Flashing	\$1.44

(5) All lamps or controllers not listed above: Energy charge for lamp or controller installations not listed in the above tabulations shall be calculated by multiplying the unit wattage (in kW) x 730 hours x percent active x \$0.056900 per kWh per month.

3. Street Lighting and Traffic Control Units (Metered): The sum of the following energy, delivery and customer charges:

(a) Energy: All energy measured in kilowatt-hours at \$0.035690 per kWh.

(b) Delivery: All energy delivered in kilowatt-hours at \$0.015974 per kWh.

(c) Customer Charge: Calculated on a monthly basis, invoiced, and collected pursuant to the applicable customer service policies: \$10.35 per month.

4. Exception: Within the City of University Place.

Rates stated herein are for (1) unmetered installations [items (a) and (b)] where charges are per fixture and shall be applied to the number of installed units on the system as determined by Tacoma Power at the time the billing is rendered, and (2) metered installations [item (c)].

(a) Street Lighting Units (Unmetered):

(i) Incandescent Lamps:

Nominal Wattage	Energy Charge Per Unit
Up to 150 Watts	\$3.98
151-220 Watts	\$5.84
221-320 Watts	\$8.49
321-520 Watts	\$13.80
521 & Over Watts	\$21.76

## (ii) High Intensity Discharge Lamps:

Energy Charge Per Unit			
Nominal Wattage	Continuous	Dusk to Dawn	Dusk to 2:20 a.m.
50 Watts	\$2.95	\$1.58	\$1.00
70 Watts	\$4.10	\$2.23	\$1.40
100 Watts	\$5.86	\$3.17	\$2.00
150 Watts	\$8.81	\$4.75	\$2.99
175 Watts	\$10.27	\$5.54	\$3.49
200 Watts	\$11.74	\$6.33	\$3.98
250 Watts	\$14.68	\$7.93	\$4.99
310 Watts	\$18.20	\$9.83	\$6.18
400 Watts	\$23.47	\$12.68	\$7.97
700 Watts	\$41.07	\$22.19	\$13.97
1000 Watts	\$53.79	\$29.05	\$18.30
1500 Watts	\$88.02	\$47.54	\$29.94

(iii) At the discretion of Tacoma Power, all lamps may be charged the following equivalent rate: Energy charge for lamp installations at the rate of \$48.90, \$26.42, and \$16.64 per month per kilowatt of total connected load for Continuous, Dusk to Dawn, and Dusk to 2:20 a.m. lamps, respectively.

## (b) Traffic Control Units (Unmetered):

## (i)

Unit Type	Energy Charge Per Unit
(1) Red - Amber – Green	
Controllers	\$3.09
Heads	\$4.68
(2) Flashing	
Controllers	\$1.54
Heads	\$2.33

## (ii) Incandescent Lamps:

Unit Type	Energy Charge Per Unit					
	Red	Amber	Green	Flashing	Walk	Wait
8 Inch Bulb	\$2.56	\$0.14	\$1.96	\$2.33		
12 Inch Bulb	\$6.27	\$0.34	\$4.78	\$5.70		
Pedestrian Head					\$2.33	\$2.33

## (iii) Light Emitting Diodes (LED) Lamps:

Unit Type	Energy Charge Per Unit					
	Red	Amber	Green	Flashing	Walk	Wait
8 Inch LED	\$0.30	\$0.02	\$0.20	\$0.28		
12 Inch LED	\$0.48	\$0.02	\$0.40	\$0.43		
Pedestrian Head					\$0.28	\$0.28

## (iv) Neon Lamps:

Unit Type	Energy Charge Per Unit	
	Walk	Wait
Pedestrian Head	\$0.24	\$0.92

## (v) Controllers:

Unit Type	Energy Charge Per Unit
Traffic	\$3.09
Flashing	\$1.54

(vi) All lamps or controllers not listed above: Energy charge for lamp or controller installations not listed in the above tabulations shall be calculated by multiplying the unit wattage (in kW) x 730 hours x percent active x \$0.061032 per kWh per month.

(c) Street Lighting and Traffic Control Units (Metered): The sum of the following energy, delivery and customer charges:

(i) Energy: All energy measured in kilowatt-hours at \$0.038282 per kWh.

(ii) Delivery: All energy delivered in kilowatt-hours at \$0.017134 per kWh.

(iii) Customer Charge: Calculated on a monthly basis, invoiced, and collected pursuant to the applicable customer service policies: \$11.10 per month.

## C. Service Conditions.

Applicable provisions of the Tacoma Municipal Code, General Provisions, and Customer Service Policies governing the sale of electric energy shall apply.

(Ord. 28847 Ex. A; passed Nov. 22, 2022: Ord. 28737 Exs. B-1 and C-1; passed Mar. 2, 2021: Ord. 28710 Exs. B and C; passed Nov. 24, 2020: Ord. 28665 Ex. A-1 and Ex. B-1; passed Mar. 31, 2020: Ord. 28551 Ex. A; passed Nov. 20, 2018: Ord. 28489 Ex. A, passed Feb. 13, 2018: Ord. 28422 Ex. A and Ex. B; passed Apr. 4, 2017: Ord. 28285 Ex. A; passed Mar. 17, 2015: Ord. 28134 Exs. A, B; passed Feb. 26, 2013: Ord. 27976 Ex. A and Ex. B; passed Mar. 29, 2011: Ord. 27604 § 2; passed Apr. 27, 2007: Ord. 27332 § 7; passed Mar. 22, 2005: Ord. 27058 § 7; passed Mar. 18, 2003: Ord. 26848 § 16; passed Sept. 18, 2001: Ord. 26628 § 1; passed May 16, 2000: Ord. 25681 § 14; passed Mar. 21, 1995: Ord. 25460 § 10; passed Mar. 22, 1994: Ord. 25076 § 7; passed Mar. 24, 1992: Ord. 24584 § 13; passed Mar. 20, 1990: Ord. 24280 § 1; passed Feb. 28, 1989: Ord. 24050 § 11; passed Mar. 29, 1988: Ord. 23372 § 8; passed Apr. 16, 1985: Ord. 22951 § 8; passed Jul. 5, 1983: Ord. 22878 § 8; passed Mar. 3, 1983: Ord. 22460 § 9; passed Jul. 7, 1981: Ord. 21917 § 9; passed Dec. 11, 1979: Ord. 21566 § 9; passed Dec. 19, 1978: Ord. 20808 § 1; passed Jul. 13, 1976: Ord. 20267 § 15; passed Dec. 17, 1974: Ord. 19714 § 1; passed Dec. 12, 1972)

**12.06.295 Street Lighting Service – Schedule H-3.**

A. For the purpose of this section, the following definitions apply:

1. “Jurisdiction” shall mean a city, town, county, or other political subdivision of the state of Washington within the Tacoma Power service territory.
2. “Service Point” shall have the same meaning as defined in the Tacoma Power Customer Service Policies (as authorized under TMC 12.06.330), which is the point where the customer’s service conductors are connected to Tacoma Power’s service utility conductors.
3. “Street Lighting Service” shall mean lighting service supplied by Tacoma Power, where Tacoma Power owns the streetlight fixtures and provides power to the Service Point during the duration of the service.
4. “Capital Recovery Period” shall mean the time period over which Tacoma Power will levy a charge equal to the amortized value of the investment cost for the streetlight fixtures. Unless an alternative time period is mutually determined in writing between Tacoma Power and the Jurisdiction, this period will be 15 years. Streetlight fixtures remain the property of Tacoma Power after the Capital Recovery Period unless a Transfer of Ownership Charge has been paid.



5. “Transfer of Ownership Charge” shall mean a charge levied when an unamortized balance remains and the Jurisdiction requests ownership of the fixtures. The charge is determined by costs of equipment, installation, Capital Recovery Period, and Utility Financing Cost minus payments made to date for the specific fixtures.

6. “Termination Charge” shall mean a charge levied when an unamortized balance remains and the Jurisdiction requests termination of Street Lighting Service. The charge is determined by costs of equipment, installation, removal, disposal, Capital Recovery Period, and Utility Financing Cost minus payments made to date for the specific fixtures.

7. “Utility Financing Cost” shall mean the current cost of capital financing to Tacoma Power, as determined solely by Tacoma Power.

**B. Schedule H-3 Availability.**

1. To qualify for Street Lighting Service under the Schedule H-3, the Jurisdiction must agree to convert a minimum of 300 Jurisdiction streetlights.

2. For service under Schedule H-3, a Jurisdiction must submit a request in writing to Tacoma Power. Tacoma Power reserves the right to delay provision of service under Schedule H-3 for up to two years after the request date.

**C. Service Conditions.**

1. Monthly Rate: Rates stated herein are charged per fixture installed.

2. Streetlight Fixtures: Streetlight fixtures provided under the Schedule H-3 are owned by Tacoma Power unless the Transfer of Ownership provisions in this section are completed. Under the Schedule H-3, Tacoma Power will provide replacement streetlight fixtures as fixtures become inoperable.

3. Transfer of Ownership: A Jurisdiction may request in writing to purchase and transfer the ownership of and responsibility for a portion or all of a Jurisdiction’s streetlight fixtures under this Schedule H-3 at any time. Transfer of ownership shall occur after the Jurisdiction has paid a Transfer of Ownership Charge. Until the Transfer of Ownership Charge payment is received by Tacoma Power, the Jurisdiction will be billed and must pay for service under the Schedule H-3. After transfer of ownership, service will be billed under the Schedule H-1 for non-Tacoma Power owned streetlight fixtures.

4. Termination: A Jurisdiction may request in writing to terminate Schedule H-3 Street Lighting Service for a portion or all of Tacoma Power owned streetlight fixtures at any time. In the event of termination, the Jurisdiction shall pay the Termination Charge. Until the Termination Charge payment is received by Tacoma Power, the Jurisdiction will be billed and must pay for service under the Schedule H-3.

5. Fixture Specifications: Tacoma Power will provide fixtures that meet the Jurisdiction Traffic Engineer’s specifications. Tacoma Power may solicit input from the Jurisdiction on other fixture features, requirements, and options but retains final authority for fixture selection and purchase. Tacoma Power will purchase only such lighting fixture options as are directly related to Street Lighting Service. Non-streetlight related options that are determined by Tacoma Power to be compatible with the streetlight fixture are allowed. The Jurisdiction will be solely responsible for installation, operation, maintenance, and all costs associated with non-streetlight related options. The Jurisdiction shall notify Tacoma Power of the type, quantity, location, and energy requirements of all non-streetlight related options installed.

6. Liability: The Jurisdiction is wholly responsible for all illumination engineering to meet roadway lighting specifications and the operation of all non-streetlight related options. By accepting Street Lighting Service under Schedule H-3, the Jurisdiction agrees to hold Tacoma Power harmless from any claim for damages associated with the streetlight fixtures provided under this Schedule H-3.

7. Installation: Tacoma Power may authorize the Jurisdiction to install some or all streetlight fixtures covered under this Schedule H-3. If the Jurisdiction elects to perform such installations, the cost shall be at the expense of the Jurisdiction.

8. Service Point: Schedule H-3 will be available to provide Street Lighting Service to customer Service Points with existing streetlight fixtures only.

9. Poles and Circuits: The Jurisdiction that owns the poles and circuits associated with light service under Schedule H-3 shall be responsible for the appropriate maintenance of said poles and circuits. The Jurisdiction is responsible for the safe operation of the poles, circuits, and light fixtures. Tacoma Power reserves the right to refuse or discontinue service under Schedule H-3 if Tacoma Power determines a pole or circuit is inadequate to provide safe Street Lighting Service. In the event a Schedule H-3 streetlight fixture must be discontinued due to an unsafe condition, the Jurisdiction shall remedy the condition immediately or follow the Termination provision above.

10. Maintenance and Repair: The Jurisdiction is responsible for performing, at its sole expense, all maintenance and repair activities associated with the streetlight fixture provided by Tacoma Power under this Schedule H-3. Maintenance and repair includes, but is not limited to, labor and equipment. In the event a Schedule H-3 streetlight fixture fails, the Jurisdiction shall

return the failed streetlight fixture to Tacoma Power for replacement. If the Jurisdiction damages a streetlight fixture while performing maintenance, the Jurisdiction will be responsible for the cost to repair or replace the streetlight fixture.

11. Energy: Tacoma Power will provide energy for the streetlight fixture up to the Jurisdiction provided Service Point.

12. Additional Rules: Applicable provisions of the Tacoma Municipal Code, General Provisions, and Customer Service Policies governing the sale of electric energy shall apply.

D. Monthly Rates:

The sum of the following energy and capital recovery charges:

1. Energy: Energy charge for lamp installations shall be the monthly rate of the otherwise applicable published rate schedule as set forth in Chapter 12.06.290 Street lighting and traffic signal service.

2. Capital Recovery Charge:

a. For the biennium during which the fixtures shall be installed, the Capital Recovery Charge shall be calculated as follows:

(1) The monthly amount required to achieve full expense recovery from the Jurisdiction over the Capital Recovery Period shall be a net present value calculation based on the Utility Financing Cost and estimated installation cost.

(2) The amount calculated in (1) shall be multiplied by the number of months in the rate period.

(3) The amount in (2) shall be divided by the estimated number of fixture-months to be billed during the rate period.

b. Accounting records shall be kept that record the differences between actual and estimated installation cost, and actual and estimated fixture-months billed. For biennia subsequent to that in which the fixtures are installed, the Capital Recovery Charge shall be calculated as follows:

(1) The amount required to be recovered from the Jurisdiction each month of the Capital Recovery Period shall be a net present value calculation based on the Utility Financing Cost and actual installation cost.

(2) The amount calculated in (1) shall be multiplied by the number of months in the rate period.

(3) The amount in (2) shall be divided by the estimated number of fixture-months to be billed during the rate period.

(4) The amount in (3) shall be adjusted to reflect the difference between actual and estimated expenses and recoveries during the biennium during which the fixtures were installed.

(Ord. 28665 Ex. A-1 and Ex. B-1; passed Mar. 31, 2020: Ord. 28551 Ex. A; passed Nov. 20, 2018: Ord. 28422 Ex. A and Ex. B; passed Apr. 4, 2017)

**12.06.300 Private off-street lighting service – Schedule H-2.<sup>3</sup>**

A. Availability.

Available for outdoor lighting service along private street and roadways, over parking lots, and for general area lighting of private property, but excluding public streets within the City of Tacoma.

B. Character of Service.

1. Lighting under this schedule shall be limited to the hours of darkness when street and highway lights are normally in use. The hours of use shall be regulated by a photoelectric control.

2. Tacoma Power will install, own, and maintain the equipment.

3. Energy will be provided on an unmetered basis.

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<sup>3</sup> Code Reviser's note: See 12.06.300.C.4 for an exception to the effective date of Chapter 12.06.300.

## C. Monthly Rate.

## 1. High Pressure Sodium Lamps:

<b>Lamp Rating (Watts/Lamp)</b>	<b>Type</b>	<b>Rental Charge</b>
100-Watt	Sodium Vapor	\$14.50
200-Watt	Sodium Vapor	\$18.66
400-Watt	Sodium Vapor	\$37.31

## 2. All Other Lamps:

<b>Lamp Rating (Watts-Equivalent/Lamp)</b>	<b>Rental Charge</b>
0-200 Watt Equivalent	\$16.59
201-400 Watt Equivalent	\$37.31
401-800 Watt Equivalent	\$58.05
801-1000 Watt Equivalent	\$78.78
1001-1500 Watt Equivalent	\$99.51

3. Additional Equipment: Fixtures will be installed on existing poles. Additional poles required for a lighting installation may be installed at applicant expense. A maximum of three poles will be allowed at a cost per pole specified in the following table. Ancillary materials will be an additional expense. The customer shall pay the entire installation cost prior to installation.

<b>Effective Date</b>	<b>Cost for Each Additional Pole</b>
April 1, 2023	\$1,120.00
April 1, 2024	\$1,616.00
April 1, 2025	\$2,112.00
April 1, 2026	\$2,608.00
April 1, 2027	\$3,104.00

## 4. Exception: Within the City of University Place.

## (a) High Pressure Sodium Lamps:

<b>Lamp Rating (Watts/Lamp)</b>	<b>Type</b>	<b>Rental Charge</b>
100-Watt	Sodium Vapor	\$15.55
200-Watt	Sodium Vapor	\$20.02
400-Watt	Sodium Vapor	\$40.02

## (b) All Other Lamps:

<b>Lamp Rating (Watts-Equivalent/Lamp)</b>	<b>Rental Charge</b>
0-200 Watt Equivalent	\$17.79
201-400 Watt Equivalent	\$40.02
401-800 Watt Equivalent	\$62.27
801-1000 Watt Equivalent	\$84.50
1001-1500 Watt Equivalent	\$106.74

(c) Additional Equipment: Fixtures will be installed on existing poles. Additional poles required for a lighting installation may be installed at applicant expense. A maximum of three poles will be allowed at a cost per pole specified in the following table. Ancillary materials will be an additional expense. The customer shall pay the entire installation cost prior to installation.

	<b>Cost for Each Additional Pole</b>
2023	\$1,201.33
2024	\$1,733.35
2025	\$2,265.36
2026	\$2,797.38
2027	\$3,329.40

5. Effective January 1, 2021<sup>4</sup>, for customers billed under low-income senior and/or low-income disabled discount residential service, Rate Schedule A-2, a discount will be provided by reducing the monthly bill by 35 percent.

#### D. Service Conditions.

Applicable provisions of the Tacoma Municipal Code, General Provisions, and Customer Service Policies governing the sale of electric energy shall apply.

(Ord. 28847 Ex. A; passed Nov. 22, 2022: Ord. 28737 Exs. B-1 and C-1; passed Mar. 2, 2021: Ord. 28710 Exs. B and C; passed Nov. 24, 2020: Ord. 28665 Ex. A-1 and Ex. B-1; passed Mar. 31, 2020: Ord. 28551 Ex. A; passed Nov. 20, 2018: Ord. 28422 Ex. A and Ex. B; passed Apr. 4, 2017: Ord. 28285 Ex. A; passed Mar. 17, 2015: Ord. 28134 Ex. A and Ex. B; passed Feb. 26, 2013: Ord. 27976 Ex. A and Ex. B; passed Mar. 29, 2011: Ord. 27332 § 8; passed Mar. 22, 2005: Ord. 27058 § 8; passed Mar. 18, 2003: Ord. 26848 § 17; passed Sept. 18, 2001: Ord. 26628 § 1; passed May 16, 2000: Ord. 25681 § 15; passed Mar. 21, 1995: Ord. 25460 § 11; passed Mar. 22, 1994: Ord. 25076 § 8; passed Mar. 24, 1992: Ord. 24584 § 14, passed Mar. 20, 1990: Ord. 24280 § 2; passed Feb. 28, 1989: Ord. 24050 § 12; passed Mar. 29, 1988: Ord. 23372 § 9; passed Apr. 16, 1985: Ord. 22878 § 9; passed Mar. 1, 1983: Ord. 22460 § 10; passed Jul. 7, 1981: Ord. 21105 § 1; passed Jul. 5, 1977: Ord. 20267 § 16; passed Dec. 17, 1974: Ord. 19320 § 2; passed Apr. 6, 1971)

### 12.06.310 Power factor provisions – Schedule P.

#### A. Application.

The provisions of this schedule shall be applicable to all electrical service, unless and until specific arrangements are made in writing with Tacoma Power to the contrary.

#### B. Equipment.

Except for portable equipment of less than three kVA rating and arc furnace loads as set forth in Adjustment Provision C.2 below, all installations of neon, mercury vapor, fluorescent or other gaseous tube lighting, as well as welding transformers, X-ray machines, motors and any other electrical equipment having low power factor characteristics, which are hereafter installed, replaced, relocated, or rearranged, shall include proper equipment to correct the power factor of such installations to not less than 95 percent lagging for each unit or separately controlled group of units, or 90 percent lagging for each separate service whose load primarily consists of an arc furnace(s).

Existing nonconforming electrical installations shall be subject to all provisions of this chapter and the installation of corrective equipment may be required by Tacoma Power.

All power factor corrective equipment installed or operated by the customer shall be so used as to further the objectives of this chapter without causing adverse voltage conditions upon Tacoma Power's system. Tacoma Power shall have the right to require the installation of suitable switching facilities and to disconnect or to refuse to furnish electric energy to any installation that, in the opinion of Tacoma Power, is detrimental to the rendering of satisfactory service to its other customers.

#### C. Adjustment Provisions.

If the average power factor at which electric energy is delivered to the customer during the billing period is 95 percent or more, no adjustment will be made in the customer's billing for that period, unless otherwise provided in written contract.

If such average power factor is less than 95 percent, the customer's billing shall be adjusted as follows:

<sup>4</sup> Code Reviser's note: A scrivener's error related to the effective date of 12.06.300.C.4 was corrected, to reflect an effective date of January 1, 2021.

1. For demand type rate schedules which serve other than arc furnace loads, the measured demand in kilowatts shall be adjusted by multiplying by 0.95 and dividing the result by the average power factor. Such adjusted demands shall then become and thereafter be used as a basis for billing.
2. For demand type rate schedules which serve arc furnace loads, the measured demand in kilowatts shall be adjusted by multiplying by 0.90 and dividing the result by the average power factor. Such adjusted demands shall then become and thereafter be used as a basis for billing.
3. Minimum charges shall be determined on the basis of 1 or 2 above, as applicable.
4. For loads up to 75 kilowatts connected, Tacoma Power may elect not to apply the adjustment provisions herein established.

**D. Minimum and Average Power Factor.**

Unless otherwise specifically agreed, Tacoma Power shall not be obligated to deliver electric energy to the customer at any time at a power factor below 80 percent lagging.

The average power factor (APF) is determined as follows:

1. As determined with a watt-hour meter and a var-hour meter:

$$\text{APF} = \frac{\text{Kilowatt - hours}}{\sqrt{(\text{Kilowatt-hours})^2 + (\text{Reactive Kilovolt Ampere-hours})^2}}$$

The var-hour meters for measurement of reactive power shall be ratcheted to prevent reverse registration.

**E. Service Conditions.**

Applicable provisions of the City Code, General Provisions and Customer Service Policies governing the sale of electric energy shall apply.

(Ord. 26848 § 18; passed Sept. 18, 2001: Ord. 26628 § 1; passed May 16, 2000: Ord. 24050 § 13; passed Mar. 29, 1988: Ord. 23372 § 10; passed Apr. 16, 1985: Ord. 22460 § 11; passed Jul. 7, 1981: Ord. 21917 § 10; passed Dec. 11, 1979: Ord. 19320 § 2; passed Apr. 6, 1971)

**12.06.314 Tax credit – Schedule TC.**

**A. Availability.**

This schedule is a supplemental schedule to all other Light Division electric rate schedules and is applicable to customers on whom the Department is not legally obligated to pay the State of Washington Public Utility Tax and/or any other taxes.

**B. Monthly Rate.**

The sum of all applicable electric rate schedule charges to such customers shall be reduced by an amount equal to the State of Washington Public Utility Tax and/or any other applicable taxes.

The following formula will be used:

Revised Charge = (1 - ST - OT) x (the sum of all applicable electric rate schedule charges)

where: ST = State of Washington Public Utility Tax rate

OT = Any other taxes

(Ord. 26628 § 1; passed May 16, 2000: Ord. 25076 § 9; passed Mar. 24, 1992)

**12.06.315 Repealed by Ord. 27150. Supplemental municipal service – Schedule M.**

(Ord. 27150 § 6; passed Oct. 7, 2003: Ord. 26628 § 1; passed May 16, 2000: Ord. 25460 § 12; passed Mar. 22, 1994: Ord. 24818 § 1; passed Jan. 15, 1991: Ord. 24050 § 14; passed Mar. 29, 1988: Ord. 23877 § 1; passed Jun. 23, 1987)

**12.06.317 Repealed by Ord. 26848. Cost adjustment clause.**

(Ord. 26848 § 19; passed Sept. 18, 2001: Ord. 26628 § 1; passed May 16, 2000: Ord. 25764 § 2; passed Sept. 26, 1995: Ord. 25681 § 16; passed Mar. 21, 1995: Ord. 25460 § 13; passed Mar. 22, 1994: Ord. 25076 § 10; passed Mar. 24, 1992: Ord. 24584 § 15; passed Mar. 20, 1990: Ord. 24050 § 15; passed Mar. 29, 1988)

**12.06.318 *Repealed by Ord. 27227. Power Purchased From Bonneville Power Administration – Cost Adjustment Clause – Schedule PPCAC.***

(Ord. 27227 § 1; passed Apr. 27, 2004: Ord. 27190 § 1; passed Jan. 29, 2004: Ord. 27146 § 1; passed Sep. 30, 2003: Ord. 27058 § 9; passed Mar. 18, 2003)

**12.06.320 Additional rules may be made by director.**

The Director of Utilities may make such rules and regulations governing the operation of this chapter as are not inconsistent with its provisions including monthly billing on designated accounts as may be necessary to effectively administer monthly or bimonthly billing. The Director may grant reasonable adjustments in cases where the terms of this chapter place an injustice upon a customer if after written evidence has been presented to the Department it is shown that irregular circumstances of the customer's load, service and/or conditions warrant such adjustments.

(Ord. 24584 § 16; passed Mar. 20, 1990: Ord. 24050 § 16; passed Mar. 29, 1988: Ord. 19320 § 2; passed Apr. 6, 1971)

**12.06.330 Customer service policies – Additional rules and regulations.**

The Director of Utilities shall promulgate and enforce such customer service policies and related additional rules and regulations which may be deemed necessary from time to time to implement, encourage, and/or facilitate the use of electric energy, pursuant to a Public Utility Board resolution approving the same, copies of which data will be placed on file with the Clerk of the Public Utility Board and made available for information at the Department.

(Ord. 26848 § 20; passed Sept. 18, 2001: Ord. 19320 § 2; passed Apr. 6, 1971)

**12.06.340 Violations – Penalties – Enforcement.**

A. Any person violating any of the provisions relating to the rate schedules, general provisions and customer service policies governing the sale of electric energy shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine in any sum not exceeding \$1,000.00, or imprisonment for a period not to exceed one year or both such fine and imprisonment; and in addition to the penalty hereinabove provided, the service to the premises of any person found guilty of violating these provisions shall be disconnected. The person violating same shall be liable for all damages resulting and for all energy used by reason of such violation.

B. Whenever the Building Inspector or the Health Officer or the Electrical Inspector shall report in writing to the Director that any building is considered as a structure not fit for human habitation, dangerous to human life or unsanitary, the Director may cause the electric service to be discontinued effective with the date of the evacuation or other order and not to be restored until it has been declared by proper authority that the building is in a satisfactory condition for occupancy.

C. Legal enforcement shall be vested in the Police Department of the City and all prosecutions for violations hereof shall originate in the Police Court of the City of Tacoma. The penalties provided herein are in addition to any civil remedy provided at law.

(Ord. 25460 § 14; passed Mar. 22, 1994: Ord. 19320 § 2; passed Apr. 6, 1971)

**12.06.350 Severability.**

If any clause, sentence, paragraph, subdivision, section or part of the provisions relating to the rate schedules, general provisions and customer service policies governing the sale of electric energy shall for any reason be adjudged to be invalid, such judgment shall not affect, impair, or invalidate the remainder of the chapter, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

(Ord. 19320 § 2; passed Apr. 6, 1971)

**12.06.360 *Repealed by Ord. 26848. Temporary surcharge rates.***

(Ord. 26848 § 21; passed Sept. 18, 2001: Ord. 26785 § 1; passed Mar. 13, 2001: Ord. 26762 § 1; passed Dec. 19, 2000)

**12.06.370 Renewable Energy Program.****A. Availability.**

Available to all customers taking permanent retail metered service to purchase qualified alternative energy resources to purchase on a voluntary basis.

**B. Applicability.**

In compliance with RCW 19.29A.090, Tacoma Power is offering its customers the option to purchase Tacoma Power supplied renewable energy credits. Customer participation is strictly on a voluntary basis. Customers may voluntarily begin or terminate their participation at any time by notifying Tacoma Power of their choice.

**C. Rate.**

The Renewable Energy Premium per kWh of renewable energy purchased under this rate schedule is: Renewable Energy Premium: \$0.012000 per kWh

**D. General Provisions.**

Base rates and other terms of electric service shall be governed by the rate schedule under which the customer takes primary services. This Renewable Energy Premium rate does not include electric service or electric power. Charges specified under this Renewable Energy Premium Rate Schedule are in addition to the charges specified in the rate schedule under which the customer takes its primary electricity service. The voluntary Renewable Energy program payments, less the costs of program administration, marketing, and renewable energy education, ("Net Renewable Energy Program Revenue"), will be used to purchase qualified alternative energy resources. Subject to the provisions of the ordinances authorizing issuance of Tacoma Power revenue obligations, Tacoma Power shall make available from its budgeted funds, for the purchase or development of new qualified alternative energy resources, an amount equal to the Net Renewable Energy Program Revenue allocated to existing Tacoma Power qualified alternative energy resources.

(Ord. 28422 Ex. A; passed Apr. 4, 2017)

**12.06.371 Electric Vehicle Fast Charge – Schedule FC. *Effective January 1, 2019 to December 31, 2031.*<sup>5</sup>****A. Definitions.**

The following definitions will apply:

1. Electric Vehicle – A vehicle that uses at least one method of propulsion that is capable of being reenergized by an external source of electricity, is designed to have the capability to drive at a speed of more than 35 miles per hour, and is licensed to drive on state and federal highways.
2. Electric Vehicle Charging Site – A site that hosts the equipment used to deliver electricity to an Electric Vehicle. Hosted equipment must meet all applicable electrical requirements for interconnection and nationally recognized testing laboratory standards.
3. Direct Current (DC) Fast Charger – Electric Vehicle charging equipment with a Direct Current connection that is designed to recharge the battery of an Electric Vehicle.

**B. Availability.**

No more than 25 installations may concurrently participate in this schedule, which will be available for a period of 13 years. Participation in this schedule will be on a first-come, first-served basis.

**C. Applicability.**

Service under this schedule is applicable to non-residential Electric Vehicle Charging Sites supplied through one point of delivery and measured separately from all other commercial loads through one meter. Electric Vehicle Charging Sites must be broadly available to the general public and must include at least one Direct Current (DC) Fast Charger. Ancillary uses, limited to no more than 5 kilovolt amperes (5 kVA) and specifically related to the provision of Electric Vehicle charging (such as lighting), are permitted under this schedule. Actual demand, as determined by Tacoma Power, must not exceed 1 megavolt-amperes (1 MVA).

For customers providing all their own transformation from Tacoma Power's distribution-system voltage, a discount for transformer investment and maintenance will be provided by reducing the monthly bill by 0.8 percent. For customers metered

<sup>5</sup> Code Reviser's Note: Section 12.06.371 is effective from January 1, 2019, through December 31, 2031, per Ord. 28552.

on the primary side of a transformer, a discount for transformer losses will be provided by reducing the monthly bill by 1 percent. These discount percentages are additive, and not compounded.

Unless extended by City Council resolution or ordinance, this schedule will conclude on December 31, 2031. On this date, customers enrolled in Schedule FC will transition their service in accordance with the applicable published rate schedules set forth in Chapter 12.06. Nothing shall prevent the City from adjusting this schedule as it may determine necessary or appropriate.

**D. Monthly Rate:**

The sum of the following energy, delivery, and customer charges:

1. Energy: All energy, measured in kilowatt-hours, charged per kWh at:

all Energy charges of the otherwise applicable published rate schedule set forth in Chapter 12.06 + Energy Adder Discount x Energy Adder.

Where Energy Adder Discount is applied in the year shown:

Effective Year	Energy Adder Discount
2019	1.0
2020	1.0
2021	1.0
2022	0.9
2023	0.8
2024	0.7
2025	0.6
2026	0.5
2027	0.4
2028	0.3
2029	0.2
2030	0.1
2031	0.0

And where Energy Adder is calculated per kWh at:

all applicable Energy charges of Section 12.06.170 + all applicable Delivery charges of Section 12.06.170 - all Energy charges of the otherwise applicable published rate schedule set forth in Chapter 12.06

2. Delivery: All Billing Demand, measured in kilowatts, charged per kW at:

Delivery Charge Discount x all Delivery charges of the otherwise applicable published rate schedule set forth in Chapter 12.06.

Where Delivery Charge Discount is applied in the year shown:

Effective Year	Delivery Charge Discount
2019	0.0
2020	0.0
2021	0.0
2022	0.1
2023	0.2
2024	0.3
2025	0.4
2026	0.5
2027	0.6
2028	0.7
2029	0.8
2030	0.9
2031	1.0



3. Customer Charge: Customer Charge of the otherwise applicable published rate schedule set forth in Chapter 12.06.

E. Billing Demand.

Determined by means of a demand meter, 30-minute interval. The Billing Demand shall be the highest of:

1. The highest measured demand for the month adjusted for power factor; or
2. Sixty percent of the highest measured demand occurring during any of the preceding 11 months after adjustment for power factor.

F. Service Conditions.

1. Upon reasonable notice, customers participating in this schedule shall allow Tacoma Power access to the site in order to inspect, install, maintain, upgrade, replace, or remove Tacoma Power equipment, or to confirm compliance with the applicability conditions set forth hereinabove. If, upon inspection, Tacoma Power discovers any one of the applicability conditions are not met, service will be immediately transferred in accordance with the applicable published rate schedules set forth in Chapter 12.06.

3. Customers participating in this schedule retain the right to cancel service under this rate schedule and transfer to another applicable published rate schedule set forth in Chapter 12.06. The customer may not subsequently elect service under this rate schedule for at least one year after the effective date of cancellation.

4. An Electric Vehicle Charging Site is considered broadly available to the general public for the purposes of eligibility on this rate schedule if it is accessible by any driver. Eligibility and acceptance of a customer for service under this rate schedule is subject to review and approval by Tacoma Power.

G. Reporting and Limitation on Use of Customer Usage Information:

Tacoma Power may publish reports related to this schedule, except when the report would result in publication of information attributable to a single individual customer.

(Ord. 28689 Ex. A; passed Sept. 1, 2020; Ord. 28552 Ex. A; passed Nov. 20, 2018)

**12.06.372 Shore power – Schedule SP.**

A. Applicability.

Service under this schedule is applicable to electric service connections to marine vessels with systems that can accept power from shore rather than use onboard power generation systems while in dock and are metered separately from all other commercial loads. To receive service under this schedule, a customer must execute a Power Service Agreement (Contract) with Tacoma Power which shall, at a minimum, include provisions regarding scheduling and curtailments of loads. Tacoma Power reserves the right to curtail service under this schedule due to maintenance or emergency conditions on the Tacoma Power electrical system.

For customers providing all their own transformation from Tacoma Power's distribution-system voltage, a discount for transformer investment and maintenance will be provided by reducing the monthly bill by 0.8 percent. For customers metered on the primary side of a transformer, a discount for transformer losses will be provided by reducing the monthly bill by 1 percent. These discount percentages are additive, and not compounded.

B. Monthly Rate.

The sum of the following energy supply, delivery, and customer charges:

1. Energy Supply and Delivery: All energy supplied and delivered in kilowatt-hours at \$0.125412 per kWh.
2. Customer Charge: Calculated on a monthly basis, invoiced, and collected pursuant to the applicable customer service policies: \$83.25 per month.

C. Service Conditions.

1. Customer account holders receiving energy under this rate schedule shall be authorized to recover amounts billed under this schedule from third parties without being held to be in violation of Tacoma Municipal Code 12.06.120.

2. Power factor provision applicable.

3. Applicable provisions of the Tacoma Municipal Code, General Provisions, and Customer Service Policies governing the sale of electric energy shall apply.

(Ord. 28847 Ex. A; passed Nov. 22, 2022; Ord. 28708 Exs. A and B; passed Nov. 24, 2020)

**12.06.373 Electrofuel service pilot – Schedule EF.**

**A. Applicability.**

For new loads with power used for the electrochemical production of fuels usable for transportation or electrical energy storage, where a demand meter is installed, and where the customer does not require the use of Tacoma Power's distribution facilities. No more than 65 MW of total load shall be served on this schedule. Unless otherwise extended, this rate schedule shall be closed to new customers in 2030.

**B. Availability.**

Upon the execution of a written Power Service Agreement (Contract) with Tacoma Power, which shall require, among other conditions:

1. Curtailment of the load upon request of Tacoma Power within 10 minutes or less;
2. A maximum number of hours for which Tacoma Power is entitled to curtail load. Such maximum shall be no less than 1,318 hours per year, and Tacoma Power shall reserve the right to elect to curtail for fewer hours;
3. Penalty for failure to curtail load according to Contract requirements;
4. Delivery of power at one primary voltage;
5. Metering at primary voltage but in no case at less than nominal 4,160 volts; and
6. Power factor adjustment to 95 percent lagging or better.

Provisions described above reflect the minimum stringency of Contract terms; additional terms will be added as determined necessary by Tacoma Power.

**C. Monthly Rate.**

The sum of the following volumetric, delivery, and monthly charges:

1. Energy: All energy measured in kilowatt-hours at \$0.033147 per kWh.
2. Delivery: All kilowatts of Billing Demand delivered at \$5.72 per kW.
3. Customer Charge: Calculated on a monthly basis, invoiced, and collected pursuant to the applicable customer service policies: \$7,445.00 per month.

**D. Billing Demand.**

Determined by means of a demand meter, 30-minute interval, reset monthly. The Billing Demand shall be the highest of:

1. The highest measured demand for the month adjusted for power factor, or
2. 60 percent of the highest measured demand occurring during any of the preceding 11 months after adjustment for power factor.

For purposes of the determination of Billing Demand in subsection 2 above, the 11 months of history shall be carried forward from the customer's previous account(s).

**E. Service Conditions.**

1. Power factor provision applicable.
2. Applicable provisions of the Tacoma Municipal Code, General Provisions, and Customer Service Policies governing the sale of electric energy and delivery services shall apply.

(Ord. 28706 Ex. A; passed Nov. 24, 2020)

**12.06.374 Electric Vehicle Public Charging Provided by Tacoma Power – Schedule EVPC.**

**A. Definitions.**

The following definitions will apply:

1. Electric Vehicle – A vehicle that uses at least one method of propulsion that is capable of being reenergized by an external source of electricity.
2. Electric Vehicle Charging Site – A site that hosts the equipment used to deliver electricity to an Electric Vehicle. Hosted equipment must meet all applicable electrical requirements for interconnection and nationally recognized testing laboratory standards.

**B. Availability.**

For Electric Vehicle Charging Sites owned by Tacoma Power.

**C. Applicability.**

Service under this schedule is provided to members of the general public charging Electric Vehicles at Electric Vehicle Charging Sites owned by Tacoma Power.

**D. Charging Rate:**

All energy measured in kilowatt-hours at \$0.21 per kWh.

**E. Reporting and Limitation on Use of Customer Usage Information.**

Tacoma Power may publish reports related to this schedule, except when the report would result in publication of information attributable to a single individual member of the public.

(Ord. 28845 Ex. A; passed Nov. 22, 2022)



## CHAPTER 12.06A ELECTRICAL CODE

### Sections:

- 12.06A.010 Title.
- 12.06A.020 Purpose.
- 12.06A.030 Scope of chapter.
- 12.06A.035 Adoption.
- 12.06A.040 Standards for installations.
- 12.06A.050 Severability.
- 12.06A.060 Enforcement of chapter.
- 12.06A.070 Definitions.
- 12.06A.080 Duties of Chief Electrical Inspector.
- 12.06A.090 Effective date of chapter.
- 12.06A.100 Inspection of new electrical installations.
- 12.06A.110 Inspection of existing electrical installations.
- 12.06A.120 Final inspection and service approval.
- 12.06A.130 Temporary wiring.
- 12.06A.135 *Repealed.*
- 12.06A.140 New electrical installations.
- 12.06A.145 Overhead service drops.
- 12.06A.150 Unlawful to alter existing wiring.
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- 12.06A.270 Penalty and adjustment fee appeals.
- 12.06A.300 Protection of electrical workers.
- 12.06A.350 License requirements.
- 12.06A.360 Appeal process.
- 12.06A.370 Additional rules may be made by Director.
- 12.06A.380 Classification of occupancies and wiring methods.
- 12.06A.400 Violations – Notification – Penalties.

### **12.06A.010 Title.**

This Chapter shall be known as the Electrical Code of the City of Tacoma or alternatively the Tacoma Electrical Code.

(Ord. 28443 Ex. A; passed Aug. 1, 2017)

### **12.06A.020 Purpose.**

The purpose of this Code is the practical safeguarding of persons and property from electrical hazards arising from the use of electricity. This Code contains provisions that are considered necessary for safety. Compliance with this chapter and proper maintenance will result in an installation that is reasonably free from hazard, but not necessarily the most efficient, convenient, or adequate for good service or future expansion of electrical use. Additional guidance for efficient and convenient future expansion of electrical use and systems is found in the National Electric Code (“NEC”).

(Ord. 28443 Ex. A; passed Aug. 1, 2017)

**12.06A.030 Scope of chapter.**

The provisions of this chapter shall apply to all electrical conductors and equipment installed, used, rented, offered for sale, or distributed for use in areas served by the City, by and through its Department of Public Utilities, Light Division, and its franchised entities, except as shown in Article 90.2(B) of the 2020 Edition of the NEC and as such exemptions for installations under the exclusive control of an electric utility may be identified in future published editions of the NEC.

(Ord. 28689 Ex. A: passed Sept. 1, 2020: Ord. 28443 Ex. A; passed Aug. 1, 2017)

**12.06A.035 Adoption.**

A. RCW and WAC adoption and incorporation by reference. Except as otherwise specified in this chapter, the City hereby adopts and incorporates into this chapter, the Tacoma Electrical Code, those provisions of the Revised Code of Washington ("RCW") contained in Chapter 19.28, and the Washington Administrative Code ("WAC"), Chapter 296 46B, that relate to electrical installations including, but not limited to, methods of construction, repair, maintenance, use of materials, and approval of such installations intended to insure the safety of life and property.

B. NEC adoption. Except as otherwise stated herein the City hereby adopts and incorporates into this chapter, the Tacoma Electrical Code, the provisions of the then current edition of the NEC in its entirety. Enforcement of the most current edition of the NEC shall begin June 1<sup>st</sup> of the year in which the latest edition is published.

C. In the event any NEC, RCW or WAC provision adopted pursuant to this section is hereafter amended, said amended provision shall be deemed adopted and incorporated into this chapter as of the effective date of such amendment unless the amended provision establishes standards of electrical installations that are not equal to, higher, or better than that required by any other NEC, RCW or WAC provision then in effect. It is the intent of this section that, except as otherwise expressly required or provided under this chapter, the highest standard of electrical installations specified in the NEC, RCW and/or WAC is adopted and shall be enforced per the Tacoma Electrical Code.

(Ord. 28689 Ex. A: passed Sept. 1, 2020: Ord. 28443 Ex. A; passed Aug. 1, 2017)

**12.06A.040 Standards for installations.**

A. All electrical installations shall be in conformity with the provisions of this Code and with approved electrical standards for safety to life and property. Where no specific standards are prescribed by this Code, conformity with the requirements or rules set forth in the current edition of the NEC, as amended by the WAC, shall be prima facie evidence of conformity with approved standards for safety to life and property. If any requirements or rules in this chapter are found to be not at an equal, higher, or better standard of materials, devices, appliances, and equipment than of those of the WAC, the requirements of the WAC will prevail. The current edition of the NEC shall mean the current edition of the NEC, as adopted by the City in Section 12.06A.035.

B. Additional City requirements applicable to the provisions of this Code are stated in the:

1. Tacoma Power Customer Service Policies, as promulgated or revised from time to time, on file with the Clerk of the Public Utility Board,
2. Tacoma Power Electric Service Handbook, as the same may be amended from time to time by the Light Division Superintendent or his/her designee, on file with Tacoma Power's Electrical Inspection Office, and
3. Tacoma Power Transmission and Distribution Construction Standards, as the same may be amended from time to time by the Light Division Superintendent or his/her designee, on file with Tacoma Power's Electrical Inspection Office.

(Ord. 28443 Ex. A; passed Aug. 1, 2017)

**12.06A.050 Severability.**

If any section, subsection, sentence, clause, or phrase of this chapter is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this chapter. The City Council hereby declares that it would have passed this chapter and each section, sentence, clause, or phrase thereof, irrespective of the fact that any one or more section, subsection, sentence, clause, or phrase be declared unconstitutional.

(Ord. 28443 Ex. A; passed Aug. 1, 2017)

**12.06A.060 Enforcement of chapter.**

The Chief Electrical Inspector of the Light Division of the Department of Public Utilities, hereinafter called the Chief Electrical Inspector, shall be responsible for the enforcement of this chapter.

(Ord. 28443 Ex. A; passed Aug. 1, 2017)

**12.06A.070 Definitions.**

“Building” means the structure, of any type or designation, at which work under the Electrical Permit will be performed and which is located at the Premises identified by site address on the application for the Permit.

“City” means the City of Tacoma, Department of Public Utilities, Light Division, doing business as Tacoma Power.

“Code” means this chapter of the Tacoma Municipal Code.

“Contractor” means the person, firm, or corporation performing the installation of electrical work pursuant to an Electrical Permit and licensed by the State of Washington. Also referred to herein as electrical contractor.

“Electrical Inspection Office” means the office within Tacoma Power charged with administration and enforcement of this Code under the immediate supervision of the Chief Electrical Inspector.

“Electrical Permit” or “Permit” means a fully paid, and neither expired nor terminated permit issued by Tacoma Power.

“Occupying” means moving furnishings, material, merchandise, or persons into a Building or Premises.

“Owner” means the legal owner of the Premises on which electrical work is installed or is to be installed.

“Permit Holder” means the person or entity that applies for and is issued an Electrical Permit. The Permit Holder shall be responsible for full compliance with the requirements of this chapter. When the Permit Holder is not the Owner of the Premises identified in the Permit application, but performs electrical work at the Premises for such Owner, the Permit Holder shall be deemed to be the authorized agent of the Owner for purposes of enforcement of this chapter and, therefore, such Owner shall be responsible for the acts or omissions of the Permit Holder including, but not limited to, correction of Code violations and the payment of fees or penalties arising under the Permit.

“Premises” means real property and all Buildings and other improvements located thereon.

“Service Point” means the point where the customer’s service conductors are connected to Tacoma Power’s service utility conductors.

“Stop Work Order” means a written notice posted by the electrical inspector ordering the electrical work to be suspended until the electrical inspector removes the notice.

(Ord. 28443 Ex. A; passed Aug. 1, 2017)

**12.06A.080 Duties of Chief Electrical Inspector.**

It shall be the duty of the Chief Electrical Inspector to see that the provisions of this chapter are enforced. The Chief Electrical Inspector shall, upon application, issue Permits for the installation or alteration of electrical wiring, devices, appliances, and equipment, and shall make inspections of electrical installations as provided in this chapter. The Chief Electrical Inspector may delegate appropriate inspection and enforcement duties prescribed by this chapter to electrical inspectors, assistants, and other persons duly qualified and regularly employed by the City.

(Ord. 28443 Ex. A; passed Aug. 1, 2017)

**12.06A.090 Effective date of chapter.**

Any electrical work for which a Permit was obtained before the date on which this chapter becomes effective may be installed and completed in accordance with the laws and regulations which were in effect at the time of issuance of any such Permit.

(Ord. 28443 Ex. A; passed Aug. 1, 2017)

**12.06A.100 Inspection of new electrical installations.**

A. Rough-in wiring or installation of electrical equipment not listed for use in wet locations shall only be installed in a structure or area of a structure that is completely free of exposure to the elements.

B. Requests for inspection must be made by the Permit Holder that installed electrical equipment no later than three business days after completion of the electrical/telecommunication installation or one business day after any part of the installation has been energized, whichever occurs first.

C. Electrical wiring shall not be covered or concealed until such wiring has been approved by Tacoma Power's Electrical Inspection Office. Where an electrical installation is covered or concealed before approval, it shall be exposed for inspection. The City shall bear no liability for damages or costs resulting from exposing the electrical installation.

(Ord. 28443 Ex. A; passed Aug. 1, 2017)

#### **12.06A.110 Inspection of existing electrical installations.**

A. The Chief Electrical Inspector is hereby empowered to inspect all existing wiring, appliances, devices, and equipment coming within the scope of this chapter. When the installation of any such wiring, appliance, device, or equipment is determined to be in a dangerous or unsafe condition, the person, firm, or corporation owning, using, or operating the same shall be notified and shall make the necessary repairs or changes required to place such wiring, appliances, devices, or equipment in a safe condition, and have such work completed within 48 hours after notification thereof, or within such further reasonable time as may be allowed by Tacoma Power upon request.

B. The Chief Electrical Inspector is hereby empowered to disconnect or order the discontinuance of electrical service to such conductors or apparatus found to be in a dangerous or unsafe condition, or to have been installed without a Permit. He or she shall thereupon attach a notice, which states that such conductors or apparatus have been disconnected due to violation of the provisions of this chapter. It shall be unlawful to remove a notice of disconnect or to reconnect electrical equipment to an electrical power source without authorization from the Chief Electrical Inspector. Any person removing the notice, or reconnecting the equipment or wiring before approval to do so has been given, will be subject to the penalties outlined in this chapter.

C. Abandoned conductors, conduits, and electrical equipment shall be removed from structures unless it is de energized, supported, capped, and enclosed or terminated by an acceptable method and tagged "For Future Use" at every accessible location.

(Ord. 28443 Ex. A; passed Aug. 1, 2017)

#### **12.06A.120 Final inspection and service approval.**

A. Final inspections are required on all Buildings before occupancy. Each unit of a multiple occupancy Building or complex must have a separate final electrical inspection approval before it is occupied. The Permit Holder is required to request a final inspection at the time the electrical installation is completed. A Permit Holder not complying with the requirements of this section shall be subject to the penalties outlined in this chapter.

B. Final approval will not be given until all fees owed on the project or Permit(s) are paid. When all fees are paid, and the electrical installation is complete and in compliance with this chapter the electrical inspector will sign and/or post a final inspection approval notice. Building permits requiring an electrical inspector's signed approval shall be posted in a conspicuous location.

C. The Chief Electrical Inspector is hereby authorized to disconnect any electrical installation or equipment which has been connected before the approval for service has been given. He or she shall thereupon attach a notice which shall state that the wiring or apparatus has been disconnected due to violation of the provisions of this chapter. Any person removing the notice, or reconnecting the equipment or wiring before approval to do so has been given, will be subject to the penalties outlined in this chapter.

(Ord. 28443 Ex. A; passed Aug. 1, 2017)

#### **12.06A.130 Temporary wiring.**

Limited use of electricity for emergency or construction purposes may be granted. An Electrical Permit must be purchased and inspection approval must be given before energizing the electrical installation, except as provided in this chapter. Emergency installations shall be limited to a 30-day period. Temporary wiring for construction use is limited to the duration of construction. All use of electricity shall be metered.

(Ord. 28443 Ex. A; passed Aug. 1, 2017)

#### **12.06A.135 Repealed by Ord. 28846. Metering installations and labeling.**

(Ord. 28846 Ex. A; passed Nov. 22, 2022; Ord. 28443 Ex. A; passed Aug. 1, 2017)



**12.06A.140 New electrical installations.**

All new or altered services, feeders, circuits, circuit extensions, and installations must meet requirements of this chapter.

(Ord. 28443 Ex. A; passed Aug. 1, 2017)

**12.06A.145 Overhead service drops.**

Overhead service drop clearances are the Owner's responsibility. These clearances must be free of any vegetation obstructions as further specified in the Tacoma Power Electric Service Handbook.

(Ord. 28443 Ex. A; passed Aug. 1, 2017)

**12.06A.150 Unlawful to alter existing wiring.**

It shall be unlawful for any person to alter in any way any electrical wiring, or to permit such electrical wiring to be altered, unless done in conformity with the provisions of this chapter.

(Ord. 28443 Ex. A; passed Aug. 1, 2017)

**12.06A.155 Variance from Code requirements.**

A variance from the electrical installation requirements of this chapter may be granted by the Chief Electrical Inspector when it is assured that equivalent objectives can be achieved by establishing and maintaining effective safety. The variance request must be made in writing by the Permit Holder or designer, using a form provided by Tacoma Power's Electrical Inspection Office. A variance which has been granted shall be for a specific site and time and will not be considered as a precedent for other installations. All variances must be granted in writing.

(Ord. 28443 Ex. A; passed Aug. 1, 2017)

**12.06A.160 Move-on housing.**

In addition to the requirements of WAC 296 46B-010, any structure which has been moved shall have its service upgraded to meet the requirements of this chapter and the NEC. Kitchen, bath, and laundry circuits shall comply with the NEC. AFCI protection, in compliance with the NEC, will be required, on all bedroom circuits.

(Ord. 28443 Ex. A; passed Aug. 1, 2017)

**12.06A.170 Fusing and equipment protection.**

Fusing and equipment protection shall be in compliance with NEC Article 240.

(Ord. 28443 Ex. A; passed Aug. 1, 2017)

**12.06A.180 Explanation of chapter requirements.**

A Tacoma Power electrical inspector may answer relevant questions concerning interpretation or application of adopted regulations and rules outlined in this Code. No electrical inspector shall lay out work or act in the capacity of an electrical installation consultant.

(Ord. 28443 Ex. A; passed Aug. 1, 2017)

**12.06A.190 Right of entry.**

A Tacoma Power electrical inspector shall have the right to enter any and all Buildings and Premises which contain electrical wiring or apparatus, at any reasonable hour, for the purpose of inspecting or testing the installation of electrical wiring, electrical devices, and/or electric materials to determine Code compliance. Consent to such entry and inspection is a condition of continued electrical service.

(Ord. 28443 Ex. A; passed Aug. 1, 2017)

**12.06A.200 Non-liability of City for damages.**

This chapter shall not be construed to alter the responsibility or liability of any person owning, designing, operating, controlling, or installing any electrical wires, appliances, apparatus, construction, or equipment for damages to persons or property caused by a defect therein, nor shall the City, or any employee or agent thereof, be held as assuming any such

liability by reason of the inspection or other examination authorized herein or the notice of approval issued by the electrical inspector.

(Ord. 28443 Ex. A; passed Aug. 1, 2017)

#### **12.06A.210 Permits required.**

An Electrical Permit shall be applied for and purchased before electrical equipment may be installed, altered, or repaired. An Electrical Permit is required for the installation, alteration, or maintenance of all electrical systems or equipment, including, but not limited to, when removal of a Tacoma Power owned electric meter is necessary to perform any electrical work.

Exceptions:

- A. Like-in-kind replacement of a contactor, relay, timer, starter, electronic circuit board, or similar control component, household appliance, circuit breaker, fuse, residential luminaire, lamp, snap switch, dimmer, receptacle outlet, thermostat, heating element, luminaire ballast with an exact same ballast, component(s) of electric signs, outline lighting, skeleton lighting or skeleton neon tubing where the electrical system is not modified, 10 horsepower or smaller motor;
- B. Induction detection loops described in WAC 296-46B-300(2) and used to control gate access devices;
- C. Heat cable repair; and
- D. Embedding pre-manufactured heat mats in tile grout where the mat is listed by an approved testing laboratory and comes from the manufacturer with pre-connected lead-in conductors. All listing marks and lead-in conductor labels must be left intact and visible for evaluation and inspection by the installing electrician and the electrical inspector.

(Ord. 28443 Ex. A; passed Aug. 1, 2017)

#### **12.06A.220 Permits and inspections.**

- A. An Electrical Permit application shall be filled in completely and accurately before it will be accepted by Tacoma Power's Electrical Inspection Office. An application for an Electrical Permit signed by an electrical contractor or its representative shall serve as a certification by the electrical contractor, made under penalty of perjury, that said Contractor is the duly authorized agent of the Premises Owner where the electrical work is to be performed.
- B. Electrical Permits shall expire one year after the date of issue or one year after the most recent inspection, whichever is later. The re-issuance of a Permit, if granted, may require additional fees.
- C. The scheduling and timing of inspections shall be according to provisions set forth in the Tacoma Power Electric Service Handbook.
- D. The Permit Holder is responsible for providing or arranging access to the work to be inspected.
- E. The inspection site address shall be clearly visible from the street.
- F. Electrical Code violations identified by the electrical inspector shall be posted at the work location. Violations shall be corrected within 15 days of notification unless a written request for extension is granted by the Chief Electrical Inspector.
- G. Electrical Permits shall be required for each Building at which electrical work will be performed.
- H. Electrical Permits are transferable, provided the original scope of work for the Permit has not changed and there has been no electrical work or inspection activity. The Permit transferee must present a statement and authorizing signature of approval from the Permit transferor. The transfer must take place at Tacoma Power's Electrical Inspection Office within one year of the original Permit issuance.
- I. Electrical Permits may be canceled by the Permit Holder. Upon such cancellation, Permit Holder shall be refunded the Electrical Permit fee prorated based on prior inspection activity, and less an administrative process fee. Tacoma Power may cancel an Electrical Permit if it determines the Permit Holder is not qualified to perform the Permitted work.

(Ord. 28443 Ex. A; passed Aug. 1, 2017)

#### **12.06A.230 Permit to owner – conditions.**

A. Electrical permits to perform electrical work on a new or existing Building owned by the Permit applicant and not intended for rent, sale, or lease may be issued to the applicant, provided that:

- 1. The applicant provides documentation that he or she is the Owner of the Building where electrical work is to be performed, such as a copy of a deed, along with evidence of identity;

2. The applicant signs the permit application affirming the Building where the electrical work is to be performed is not for rent, sale or lease at the time of Permit application and that he or she does not intend to rent, sell or lease all or any part of the Building for at least twenty-four months after the final electrical inspection;
  3. If the Building where the electrical work is to be performed is used as a residence by any person other than the applicant at the time of Permit application, or will be so used at any time during the twenty-four months following final electrical inspection, the applicant further affirms their residence at such Building and his or her intent to reside therein for at least two years after final inspection; and
  4. The electrical work shall be done by the applicant and he or she, as well as any person(s) who gave assistance with the electrical installation, must be present during all inspections.
- B. If it is apparent from the character of electrical work performed by or with the knowledge of the Owner, whether performed prior to or after Permit issuance, that the Owner and/or person assisting the Owner are not qualified to do the work under the Permit applied for or issued, an electrical inspector may require the work that is in violation of this chapter be changed, altered, or repaired by a licensed electrical contractor.

(Ord. 28846 Ex. A; passed Nov. 22, 2022; Ord. 28443 Ex. A; passed Aug. 1, 2017)

#### **12.06A.240 Filing of drawings and specifications.**

- A. A completed plan review application shall be submitted with information required to complete the review process including, but not limited to, documentation specified in the Plan Review Application Instructions. Submitted plans for projects identified in subsection (B)(1) and (2) of this Section shall be in accordance with WAC 296 46B 900 and must be stamped by a Professional Electrical Engineer registered with the State of Washington.
- B. Electrical Permit applicants are required to submit electrical plans, load calculations, and specifications for work to be performed on:
1. Schools, hospitals, institutions, and other projects as specified in the WAC;
  2. All systems that have emergency generators (NEC Articles 517, 700, 701);
  3. Downtown network services and feeders over 200 amps;
  4. Systems operating over 600 volts;
  5. Commercial and industrial services greater than 400 amps;
  6. Commercial projects with a scope that covers more than 2,500 square feet; or
  7. Residential services and feeders over 400 amps;
- C. Electrical plans must be submitted to Tacoma Power's Electrical Inspection Office for review, giving sufficient time to complete the review prior to beginning electrical construction. A Tacoma Power approved set of drawings must be on the job site for the electrical inspector's use. No inspection will be performed unless the approved plans are on the job site or special written permission is granted by the Chief Electrical Inspector or his designee. Where inspections are performed by Tacoma Power prior to plan approval, electrical materials or equipment may be required to be re-installed to meet the requirements of this chapter once plan review is complete. Electrical service will not be provided unless approved plans are on site and the electrical service equipment installation is approved.
- D. Plan review fees are included in the commercial Permit fees. When no Permit has been purchased and the project has been canceled, or excessive time is required to review plans submitted with incomplete information or extensive errors, a fee of \$80 per hour will be charged. Shipping and handling fees of \$25 will be charged on all plans requested to be mailed back to the submitter.

(Ord. 28689 Ex. A; passed Sept. 1, 2020; Ord. 28443 Ex. A; passed Aug. 1, 2017)

#### **12.06A.250 Permit fees.**

Current standard fees for connecting electrical services to the Tacoma Power system, as well as the Permit fees and any penalties previously assessed, must be paid before an Electrical Permit application will be processed. The Permit applicant is responsible to arrange for payment. Permit applications for which insufficient or no payment has been received will not be processed. Unpaid Permit applications will be discarded by Tacoma Power if payment has not been received within 10 business days of receipt of application. Unless otherwise noted, when multiple inspections are required, the Permit fee shall not be less than \$55 per 1/2 hour of inspection time. No inspection will be performed until the Permit application process is completed.

Current standard fees for Electrical Permits and inspections by Tacoma Power are as follows:

**A. Residential.**

1. Table A. Single-family dwelling and mobile home services, service changes, service upgrades, and solar photovoltaic (PV) system fees are set forth in Table A below, and include branch circuit wiring from the service(s) or feeder(s). All wiring by the same Permit Holder on single family dwellings of 400 amps/4000 sq. ft. or less is included under the fees from Table A unless otherwise noted below.

TABLE A			
Service/PV System/Feeder Ampacity and Square Footage	Permit Fees		
	Column 1	Column 2	Column 3
	Overhead Service or PV installation - up to 2 trips	Underground to Pole and Underground Service or PV installations with underground wiring - up to 4 trips	Feeder Only up to 2 trips
1-200A and up to 2500 sq. ft.	\$110	\$220	\$90
Up to 400A or up to 4000 sq. ft.	\$165	\$275	\$100
Over 400A or over 4000 sq. ft.	Use TABLE B		

2. Branch circuit alterations and repairs. The fee for 1 to 4 new circuits, circuit extensions, or alterations where the service or feeder is not modified, increased, relocated, or replaced..... \$65

Use Table A if service or feeder work is included.

Each additional circuit..... \$7

Fee includes two inspections.

3. Service and PV system alterations and repairs. Minor alterations and repairs to an electrical service or PV system, including, but not limited to, the repair or replacement of one of the following: service mast, service entrance conductors, weather head, service attachment bracket, meter socket, main breaker, PV array, production meter socket, or other service/PV system components..... \$55

Use Table A Column 1 if more than one item listed above is altered or replaced, or if service panel, PV AC disconnect, or utility disconnect is repaired or replaced in combination with any of the above listed items.

Use Table A Column 2 if underground work is part of the repair or replacement work described above.

Fee includes one inspection.

**4. Hardwired low voltage.**

Single-family Dwellings—Fees for low voltage control panels and devices, such as fire alarm systems, data systems, intrusion alarms, HVAC systems, thermostats, and similar systems..... \$55

Fee includes one inspection.

5. Temporary services 1-200 amps single phase ..... \$55

Fee includes one inspection.

Temporary services over 200 amps or three phase and systems with feeders ..... Table B

Temporary services are permitted for use up to 90 days or the duration of a permitted construction project.

6. Residential swimming pool (In addition to any other fees listed). ..... \$165

Fee includes three inspections.

7. Generator transfer panel and equipment..... \$75

Fee includes one inspection.

**B. Commercial and industrial.**

1. Table B. The Permit fee for all commercial and industrial work, multifamily dwelling installations, and single family dwellings exceeding 400 amps or 4000 square feet shall be derived from Table B. Proof of electrical work value must be

submitted at the time of application. Proof may be established by presenting a signed contract or a priced itemization of the work to be performed. The electrical work value shall be the reasonably documented value of all labor, material, fittings, apparatus, and the like, whether actually paid for or not, supplied by the Permit Holder and/or installed by the Permit Holder as a part of, or in connection with, a complete electrical system, but which does not include the cost of utilizing equipment connected to the electrical system. If a signed contract or other substantial proof of value is not submitted at the time of Permit application, the value may be established by Tacoma Power's Electrical Inspection Office using modern construction cost-estimating techniques. If the reported work value is determined by Tacoma Power's electrical inspection office to be significantly less than what was reported at the time the Permit was purchased, the Permit fee amount will be increased to reflect the corrected actual value and a charge for the time to determine such value will be assessed to the Permit fee. A fee adjustment shall be made for all change orders and field changes that increase the value. All fees must be paid before final electrical inspection approval of the project.

TABLE B	
Value of Electrical Construction	Permit Fees
\$0-\$1,000	\$105 for the first \$1,000 or fraction thereof.
\$1,001-\$5,000	\$105 for the first \$1,000 plus \$4.20 for each additional \$100 or fraction thereof.
\$5,001-\$50,000	\$273 for the first \$5,000 plus \$2.10 for each additional \$100 or fraction thereof.
\$50,001-\$100,000	\$1,218 for the first \$50,000 plus \$1.55 for each additional \$100 or fraction thereof.
\$100,001-\$250,000	\$1,993 for the first \$100,000 plus \$9.45 for each additional \$1,000 or fraction thereof.
\$250,001-\$500,000	\$3,410.50 for the first \$250,000 plus \$8.40 for each additional \$1,000 or fraction thereof.
\$500,001-\$750,000	\$5,510.50 for the first \$500,000 plus \$7.35 for each additional \$1,000 or fraction thereof.
\$750,001-\$1,000,000	\$7,348 for the first \$750,000 plus \$6.30 for each additional \$1,000 or fraction thereof.
\$1,000,001-\$2,000,000	\$8,923 for the first \$1,000,000 plus \$5.75 for each additional \$1,000 or fraction thereof.
\$2,000,001-\$3,000,000	\$14,673 for the first \$2,000,000 plus \$5.25 for each additional \$1,000 or fraction thereof.
\$3,000,001-\$4,000,000	\$19,923 for the first \$3,000,000 plus \$4.70 for each additional \$1,000 or fraction thereof.
\$4,000,001-\$5,000,000	\$24,623 for the first \$4,000,000 plus \$4.20 for each additional \$1,000 or fraction thereof.
\$5,000,001-\$50,000,000	\$28,823 for the first \$5,000,000 plus \$3.65 for each additional \$1,000 or fraction thereof.
\$50,000,001-\$100,000,000	\$193,073 for the first \$50,000,000 plus \$3.15 for each additional \$1,000 or fraction thereof.
\$100,000,001 and up	\$350,573 for the first \$100,000,000 plus \$2.60 for each additional \$1,000 or fraction thereof.

2. Lighting retrofit projects limited to the exchange of fixtures and/or ballasts.

Minimum fee per 5,000 sq. ft. of Building..... \$110

Each additional 1,000 sq. ft. or fraction of ..... \$11

3. Traffic signals.

Traffic signal and street lighting service only

(If street lighting is inspected by authorized cities or WSDOT) ..... \$110

All others..... Table B

4. Signs.

Each sign or first field installed neon transformer ..... \$55

Each additional sign or field installed neon transformer ..... \$20

Fee includes one inspection.

5. Carnival, circus, fair, trade shows, or similar events.

First ten of rides, generators, concessions, gaming shows, displays, or booths ..... \$130

Each additional..... \$7

C. Hardwired low voltage – Commercial/Industrial.

Fees for low voltage control panels and devices, such as fire alarm systems, data systems, intrusion alarms, HVAC systems, thermostats, communication systems, emergency control systems, and similar systems are as follows:

Minimum fee per 10,000 sq. ft. of Building..... \$110

Each additional 1,000 sq. ft. or fraction of ..... \$11

#### D. Overtime:

Overtime inspections including, but not limited to, call outs, weekend inspections, and after hours work must be scheduled with Tacoma Power's Electrical Inspection Office a minimum of three business days in advance. In addition to the regular Permit fee, a fee for an overtime inspection is required as follows:

1. **Unscheduled:** Outside of an electrical inspector's regular working hours, the minimum fee for an inspection shall be \$660 for the first two hours, portal to portal, plus \$220 for each hour thereafter. The fee must be paid the next business day.
2. **Scheduled:** Outside of an electrical inspector's regular working hours, the minimum fee for an inspection shall be \$440 for the first two hours, portal to portal, plus \$220 for each hour thereafter. The fee of \$440 must be paid 48 hours in advance of the scheduled inspection, and any remaining fee must be paid the next business day.
3. Requested inspections that extend beyond the electrical inspector's regular working hours shall be at the minimum rate of \$160 per hour, portal to portal.

#### E. Annual Permit.

Pursuant to section 12.06A.350, annual Permits are available to commercial and industrial customers employing their own electrical maintenance staff. An annual Permit may be purchased in lieu of individual Permits for maintenance on each job performed. Annual Permits may be purchased by an electrical contractor to perform maintenance work at a commercial and industrial location if, at the time of application, a valid copy of the electrical contractor's yearly maintenance contract with the customer is submitted to Tacoma Power and the term and nature of work under such contract is consistent, as determined in the sole discretion of Tacoma Power, with the term and purpose of the annual Permit. Applications for annual Permits submitted without proof of required employment status or a valid maintenance contract will not be accepted. Work performed under an annual Permit is limited to the installation of not more than two new feeders or circuits rated 100 amps or less, and the maintenance, repair, retrofit, or replacement of conductors and equipment. Annual Permits do not include the installation of new, exchanged, or upgraded service equipment, electrical work installed as part of new or added square footage, facility expansion, remodel, or where, except as noted above, load is increased. The annual Permit fee is calculated per Table C.

TABLE C	
Number of one-hour Inspection units	Fee
12	\$1,320
13-24	\$2,460
25-36	\$3,960
37-52	\$5,720

#### F. Miscellaneous fees.

##### 1. Wrong meter address or location.

A Permit is required to correct or inspect incorrect meter addressing by the Owner or Owner's agent ..... \$55 per 1/2 hour

Overtime rates may apply.

##### 2. Miscellaneous inspection (other).....\$55 per 1/2 hour

##### 3. Variance.

A processing fee for granting an electrical installation as outlined in Section 12.06A.155 of this chapter..... \$140

##### 4. Required inspection on services off for one year or more..... \$55

Fee includes one inspection.

An additional Permit, fees, and inspections may be required if electrical deficiencies exist on the Premises.

(Ord. 28846 Ex. A; passed Nov. 22, 2022: Ord. 28689 Ex. A: passed Sept. 1, 2020: Ord. 28443 Ex. A; passed Aug. 1, 2017)

**12.06A.260 Penalty fees and fee adjustments.**

The following-described penalties may be assessed, or the described fee adjustments may be determined appropriate, by order of the Chief Electrical Inspector:

- A. Trip fee (per trip) when permit holder notifies Electrical Inspections Office that work is ready for inspection when it is not, ..... \$55
  - B. The Permit Holder gives an incorrect inspection site address ..... \$55
  - C. Inspections required as a result of carelessness, neglect, faulty workmanship, or materials ..... \$55
  - D. Failing to complete corrections within 15 days as required by this chapter ..... \$55
  - E. Removal of Stop Work Order ..... \$55
  - F. Tampering with Stop Work Order penalty fee ..... \$55
  - G. Occupying a Building, living unit, or business space without final electrical approval ..... \$275
  - H. Work performed without a Permit ..... 4X regular Permit fee
- This provision does not pertain to emergency work where a permit is purchased the next business day.
- I. Failure to provide or arrange access for requested inspection ..... \$55
  - J. Late charge for nonpayment of penalty fees ..... \$25
  - K. Permit cancellation administrative process fee ..... \$55

(Ord. 28846 Ex. A; passed Nov. 22, 2022; Ord. 28443 Ex. A; passed Aug. 1, 2017)

**12.06A.270 Penalty and adjustment fee appeals.**

Penalty and Permit adjustment fees are due at the time of assessment unless the assessed party makes an appeal to the Chief Electrical Inspector within 15 business days pursuant to Section 12.06A.360. If payment or appeal is not made within the 15 days, an additional \$25 late fee will be assessed and inspection activity will be stopped until the fee and late charges are paid.

(Ord. 28443 Ex. A; passed Aug. 1, 2017)

**12.06A.300 Protection of electrical workers.**

All clearances per the State of Washington rules contained in WAC 296-155-428 must be maintained while working around overhead electrical lines.

(Ord. 28443 Ex. A; passed Aug. 1, 2017)

**12.06A.350 License requirements.**

A. Subject to subsections B and C, and except as otherwise provided in RCW 19.28.091 or in section 12.06A.230, no person or entity shall in any manner undertake to perform any electrical work involving the installation, maintenance, alteration, or repair of any electrical wiring, devices, appliances, or equipment for which a Permit is required by this chapter unless such person or entity has an unrevoked, unsuspended, and unexpired electrical contractors license issued by the State of Washington.

B. Employers with employee(s) that perform electrical work are exempt from the license requirements of this section, provided that:

1. The work performed is on the employer's Premises or other property; and
2. The work is not on the construction or remodel of a Building or other property intended for rent, sale, or lease.

C. Employees performing electrical work on the Premises or other property of their employer are exempt from the license requirements of this section, provided that:

1. The work is not on the construction or remodel of a Building or property intended for rent, sale, or lease; and
2. The employee performing the work is a regular, full time employee of the Owner of such Building or property.

D. A licensed electrical contractor will be required to perform any electrical work for, or on behalf of, any person or entity that does not satisfy the licensing requirements of this section. If it is apparent from the character of the work performed that the person or entity performing work under any exemption in this section is not qualified to do the work under the Permit issued, or that the work is otherwise in violation of this chapter, an electrical inspector may require the work to be changed, altered, or repaired by a licensed electrical contractor.

(Ord. 28443 Ex. A; passed Aug. 1, 2017)

#### **12.06A.360 Appeal process.**

A. Any decision of an electrical inspector regarding the requirements of, or fees and penalties imposed under this chapter, may be appealed in writing to the Chief Electrical Inspector. The appeal must be made within 15 business days of the initial decision. The Chief Electrical Inspector shall respond in writing within ten business days.

B. Any decision of the Chief Electrical Inspector may be appealed to the Light Division Superintendent or his/her designee. The appeal must be made in writing and within ten business days of the Chief Electrical Inspector's decision. The Light Division Superintendent or his/her designee shall make a decision on the appeal request within a reasonable time, which decision shall be in writing. Except for criminal and civil penalties imposed pursuant to section 12.06A.400 of this chapter, the written decision of the Light Division Superintendent or his/her designee is final and conclusive unless appropriate legal action is filed with the Pierce County Superior Court within 30 days of the issuance of said decision.

(Ord. 28443 Ex. A; passed Aug. 1, 2017)

#### **12.06A.370 Additional rules may be made by Director.**

The Director of Utilities may make such rules and regulations governing the operation of this chapter as are not inconsistent with its provisions. The Director may grant reasonable minor adjustments in cases where the terms of this chapter place an injustice upon a customer if after written evidence has been presented to the Director it is shown that irregular circumstances of the customer's load, service and/or other conditions warrant such adjustment.

(Ord. 28443 Ex. A; passed Aug. 1, 2017)

#### **12.06A.380 Classification of occupancies and wiring methods.**

A. An entire service upgrade shall not be required when only replacing a meter base, or mast, or panel, unless the load requirement is greater than the rating of the existing service and/or specific electrical safety concerns associated with said equipment are detected.

B. Service entrance conductors for commercial occupancies shall have an ampacity not less than the rating of the service equipment they supply. For multiple-dwelling occupancies, the minimum service conductor ampacity shall not be less than the calculated service load.

C. Commissioning of all new Emergency Legally Required Standby, and/or Health Care systems fed by a 150 kw or larger generator shall be in compliance with NEC Sections 700, 701 and 517, respectively. A copy of the commissioning report shall be presented to the electrical inspector prior to the final electrical inspection.

D. Customer-owned systems that are metered at 12.5 kV or higher, known as primary metered systems, shall be installed as outlined in NEC 215.2(B)(3) and Tacoma Power's Transmission & Distribution Construction Standards. Such systems must be designed and certified by a Washington State Registered Electrical Engineer and reviewed by Tacoma Power's Electrical Inspection Office. These systems must be tested per manufacturers' published instructions and certified as free of short circuits and ground faults prior to approval for energizing.

E. Each newly constructed or remodeled dwelling unit, as defined in NEC 100, shall be independently metered by Tacoma Power.

(Ord. 28846 Ex. A; passed Nov. 22, 2022; Ord. 28689 Ex. A; passed Sept. 1, 2020; Ord. 28443 Ex. A; passed Aug. 1, 2017)

#### **12.06A.400 Violations – Notification – Penalties.**

A. Any person, firm, or corporation that violates, disobeys, neglects, or refuses to comply with or resists or opposes the enforcement of any of the provisions of this chapter, or who persists in Occupying any building or structure, and/or maintaining operation of any equipment or appliances, in which the electrical wiring has been declared to be in violation of this chapter, after having been notified of such violation, shall be guilty of a misdemeanor and upon conviction thereof, shall be punishable by a fine not to exceed \$1,000, together with the cost of prosecution, or by imprisonment of not more than 90 days, or by both such fine and imprisonment. Each day such violation, disobedience, neglect, or refusal continues after



notification of violation shall be deemed a separate offense and shall be subject to the penalty of this section. Such person, firm, or corporation shall be deemed to have been duly notified by posting of notification on the premises, equipment, or appliances by the electrical inspector or by the sealing out of the service, of circuits, of equipment, and/or of appliances by the electrical inspector, or by notification in writing by the electrical inspector, mailed to the Owner and/or occupant at the Premises involved.

B. At the option of the City, in lieu of proceeding with criminal sanctions, violations of this chapter may result in a civil penalty of up to \$1,000 for each violation. A civil penalty may be imposed by written notice issued by the Chief Electrical Inspector or his or her designated assistant. The civil penalty shall be paid prior to final approval of the premises involved. Appeals of the civil penalty may be made by a party or firm adversely affected by filing a notice of appeal with the City Hearing Examiner within ten days of receipt of the notice of civil penalty. The decision of the Hearing Examiner is final and conclusive, and is only subject to review by the Pierce County Superior Court by filing appropriate legal action within 30 days of the issuance of the Hearing Examiner's final decision. If such fine or civil penalty remains unpaid more than 60 days after said amount has been imposed and all appeals thereof have been exhausted, or the time has expired for an appeal, then said amount may be transferred to the electric utility bill account for said person or firm, and the remedies for collection for electric utility shall apply.

(Ord. 28443 Ex. A; passed Aug. 1, 2017)



**CHAPTER 12.07**  
**ELECTRIC ENERGY – INTERCHANGE OF SURPLUS POWER**

## Sections:

- 12.07.010 Authority to interchange surplus power or energy. Effective April 11, 2011.  
 12.07.020 *Repealed.*  
 12.07.030 *Repealed.*  
 12.07.100 Pricing telecommunications services.  
 12.07.101 *Repealed.*

**12.07.010 Authority to interchange surplus power or energy. Effective April 11, 2011.**

The Superintendent of the Light Division of the Department of Public Utilities, with the approval of the Director of Utilities, is hereby authorized to sell, purchase, exchange or interchange surplus electric power or energy as approved by the Public Utility Board subject to the limitations imposed by state and federal law.

(Ord. 27976 Ex. A; passed Mar. 29, 2011: Ord. 25052 § 1; passed Feb. 4, 1992: Ord. 20381 § 1; passed Mar. 25, 1975: Ord. 15746 § 1; passed Dec. 3, 1956)

**12.07.020 *Repealed by Ord. 27976.* Load factoring rates.**

(Ord. 27976 Ex. A; passed Mar. 29, 2011: Ord. 20381 § 2; passed Mar. 25, 1975: Ord. 15746 § 2; passed Dec. 3, 1956)

**12.07.030 *Repealed by Ord. 27976.* Surplus power or energy rates.**

(Ord. 27976 Ex. A; passed Mar. 29, 2011: Ord. 20381 § 3; passed Mar. 25, 1975: Ord. 15746 § 3; passed Dec. 3, 1956)

**12.07.100 Pricing telecommunications services.<sup>1</sup>**

A. The pricing for Telecommunications products and services shall be set forth on a Rate Card which shall delineate the various prices for each category or tier of service, special or premium services (movie channels), and range of pricing for pay-per-view and special event programming, plus any connection charge services, if applicable. The pricing set forth on the Rate Card, and any changes to the prices set forth in the Rate Card, require the approval of the Public Utility Board and City Council as set forth in section B below.

B. The Public Utility Board and City Council may adopt the Telecommunications products and services pricing Rate Card by resolution or ordinance; provided, however, that any such resolution approval by the City Council shall be followed, within 90 days, by a Rate Card pricing ordinance.

C. The Public Utility Board and City Council approved Rate Card pricing for premium channels, pay-per-view and special event programming may be discounted or repackaged by the Director, provided such action results in a total combined pricing no higher than that set forth on the Rate Card.

D. Nothing herein prohibits the Public Utility Board from initiating and implementing pricing changes, subject to approval by the City Council as authorized by the City Charter.

(Ord. 26269 § 1; passed Jul. 14, 1998)

**12.07.101 Terms of agreement. *Repealed by Ord. 25052.***

(Ord. 25052 § 1; passed Feb 4, 1992: Ord. 17281; passed Mar. 13, 1963)

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<sup>1</sup> Code Reviser's Note: Section 12.07.100 used to be entitled Agreement authorized and was repealed by Ord. 25052.



**CHAPTER 12.08*****REPEALED AND REENACTED BY******SUBCHAPTERS 12.08A, 12.08B, 12.08C, AND 12.08D***

*Repealed and Reenacted by Ord. 28761, effective July 1, 2021.*

*(Previous legislation: Ord. 28761 § 1; passed May 25, 2021: Ord. 28733 Ex. A; passed Jan. 12, 2021: Ord. 28704 Ex. A; passed Nov. 24, 2020: Ord. 28547 Ex. A; passed Nov. 20, 2018: Ord. 28392 Ex. A; passed Nov. 22, 2016: Ord. 28371 Ex. A; passed Jul. 26, 2016: Ord. 28330 Ex. D; passed Nov. 24, 2015: Ord. 28261 Ex. A; passed Dec. 9, 2014: Ord. 28128 Ex. A; passed Feb. 12, 2012: Ord. 28093 Ex. E; passed Oct. 16, 2012: Ord. 27978 Ex. A; passed Apr. 26, 2011: Ord. 27968 Ex. A; passed Feb. 1, 2011: Ord. 27960 Ex. A; passed Dec. 14, 2010: Ord. 27948 Ex. A, B; passed Nov. 16, 2010: Ord. 27934 Ex. A; passed Sept. 28, 2010: Ord. 27901 Ex. A; passed Jun. 29, 2010: Ord. 27881 Ex. A; passed Mar. 30, 2010: Ord. 27857 Ex. A; passed Dec. 8, 2009: Ord. 27765 Ex. A; passed Dec. 9, 2008: Ord. 27749 Ex. A; passed Oct. 21, 2008: Ord. 27649 Ex. A; passed Oct. 23, 2007: Ord. 27554 § 1, 2, 3, 4, 5, 6, 7, 8; passed Dec. 5, 2006: Ord. 27538 § 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 30, 31; passed Oct. 24, 2006: Ord. 27503 § 1; passed Jun. 27, 2006: Ord. 27372 § 1, 2; passed Jun. 21, 2005: Ord. 27363 § 1; passed Jun. 7, 2005: Ord. 27285 § 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19; passed Nov. 2, 2004: Ord. 27138 § 1; passed Sep. 9, 2003: Ord. 27095 § 1; passed Jun. 10, 2003: Ord. 27047 § 1; passed Feb. 25, 2003: Ord. 27003 § 1, 2, 3, 4, 5, 6, 7, 8, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23; passed Nov. 19, 2002: Ord. 26888 § 1, 2, 3, 4, 5, 6, 7; passed Dec. 4, 2001: Ord. 26729 § 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16; passed Nov. 7, 2000: Ord. 26526 § 1, 2, 3, 4, 5, 6, 7, 8, 9; passed Nov. 30, 1999: Ord. 26338 § 1, 2, 3, 4, 5, 6, 7, 8, 9; passed Dec. 8, 1998: Ord. 25979 § 1, 2, 3, 4, 5, 6, 7, 8, 9; passed Nov. 19, 1996: Ord. 25802 § 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20; passed Dec. 5, 1995: Ord. 25659 § 1, 2, 3, 4, 5, 6, 7, 8, 9, 10; passed Jan. 24, 1995: Ord. 25587 § 1, 2, 3, 4, 5, 6, 7, 8, 9, 11, 12, 13, 14, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41; passed Sept. 20, 1994: Ord. 25521 § 1, 2, 3, 4, 5, 6, 7; passed Jun. 7, 1994: Ord. 25317 § 1, 2, 3, 4, 5; passed Jun. 8, 1993: Ord. 24962 § 2; passed Aug. 13, 1991: Ord. 24879 § 1, 2, 3, 4, 6, 7, 8, 9, 11, 12, 13, 14, 15, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29; passed May 21, 1991: Ord. 24307 § 1, 2, 3, 4, 5, 6, 7; passed Mar. 7, 1989: Ord. 24049 § 1, 2, 3, 4, 5, 6; passed Mar. 29, 1988: Ord. 23968 § 1; passed Nov. 3, 1987: Ord. 23793 § 1, 2, 3, 4, 5; passed Mar. 3, 1987: Ord. 23792 § 1; passed Mar. 3, 1987: Ord. 23574 § 1, 2, 3, 4, 5; passed Mar. 4, 1986: Ord. 23337 § 4; passed Sept. 10, 1985: Ord. 23309 § 1, 2, 3, 4, 5, 6, 7; passed Dec. 18, 1984: Ord. 23240 § 1; passed Aug. 28, 1984)*



## SUBCHAPTER 12.08A

### GENERAL ADMINISTRATION<sup>1</sup>

#### Sections:

- 12.08A.010 Administration – general authority.
- 12.08A.020 Defined terms.
- 12.08A.030 Promulgation and publication of rules.
- 12.08A.040 Delegation of authority.
- 12.08A.050 Exercise of discretion.
- 12.08A.060 Incorporation of statutes and regulations by reference.
- 12.08A.070 Liability - duty.
- 12.08A.080 No special benefit.
- 12.08A.090 References in Tacoma municipal code.
- 12.08A.100 Plan review, approvals, and permits.
- 12.08A.110 Contracts with the state, sewer or water districts and other jurisdictions.
- 12.08A.120 Environmental services conservation loan program.
- 12.08A.130 Utility reimbursement agreements; wastewater and stormwater utility improvements.
- 12.08A.140 Appeals of decisions and determinations.

#### **12.08A.010 Administration – general authority.**

The control authority is authorized to administer, implement, and enforce the provisions of TMC Chapters 12.08A, 12.08B, 12.08C and 12.08D in accordance with the authority granted therein.

(Ord. 28761 Ex. A; passed May 25, 2021)

#### **12.08A.020 Defined terms.**

For the purposes of this chapter, terms used in this chapter that are defined in TMC Chapters 12.08B, 12.08C or 12.08D, shall be given the same meaning as those terms are given in each such chapter.

(Ord. 28761 Ex. A; passed May 25, 2021)

#### **12.08A.030 Promulgation and publication of rules.**

##### A. Purpose.

The purpose of this section is to establish the administrative process for promulgation and publication of policies, procedures, guidance, requirements, and manuals, and amendments and supplements thereto, intended to implement, supplement, interpret or guide compliance with the requirements of TMC Chapters 12.08A, 12.08B, 12.08C and 12.08D.

##### B. When Effective.

A policy, procedure, guidance, requirement, or manual, or an amendment or supplement thereto, intended to implement, supplement, interpret or guide compliance with the requirements of TMC Chapters 12.08A, 12.08B, 12.08C or 12.08D, shall be effective upon the effective date set forth therein or, if not set forth therein, the date the Director's signature is affixed thereto.

##### C. Format.

The Director shall promulgate requirements regarding the printed or electronic format, style and arrangement for those policies, procedures, guidance, requirements, and manuals, and amendments and supplements thereto, to be promulgated by the Director.

##### D. Publication.

The Director shall promulgate procedures ensuring that true and correct copies of all policies, procedures, guidance, requirements, and manuals, and amendments and supplements thereto, as promulgated by the Director, are made available to the public.

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<sup>1</sup> Chapter 12.08 was repealed and reenacted by subchapters 12.08A, 12.08B, 12.08C, and 12.08D, per Ord. 28761, passed May 25, 2021, eff. Jul. 1, 2021.

(Ord. 28761 Ex. A; passed May 25, 2021)

#### **12.08A.040 Delegation of authority.**

The Director is authorized to promulgate, implement, amend, supplement and enforce such policies, procedures, requirements, and manuals, and to issue such guidance, as are reasonable and necessary to implement and ensure compliance with TMC Chapters 12.08A, 12.08B, 12.08C and 12.08D; provided that, such policies, procedures, requirements, guidance, and manuals shall not be inconsistent with the provisions of TMC Chapters 12.08A, 12.08B, 12.08C and 12.08D, the City's pretreatment program, the City's wastewater NPDES permits, the City's municipal stormwater NPDES permit, the City's Stormwater Management Program policies and procedures, the SWMM, and applicable federal and state laws and regulations. Any such policy, procedure, guidance, requirement, or manual promulgated by the Director, and any amendments or supplements made thereto, shall be made available to the public in accordance with TMC 12.08A.030. The Director may delegate authority to enforce the provisions of TMC Chapters 12.08A, 12.08B, 12.08C and 12.08D to such person or persons as the Director may designate from time to time.

(Ord. 28761 Ex. A; passed May 25, 2021)

#### **12.08A.050 Exercise of discretion.**

Discretionary authority granted pursuant to the provisions of TMC Chapters 12.08A, 12.08B, 12.08C or 12.08D shall be exercised in a reasonable manner and consistent with the purpose, scope, and intent of TMC Chapters 12.08A, 12.08B, 12.08C and 12.08D and the provisions thereof granting such authority.

(Ord. 28761 Ex. A; passed May 25, 2021)

#### **12.08A.060 Incorporation of statutes and regulations by reference.**

Except as may be otherwise provided therein, and when not inconsistent with the context, a reference in TMC Chapters 12.08A, 12.08B, 12.08C or 12.08D to a federal or state statute or regulation, or section thereof, which requires compliance with the same or which defines a term, phrase or word, shall operate to incorporate such statute or regulation, or section thereof, and any subsequent amendments thereto, by reference as though fully set forth in each such chapter. If a specific provision of law or regulation referred to in TMC Chapters 12.08A, 12.08B, 12.08C or 12.08D shall be renumbered, re-codified, or amended, then the reference shall be read to refer to the renumbered, re-codified, or amended provision.

(Ord. 28761 Ex. A; passed May 25, 2021)

#### **12.08A.070 Liability – Duty.**

While TMC Chapters 12.08A, 12.08B, 12.08C and 12.08D authorize the City of Tacoma and its officials, officers, employees and agents to administer the foregoing chapters, such authorization shall not be construed as placing responsibility for compliance, or as creating any duty, on the part of the City or any City official, officer, employee or agent to any particular case or to any particular person or class of persons. TMC Chapters 12.08A, 12.08B, 12.08C and 12.08D shall be enforced for the health, safety and welfare of the general public, and not for the benefit of any particular person or class of persons. Nothing contained in TMC Chapters 12.08A, 12.08B, 12.08C and 12.08D is intended, nor shall be construed, to create or form the basis of any liability on the part of the City, its officials, officers, employees or agents, for any injury or damage resulting from any act or omission on the part of the City, its officials, officers, employees or agents.

(Ord. 28761 Ex. A; passed May 25, 2021)

#### **12.08A.080 No special benefit.**

TMC Chapters 12.08A, 12.08B, 12.08C and 12.08D do not create or otherwise establish or designate any particular class or group of persons who will or should be specially protected or benefited by the provisions of this chapter.

(Ord. 28761 Ex. A; passed May 25, 2021)

#### **12.08A.090 References in Tacoma Municipal Code.**

A. Any reference in the Tacoma Municipal Code to TMC Chapter 12.08 shall, as applicable, mean and refer to one or more of the following: TMC Chapters 12.08A; 12.08B; 12.08C; or 12.08D.

B. Any reference in the Tacoma Municipal Code to the "City of Tacoma stormwater management manual," "City of Tacoma stormwater manual," "stormwater management manual," or "SWWM," shall, unless the context indicates a different meaning should apply, mean and refer to the stormwater management manual as that term is defined at TMC 12.08D.040.



C. Any reference to the term “surface water” in the Tacoma Municipal Code shall mean and refer to stormwater, unless the term surface water has been given a defined meaning in the chapter or title where the term “surface water” is used, e.g., TMC Chapters 13.01, 13.06 and 13.11, or the context indicates a different meaning should apply.

(Ord. 28761 Ex. A; passed May 25, 2021)

**12.08A.100 Plan review, approvals, and permits.**

Permits and approvals for activities or projects regulated under TMC Chapters 12.08B, 12.08C and 12.08D may be issued pursuant to the applicable sections of the above referenced chapters, Titles 2 and 13 of the Tacoma Municipal Code, and other relevant and applicable provisions of the Tacoma Municipal Code. Prior to the commencement of any activities or projects regulated pursuant to TMC Chapters 12.08B, 12.08C, or 12.08D, plans shall be submitted to the appropriate City department for its review and approval under the applicable sections of the above referenced chapters, Titles 2 and 13 of the Tacoma Municipal Code, and other relevant and applicable provisions of the Tacoma Municipal Code. All applicable permits and approvals shall be obtained for such activities and projects prior to commencing such activities or projects. Plans shall comply with all applicable provisions of TMC Chapters 12.08B, 12.08C and 12.08D, including required mitigation actions. Approvals and permits granted under TMC Chapters 12.08B, 12.08C and 12.08D shall not have the effect of waiving the requirements of any other laws and regulations, nor do they indicate compliance with any other laws and regulations. Persons conducting activities or projects regulated under TMC Chapters 12.08B, 12.08C and 12.08D shall comply with all applicable federal and state laws and regulations, and local ordinances including requirements and procedures promulgated under authority of this chapter and TMC Chapters 12.08B, 12.08C and 12.08D.

(Ord. 28761 Ex. A; passed May 25, 2021)

**12.08A.110 Contracts with the state, sewer or water districts and other jurisdictions.**

**A. Contracts to Discharge to POTW.**

Whenever the control authority determines that adequate capacity exists in the POTW, the City may if requested, contract with the state, or other jurisdiction to allow for the discharge of wastewater or stormwater into the POTW upon such terms and conditions, including the payment of all applicable charges established by ordinance or resolution of the City Council, and for such periods of time as the control authority deems reasonable. Except for discharges of limited duration, agreements with the state and other jurisdictions entered into pursuant to this section may be governed by the Interlocal Cooperation Act, Chapter 39.34 RCW, and shall include terms and conditions the control authority deems appropriate to govern such discharges. The City may contract with other jurisdictions to discharge wastewater or stormwater into public sewer systems located outside the Tacoma city limits when the control authority determines it is beneficial for the City to do so.

**B. Contracts to discharge to municipal stormwater system.**

Whenever, in the view of the control authority, the municipal stormwater system has adequate capacity, the City may enter into an agreement with the state, or another jurisdiction for the discharge of stormwater into the City’s municipal stormwater system from any state property or right-of-way, or property or right-of-way located within another local jurisdiction. Except for discharges covered under a special approved discharge permit, agreements with other jurisdictions to discharge stormwater into the City’s municipal stormwater system may be governed by the Interlocal Cooperation Act, Chapter 39.34 RCW, and shall include terms and conditions the control authority deems appropriate to govern such discharges.

(Ord. 28761 Ex. A; passed May 25, 2021)

**12.08A.120 Environmental services conservation loan program.**

There is established in the City a program to be known as the “Environmental Services Conservation Loan Program” (“Program”). The Treasurer of the City is hereby authorized to transfer sufficient funds from the Wastewater Management or Surface Water Management Fund, as appropriate, to the Conservation Loan Fund in order to make loans for wastewater service or stormwater management purposes. Disbursement of funds from the Conservation Loan Fund shall be made in the manner as provided by law.

Moneys allocated to the Conservation Loan Fund are to be used exclusively to provide loans for City of Tacoma wastewater service or stormwater service customers to purchase and install materials and equipment that help conserve conveyance and treatment capacity in the City’s municipal stormwater or sanitary sewer system and/or reduce pollution in discharges to the wastewater treatment plants or receiving waters. Except as otherwise provided by law, loans shall be secured by a lien against the benefited property or a security interest in the equipment benefited, and the Conservation Loan Fund shall be sustained by borrower payments, which shall include reasonable interest. The Director shall determine, promulgate and administer the policies, procedures and operation of the Program. The Director is authorized to implement any and all remedies to collect the

payments for the loans, which may include foreclosure of the liens and/or security interests, as well as terminating water service to the premises.

(Ord. 28761 Ex. A; passed May 25, 2021)

### **12.08A.130 Utility reimbursement agreements; wastewater and stormwater utility improvements.**

#### **A. Purpose.**

This section describes requirements for entering into utility reimbursement agreements pursuant to RCW Chapter 35.91 (Municipal Water and Sewer Facilities Act); provided that, nothing herein is intended to prohibit the City from establishing an assessment reimbursement area pursuant to the provisions of RCW 35.91.060. In the event of a conflict between a provision, term or condition of this section and RCW Chapter 35.91, the provision, term or condition of RCW Chapter 35.91 shall control to the extent of the conflict.

#### **B. Definitions.**

As used in this section, the terms listed below shall be defined as follows:

“Administrative costs” means and refers to those fees that are reasonable and proportionate to the total expense incurred by the City to comply with the provisions of TMC 12.08A.130.

“Applicant” means and refers to any eligible owner of real property submitting a request to the City for improvements that the property owner elects to install solely at the owner’s expense.

“Benefitted property(ies)” means and refers to those parcels of real property located in the utility reimbursement area that benefit from the improvements; provided that, such improvements are subject to a valid utility reimbursement agreement.

“Cost of construction” means and refers to those costs incurred for design, acquisition for right-of-way and/or easements, construction, materials, and installation required in order to create an improvement which complies with City standards. Until such time as RCW Chapter 35.91 is amended to expressly authorize inclusion of interest charges or other financing costs, such expenses shall not be included in the calculation of construction costs. In the event of a disagreement between the City and the applicant concerning the cost of the improvement, the Control authority’s determination shall be final.

“Improvement(s)” means and refers to all sanitary sewer and stormwater facility improvements and appurtenances required by the City to be constructed or improved as a prerequisite to development of applicant’s property and that provide benefits to properties within the utility reimbursement area.

“Project” means and refers to the proposed development of the real property subject to the utility reimbursement agreement for which the improvements are required as a prerequisite to development.

“Utility reimbursement agreement” means and refers to a written contract between the City and the applicant providing for partial reimbursement by owners of benefitted property to the applicant for the applicant’s construction of the improvements.

“Utility reimbursement area” means and refers to the area consisting of the benefitted properties.

“Sanitary Sewer and stormwater facilities” shall have the same meaning as given under RCW Chapter 35.91 as it now reads or as hereafter amended.

#### **C. Eligibility.**

The following requirements must be met for an owner of real property to be eligible for a utility reimbursement agreement:

1. Construction of the improvements must be a prerequisite under the Tacoma Municipal Code to further development of the real property;
2. The application must be submitted prior to project approval for the improvements;
3. The improvements must be located within the City municipal boundary, or in Pierce County within ten miles of the City municipal boundary;
4. The application fees must be paid; and
5. A completed application must be filed with the control authority.

#### **D. Application.**

An application for a utility reimbursement agreement shall be made on a form provided by the City. Applications submitted to the City shall include the following attachments:

1. Preliminary utility design drawings;
2. Itemized estimate of construction costs prepared and signed by a licensed civil engineer or in the form of a bid submitted by a qualified contractor (if more than one bid has been obtained, all bids must be submitted to the City);
3. A scaled vicinity drawing, stamped by a licensed civil engineer or licensed land surveyor depicting the improvements and their location and the proposed benefited area, including dimensions and county assessor's numbers for each tax parcel, size of parcels, and evaluations where necessary for determining benefits;
4. The proposed list of benefitted properties stating the proposed reimbursement amount;
5. A complete list of record owners of benefitted property certified as complete and accurate by the applicant and which states names, mailing addresses and Tax parcel numbers for each such owner;
6. Envelopes addressed to each of the record owners of benefitted property who have not contributed their pro rata share of such costs. Proper postage for certified mail shall be affixed or provided;
7. A separate legal description for each parcel of benefitted property;
8. Such other information as the control authority determines is necessary to properly review the application; and
9. An application fee determined by the Director to recover the City's administrative costs to process the application.

**E. Length of Reimbursement Provision.**

No utility reimbursement agreement shall provide for a reimbursement period longer than twenty (20) years from the date of final acceptance of the improvements by the City unless an extension is granted as provided under RCW Chapter 35.91.

**F. Control Authority's Determination.**

1. The control authority shall review all complete applications and shall approve the application only if the following requirements are met:
  - a. The project satisfies the minimum project requirements that apply pursuant to TMC Chapter 12.08B, 12.08C and 12.08D and the applicable development regulations including those set forth at TMC Chapters 2, 9, 10, and 13, and applicable City standards;
  - b. The proposed improvements fall within the description of sanitary sewer or stormwater facilities, as those terms are defined at RCW Chapter 35.91;
  - c. The application was made prior to project approval for the improvements; and
  - d. The proposed improvements are consistent with the Comprehensive Plan of the City of Tacoma as adopted and updated pursuant to RCW Ch. 36.70A.
2. In the event all of the above criteria are not satisfied, the control authority may condition approval, as necessary, in order for the application to conform to such criteria, or shall deny the application. The final determination of the control authority shall be in writing.

**G. Determination of utility reimbursement area boundary and reimbursement fee.**

In the case of all approved applications, the control authority shall define the utility reimbursement area based upon a determination of the benefitted properties that did not contribute to the original cost of the improvements and which may subsequently tap into or use the same, including not only those which may connect directly thereto, but also those who may connect to laterals, branches, or pump stations connecting thereto. The control authority shall for each benefitted property, determine the pro-rata share of the estimated and final construction costs so that each benefitted property will be assessed a utility reimbursement fee for a share of the costs of the improvements that is proportional to the benefits accruing to each such benefitted property. The utility reimbursement fee shall be calculated by dividing the area of the benefitted property being connected to the improvement by the overall area that is benefited by the improvements; this amount shall be multiplied by the cost of construction of the improvements.

**H. Utility reimbursement agreement must be recorded.**

A utility reimbursement agreement shall not be effective until it is recorded with the office of the Office of the Pierce County Auditor. It shall be the sole responsibility of the beneficiary of the utility reimbursement agreement to record the utility reimbursement agreement and provide a copy of the recorded utility reimbursement agreement, with the Auditor's recording number, to the control authority.

**I. Written agreement—city payment of city costs in excess of application fee.**

1. Upon approval of the application, determination of the estimated cost of construction, the utility reimbursement area, and estimated administrative costs by the control authority, the Applicant shall sign a utility reimbursement agreement in the form supplied by the City. The signed agreement, the application, and supporting documents, together with the control authority's estimate of the cost of construction and determination of utility reimbursement area and estimated administrative costs shall be drawn into a written agreement between the City and the applicant.

2. In the event that costs incurred by the City for engineering or other professional consultant services required in processing the application exceed the amount of the application fee, execution of the agreement shall be conditioned upon receipt of payment by the applicant of an additional amount sufficient to compensate the City for its costs in excess of the application fee.

3. The utility reimbursement agreement shall include, but is not limited to, the following as a condition precedent to applicant's connection of the improvements to the City's sanitary sewer system:

a. A condition that the improvements will be constructed in accordance with plans and specifications approved by the City;

b. A condition that the applicant will be in full compliance with applicant's obligations under the utility reimbursement agreement and with the City's applicable development regulations;

c. A condition that, upon the City's inspection and approval, all right, title and interest in and to the improvements shall be transferred without cost to the City, by warranty bill of sale with terms and conditions approved by the control authority;

d. A condition that applicant provide sufficient security, as reasonably determined by the control authority, (e.g. a performance and payment bond and a two-year maintenance bond), to ensure completion of the improvements and performance of other obligations of applicant under the utility reimbursement agreement;

e. A condition that applicant shall reimburse the control authority for the City's costs associated with the improvements, including engineering, legal and administrative costs;

f. A condition providing that the control authority shall have the right to verify and approve all contracts and costs related to the improvements;

g. A condition that the property owner entitled to reimbursement under the utility reimbursement agreement, provide the City, every two years, with information regarding the current name, address, and telephone number of the person that originally entered into the utility reimbursement agreement; that if the property owner fails to comply with such notification requirements within sixty days of the specified time, the City may collect any reimbursement funds owed to the property owner under the contract; and, the funds collected shall be deposited in the capital fund of the City sanitary sewer and stormwater utilities;

h. A warranty that the applicant is the owner of the real property subject to development;

i. A condition that, within 120 days of the completion of the improvements and acceptance by the City, the applicant shall submit to the City the documentation and declaration as required pursuant to subsection TMC 12.08A.130(J)(1);

j. A condition that the utility reimbursement fees will be adjusted to reflect the total costs of the improvements; and

k. A condition that the utility reimbursement agreement shall not be effective until it is recorded with the Office of the Pierce County Auditor.

J. Construction and acceptance of improvement—recording of final fees.

1. After the utility reimbursement agreement has been signed by both parties and all necessary permits, approvals and easements have been obtained, the applicant shall construct the improvements and, upon completion, request final inspection and acceptance of the improvements by the City, subject to any required obligation to repair defects. A warranty bill of sale, easement, and any other document needed to convey the improvements to the City free and clear of any and all encumbrances and to ensure right of access for maintenance and replacement, shall be provided in a form and content approved by the City Attorney, or designee. Applicant shall, within one hundred and twenty days of completion of the improvement(s), submit documentation of the actual costs of the improvements to the City together with a declaration under oath by the applicant that all of such costs are true and correct costs of the improvements and have been paid.

2. The control authority shall recalculate the utility reimbursement fees and shall cause a revised list of utility reimbursement fees to be recorded with the Office of the Pierce County Auditor.

K. Notice to property owners.

Prior to execution of any contract with the City establishing a utility reimbursement agreement, the control authority, shall provide notice, via certified mail, to all record owners of benefitted properties, as defined by the City on the basis of information and material supplied by the applicant, stating the preliminary boundaries of the utility reimbursement area and

estimate utility reimbursement fees along with substantially the following statement: “As a property owner within the utility reimbursement area, whose preliminary boundaries are enclosed with this notice, you or your heirs and assigns will be obligated to pay, under certain circumstances, a pro rata share of construction and contract administration costs of the certain sanitary sewer or stormwater utility project that has been preliminarily determined to benefit your property. The preliminary determination of such pro rata share is also enclosed with this notice. You or your heirs and assigns shall be required to pay said pro rata share, based upon actual project costs, before any development permits are issued for development on your property within 20 years of the date that a contract establishing such area is recorded with the Office of the Pierce County Auditor, provided your development would have required similar sanitary sewer or stormwater utility improvements as a condition of approval. You have the right to request a hearing before the Director within twenty (20) days of the date of this notice. All such requests shall be made in writing and filed with the City Clerk. After the utility reimbursement agreement has been recorded, it shall be binding on all owners of record of benefitted properties who are not a party to the utility reimbursement agreement.” The hearing may be held open until after the applicant has submitted to the City its declaration of the total cost of the improvements.

**L. Collection of reimbursement fees.**

1. Within 15 days of the biennial anniversary of execution of the utility reimbursement agreement, the applicant shall provide the City with the current name and mailing address of the owners of the benefitted property and the current mailing address of the original applicant and for any new owner, as applicable.
2. Subsequent to the recording of a utility reimbursement agreement, the City shall not permit connection of any benefitted property to any sanitary sewer or stormwater facility constructed pursuant to the utility reimbursement agreement, unless the share of the costs of such facilities required by the recorded agreement is first paid to the City.
3. Upon receipt of any utility reimbursement fees, the City shall deduct a 15 percent administrative fee to recover its administrative costs and remit the balance of the utility reimbursement fees to the party entitled to the fees pursuant to the utility reimbursement agreement. In the event that, through error, the City fails to collect a required reimbursement fee prior to approval of connection to a sanitary sewer or stormwater facility, the City shall make diligent efforts to collect such fee, but shall under no circumstances be obligated to make payment to the applicant entitled to reimbursement, or in any other way be liable to such party, unless such reimbursement fee has actually been paid to the City.

**M. Segregation of reimbursement fees.**

The utility reimbursement agreement shall provide that the City is authorized to make segregation or adjustments to reimbursement fees because of subdivision or boundary line adjustment of the benefitted properties. The segregation or adjustment shall generally be made in accordance with the method used to establish the original reimbursement fees. Segregation or adjustment shall not increase or decrease the total reimbursement fees to be paid.

**N. Disposition of undeliverable reimbursement fees.**

In the event that, after reasonable effort, the party to which the reimbursement fees are to be paid, pursuant to a utility reimbursement agreement, cannot be located and upon the expiration of one hundred eighty (180) days from the date the fees were collected by the City, the fees shall become the property of the City and shall be revenue to the City’s sanitary sewer and stormwater utilities.

**O. Rights and nonliability of the City.**

The City reserves the right to enter into any utility reimbursement agreement or to reject any application thereof. All applications for a utility reimbursement agreement shall be made on the basis that the applicant releases and waives any claims for any liability of the City in establishment and enforcement of utility reimbursement agreements. The City shall not be responsible for locating any beneficiary or survivor entitled to benefits by or through utility reimbursement agreements.

**P. City funding.**

As an alternative to financing projects under this section solely by owners of real estate, the City may join the financing of improvement projects and may be reimbursed in the same manner as in the owners of real estate to participate in the projects, if the City has specified the conditions of its participation in an ordinance. As another alternative, the City may create a utility reimbursement area on its own initiative, without the participation of a private property owner, finance the cost of the stormwater or sanitary sewer utility improvements, and become the sole beneficiary of the reimbursements that are contributed. The City may be reimbursed only for the cost of the improvements that benefit that portion of the public who will use the improvements within the utility reimbursement area established pursuant to this section. No City costs for the improvement that benefits the general public may be reimbursed.

**Q. Control authority’s action.**

If any owner of benefitted property submits a request for a hearing to the City Clerk in writing within twenty (20) days of the mailing of the property owner notification, a hearing shall be held before the Director, notice of which shall be given to all affected owners of benefitted property in addition to the regular notice requirements specified by this code, the cost of which shall be borne by the applicant. At the hearing, the Director shall take testimony from affected property owners and make a final determination of the area boundaries, the amount of assessments, length of time for which reimbursement shall be required, and shall authorize the execution of appropriate documents. The Director may hold the hearing record open until after the applicant has submitted to the control authority its declaration of the total cost of the improvements. The Director's ruling of these matters at the conclusion of the hearing is determinative and final, and is subject to administrative appeal to the Hearing Examiner pursuant to TMC 12.08A.140. An appeal of the decision of the Hearing Examiner must be filed within 21 days of issuance of the Hearing Examiner's final decision. If no hearing is timely requested, the control authority may consider and take final determinative action on these matters.

(Ord. 28761 Ex. A; passed May 25, 2021)

#### **12.08A.140 Appeals of decisions and determinations.**

A. The term decision or determination as used in this section shall mean and refer to a discretionary decision made by the control authority under authority of TMC Chapter 12.08A, 12.08B, 12.08C or 12.08D, but shall not mean or refer to, (1) the promulgation or publication of policies, procedures, guidelines, requirements, or manuals intended to implement, supplement, interpret or guide compliance with the requirements of TMC Chapters 12.08A, 12.08B, 12.08C or 12.08D, or (2) enforcement actions taken pursuant to TMC Chapters 12.08B, 12.08C or 12.08D. Appeals of enforcement actions are governed by TMC Chapter 1.82.

B. Appeals of decisions or determinations made by the control authority pursuant to TMC Chapter 12.08A, 12.08B, 12.08C or 12.08D are governed by the following provisions.

1. Any person aggrieved or adversely affected by a decision or determination made by the control authority under authority of TMC Chapter 12.08A, 12.08B, 12.08C or 12.08D, who wants to contest such decision or determination, shall file a written appeal with the Hearing Examiner setting forth the errors of law or fact alleged to have been made, and request a hearing within thirty (30) days of receipt of such final decision or determination.
2. The Hearing Examiner shall conduct a hearing in the appeal of a decision or determination by the control authority pursuant to the requirements of TMC 1.23, and the City of Tacoma Office of Hearing Examiner Rules of Procedure for Hearing.
3. The burden of proof in such hearings shall be governed by TMC 1.23.070.C.
4. In exercising such powers of review, the Hearing Examiner may, in conformity with the applicable provisions of TMC Chapter 12.08A, 12.08B, 12.08C or 12.08D, reverse or affirm the control authority's decision or determination in whole or in part, or may modify the decision or determination and make such order as appears just to the Hearing Examiner.
5. A person is aggrieved or adversely affected within the meaning of this section only when all three of the following conditions are present:
  - a. The decision or determination of the control authority has prejudiced or is likely to prejudice that person;
  - b. That person's asserted interests are among those that the control authority was required to consider when it engaged in the decision or determination challenged; and
  - c. A judgment in favor of that person would substantially eliminate or redress the prejudice to that person caused or likely to be caused by the decision or determination of the control authority.

(Ord. 28761 Ex. A; passed May 25, 2021)

## SUBCHAPTER 12.08B USE OF SANITARY SEWER<sup>1</sup>

Sections:

### GENERAL PROVISIONS

- 12.08B.010 Purpose and application.
- 12.08B.020 Administration.
- 12.08B.030 Mandatory sewer service.
- 12.08B.040 Abbreviations.
- 12.08B.050 Definitions.

### GENERAL SEWER USE

- 12.08B.100 Prohibited discharges.
- 12.08B.110 Limitations on the use of garbage grinders.
- 12.08B.120 Limitations on point of discharge.
- 12.08B.130 Metering devices.
- 12.08B.140 Domestic wastewater from outside the City.
- 12.08B.150 Side Sewer and Sanitary Sewer Availability Manual.

### RATES AND FEES

- 12.08B.200 Types of rates and fees.
- 12.08B.210 Rates and fees for wastewater service inside City limits.
- 12.08B.220 Rates and fees for direct wastewater services for properties outside the City.
- 12.08B.230 Connection charge-in-lieu-of-assessment.
- 12.08B.240 Billing periods, payments, and collections.
- 12.08B.250 Rates and fees for special approved discharges.
- 12.08B.260 Fixed-term discharges of groundwater “pump and treat” effluent to the POTW.
- 12.08B.270 Discharge of domestic wastewater from holding tanks.
- 12.08B.280 Rates and fees for TAGRO.
- 12.08B.290 Pilot Rate Program.
- 12.08B.300 Regular review of wastewater rates and fees.
- 12.08B.310 Reconsideration of wastewater rates.
- 12.08B.320 Rates and fees for monitored users.
- 12.08B.330 Rates and fees for commercial/industrial wastewater user groups.
- 12.08B.340 Liability for supplemental fees.

### RIGHT OF ENTRY AND CONFIDENTIALITY

- 12.08B.400 Right of entry.
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### ENFORCEMENT REMEDIES

- 12.08B.500 Violations, enforcement, and penalties.
- 12.08B.510 Suspension of service.
- 12.08B.520 Unauthorized connection – misdemeanor.
- 12.08B.530 Side sewer condition education requirement.

### MISCELLANEOUS PROVISIONS

- 12.08B.600 Environmental Services Conservation Loan Program.

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<sup>1</sup> Chapter 12.08 was repealed and reenacted by subchapters 12.08A, 12.08B, 12.08C, and 12.08D, per Ord. 28761, passed May 25, 2021, eff. Jul. 1, 2021.

## GENERAL PROVISIONS

### 12.08B.010 Purpose and application.

This Chapter sets forth uniform requirements for persons discharging domestic wastewater to the POTW to comply with all applicable federal and state laws and regulations, local ordinances, and this chapter. This Chapter shall apply to all persons discharging domestic wastewater to the POTW, and to any person needing to make a connection to the POTW. Persons that discharge non-domestic wastewater to the POTW may also be subject to the requirements of TMC Chapter 12.08C.

The purpose of this chapter includes, but is not limited to the following:

- A. To protect the POTW by preventing the introduction of pollutants to the POTW that may interfere with its operation, or be incompatible with, or otherwise cause damage to the POTW;
- B. To prevent the introduction of pollutants to the POTW that will pass through if inadequately treated prior to discharge into receiving waters;
- C. To protect personnel who may be affected by wastewater and biosolids in the course of their employment and to protect the general public;
- D. To enable the City to comply with its NPDES Permit conditions, federal and state requirements applicable to biosolids use and disposal, and any other federal or state laws and regulations to which the POTW is subject; and
- E. To require persons regulated by this chapter, and TMC Chapter 12.08C to pay applicable rates and fees to reasonably distribute the cost to operate, maintain, and improve the POTW.

(Ord. 28761 Ex. B; passed May 25, 2021)

### 12.08B.020 Administration.

#### A. Administration.

The control authority shall administer this chapter in accordance with the purposes set forth herein and applicable federal and state laws, regulations, and applicable City ordinances, policies, and procedures. In the event there is a conflict between this chapter and: (a) a provision contained within it; (b) a permit issued by the City; or (c) an applicable federal or state law or regulation, the requirement(s) that are more protective of human health and the environment shall apply.

#### B. Responsibility for Compliance.

It is the intent of this chapter to place the responsibility for complying with its requirements, and any control mechanism, authorization or approval granted pursuant to this chapter, upon the responsible person, as that term is defined in this chapter.

#### C. Appeals of Decisions and Determinations.

Appeals of decisions or determinations made by the control authority pursuant to this chapter are governed by TMC 12.08A; provided that, appeals of enforcement actions taken pursuant to this chapter are governed by TMC Chapter 1.82.

#### D. Liberal Construction.

The provisions of this chapter shall be held to be minimum requirements in their interpretation and application and shall be liberally construed to serve the purposes of this chapter.

(Ord. 28761 Ex. B; passed May 25, 2021)

### 12.08B.030 Mandatory sewer service.

A. All domestic wastewater shall be discharged to the POTW or to an authorized septic system. This obligation applies to the owner of premises and to persons in possession, charge or control of the premises where a discharge of wastewater originates.

B. This Chapter does not create rights for any individual or group to require construction of public sewers, connection thereto, or otherwise to receive sewer from the City. The City reserves all rights to deny, limit, or curtail service.

(Ord. 28761 Ex. B; passed May 25, 2021)

### 12.08B.040 Abbreviations.

ADU	Accessory Dwelling Unit
AUF	Assessable unit of frontage



BOD <sub>5</sub>	Biochemical Oxygen Demand
BMPs	Best Management Practices
cf.	Cubic feet
ccf.	Hundred cubic feet
CWA	Clean Water Act
EPA	United States Environmental Protection Agency
LID	Local Improvement District
NAICS Code	North American Industry Classification System Code
NPDES	National Pollutant Discharge Elimination System
O&M manual	Operation and Maintenance manual
POTW	Publicly Owned Treatment Works
RCW	Revised Code of Washington
TMC	Tacoma Municipal Code
TSS	Total suspended solids
WAC	Washington Administrative Code

(Ord. 28761 Ex. B; passed May 25, 2021)

#### **12.08B.050 Definitions.**

For the purposes of this chapter, the following terms, phrases, words, and their derivations shall have the meanings given herein unless a different meaning is otherwise plainly required. Words not defined herein shall have the meaning given in TMC Chapter 12.08C or TMC Chapter 12.08D. Words not defined in this Title shall have the meaning given in TMC 1.82.010. Words not otherwise defined in this Title or TMC 1.82.010 shall have the meaning given in such federal and state statutes, rules, or regulations that apply to the activity being regulated. Words not otherwise defined, shall be given their common and ordinary meaning. When not inconsistent with the context, words used in the present tense include the future, words in the plural include the singular, and words in the singular include the plural. The words “shall” and “will” are always mandatory and not merely directory and the word “may” is permissive. References to governmental entities (whether persons or entities) refer to those entities or their successors in authority.

“Accessory dwelling unit” or “ADU.” A second subordinate dwelling unit located on the same lot as a single-family dwelling (hereinafter referred to as the “main dwelling”) and either within the same building as the main dwelling or in a detached building, with a provision for independent cooking, living, sanitation, and sleeping.

“Approval.” The determination by the control authority that the proposed or completed work or activity conforms to this chapter.

“Availability.” Those premises which are determined per the Side Sewer and Sanitary Sewer Availability Manual to have a wastewater sewer available for connection to the premises.

“Best management practices” or “BMPs.” Schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and education practices, maintenance procedures, and structural or managerial practices to prevent or reduce the discharge of pollutants directly or indirectly to POTW.

“Biosolids.” Municipal sewage sludge resulting from the wastewater treatment process that is further treated so that it can be beneficially recycled for use as fertilizer.

“Biochemical Oxygen Demand, 5-Day” or “BOD<sub>5</sub>.” Shall have the same meaning as that term is given pursuant to TMC Chapter 12.08C.

“City.” The City of Tacoma, Washington, a municipal corporation organized and existing under and by virtue of the laws of the state of Washington. The phrase “within the city” means within the City boundaries as now or hereafter constituted.

“Clean Water Act” or “CWA.” Both the federal Water Pollution Control Act, as may be amended (33 U.S.C. 1251 et seq.) and the state Water Pollution Control Act at Chapter 90.48 RCW, as may be amended.

“Cleanout.” A section of pipe that extends from the underground private side sewer to the ground surface which is used to access the private side sewer for the purposes of cleaning and inspecting the private side sewer.

“Condominium.” Real property, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions. Real property is not a condominium unless the undivided interests in the common elements are vested in the unit owners and unless a declaration and a survey map and plans have been recorded pursuant to RCW 64.34.

“Contributing jurisdiction.” A municipality other than the City that contributes wastewater to the POTW.

“Control authority.” The City’s Environmental Services Department, its Director and its authorized representatives.

“Control mechanism.” An industrial wastewater discharge permit, a special approved discharge authorization, a letter, a written authorization to discharge, or any other written notice of discharge requirements issued by the control authority.

“Customer.” The person responsible for paying wastewater rates.

“Days.” Unless otherwise indicated, “days” means calendar days.

“Direct connection.” Any piped connection to the private side sewer that conveys stormwater or surface water to the POTW. Examples of direct connections include roof drains, sump pumps, footing drains, area drains, yard drains, and driveway drains.

“Director.” The City’s Director of the Environmental Services Department who is designated to supervise the implementation and enforcement of this chapter or the Director’s duly authorized representative.

“Domestic user.” Any person who contributes, causes, or allows the contribution of wastewater to the POTW that is of a volume and chemical makeup similar to that of a residential dwelling unit.

“Domestic wastewater.” Shall have the same meaning as that term is given pursuant to TMC Chapter 12.08C s.

“Educational flyer.” The document prepared by the City that provides educational information to property owners regarding the condition of side sewers and private ownership and maintenance responsibilities.

“Groundwater.” Water in a saturated zone or stratum beneath the surface of the land or below a surface water body.

“Holding tank waste.” Shall have the same meaning as that term is given pursuant to TMC Chapter 12.08C.

“Illicit connection.” Any unauthorized connection to the POTW.

“Industrial user.” Shall have the same meaning as that term is given pursuant to TMC Chapter 12.08C.

“Industrial waste” or “non-domestic waste.” Shall have the same meaning as that term is given pursuant to TMC Chapter 12.08C.

“Industrial wastewater discharge permit.” Shall have the same meaning as that term is given pursuant to TMC Chapter 12.08C.

“Inflow and Infiltration” or “I&I.” Refers to groundwater or stormwater entering a POTW. Inflow refers to stormwater entering such system at points of direct connection such as footing/foundation drains, roof drains, downspouts, drains from window wells, outdoor basement stairwells, drains from driveways, groundwater/basement sump pumps, and even streams. Infiltration refers to groundwater that enters a POTW through cracks and/or leaks in the sanitary sewer pipes.

“Interference.” Shall have the same meaning as that term is given pursuant to TMC Chapter 12.08C.

“Market conditions.” The range of charges and prices for products and services similar to TAGRO products and TAGRO services that are offered by vendors operating in the same marketplace as the City.

“Multiple-family residence.” Any premise consisting of two or more living units served through a single water meter.

“Noncontact cooling water.” Water that does not mix, communicate with, or come into direct contact with any raw material, intermediate product, waste product, or finished product, and to which the only pollutant added is heat.

“North American Industry Classification System Code” or “NAICS Code.” Shall have the same meaning as that term is given pursuant to TMC Chapter 12.08C.

“NPDES permit.” Shall have the same meaning as that term is given pursuant to TMC Chapter 12.08C.

“Owner.” Any individual, corporation, or entity that holds the title to real property as shown by the Pierce County Assessor’s records.

“Pass through.” Shall have the same meaning as that term is given pursuant to TMC Chapter 12.08C.

“Person.” Any individual, partnership, co-partnership, firm, company, association, joint stock company, trust, estate, society, corporation, group, government, governmental agency or other legal entity, and their legal representatives, agents, or assigns. The definition includes all federal, state, and local government entities.

“pH.” The negative logarithm of the effective hydrogen-ion concentration or hydrogen activity in gram equivalents per liter used in expressing both acidity and alkalinity on a scale whose values run from 0 to 14, with 7 representing neutrality. Values lower than 7 are more acidic, and higher values are more alkaline.

“Pollutant.” Shall have the same meaning as that term is given pursuant to TMC Chapter 12.08C.

“POTW.” Shall have the same meaning as that term is given pursuant to TMC Chapter 12.08C.

“POTW Treatment Plant.” Shall have the same meaning as that term is given pursuant to TMC Chapter 12.08C.

“Premises.” A continuous tract of land, building, or group of adjacent buildings under a single control with respect to use of water and responsibility for payment therefor. Subdivision of such use or responsibility shall constitute a division into separate premises as herein defined, except where more than one dwelling is being served through the same water meter, in which case, each of said dwellings shall constitute a separate premises and shall be subject to the same separate charges as if separate single-family dwellings.

“Pretreatment.” The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to, or in lieu of, discharging or otherwise introducing such pollutants to the POTW. The reduction or alteration may be obtained by physical, chemical, or biological processes, process changes, or by other means, except as prohibited by 40 CFR Part 403.6(d).

“Private side sewer” and “side sewer.” The sewage conveyance pipe owned by the property owner that extends from approximately two feet outside of a building or structure to the connection at the POTW. In most circumstances, a portion of the private side sewer/side sewer extends into public streets or alleys connecting to the public sewer main.

“Public record.” Shall have the meaning given pursuant to RCW 42.56.010.

“Real estate professional.” The person(s) responsible for representing a buyer/seller or potential buyer/seller in the purchase transaction of a real property.

“RCW.” The Revised Code of Washington as now or hereafter amended.

“Receiving water(s).” Shall have the same meaning as that term is given pursuant to TMC Chapter 12.08D.

“Residential ratepayer.” A citizen who lives in a private residence within the City limits of Tacoma and has a wastewater utility account in their name.

“Responsible person.” Shall have the meaning as set forth in TMC 1.82.010, the Uniform Enforcement Code.

“Runoff.” Water originating from rainfall or other precipitation that is found in drainage facilities, rivers, streams, seeps, ponds, lakes, and wetlands as well as shallow groundwater. It also means the portion of rainfall or other precipitation that becomes surface flow or interflow.

“Sell” or “Transfer of Title.” The sale or transfer of an entire real property estate or the fee interest in that real property estate and does not include the sale or transfer of a partial interest, including a leasehold.

“Sanitary sewers.” Those portions of the POTW that collect and convey wastewater to a treatment plant.

“Side Sewer and Sanitary Sewer Availability Manual.” Refers to the most recent version of the Side Sewer and Sanitary Sewer Availability Manual as adopted or amended by the City Council.

“Single-family residence.”

A. Any building or portion thereof which contains living facilities, including provisions for sleeping, eating, cooking, and sanitation, for use by not more than one family; or

B. Any unit within a multi-family complex which contains living facilities, including provisions for sleeping, eating, cooking, and sanitation, for use by not more than one family that are served by a separate water meter.

“Slug load.” Shall have the same meaning as that term is given pursuant to TMC Chapter 12.08C.

“Source control.” Actions, activities, and the implementation of BMPs to prevent or reduce the introduction of contaminants to the POTW or stormwater drainage system. Examples include, but are not limited to: segregating or isolating waste; enclosing, covering, or containing the activity to prevent contact with stormwater; developing and implementing inspection and maintenance programs; sweeping; and taking management actions such as training employees on pollution prevention.

“Stormwater.” Shall have the same meaning as that term is given pursuant to TMC Chapter 12.08D.

“Stormwater drainage system.” Shall have the same meaning as that term is given pursuant to TMC Chapter 12.08D.

“Supplemental fees.” Means charges that may be assessed to a responsible person by the control authority to recover the costs it incurs to address and respond to a violation of TMC Chapter 12.08B, including, but not limited to: (i) personnel costs, both direct and indirect; (ii) costs to investigate, contain, and abate the discharge, including cleaning up any contamination caused by the discharge that may be present within the POTW, at the point of discharge, or in the receiving environment; (iii) costs to respond to a discharge causing pass through, interference, or damage to biosolids; (iv) costs to document and enforce a violation of TMC Chapter 12.08BD; (v) costs to hire a contractor(s) or consultant(s) to respond to such violations; (vi) laboratory costs and analytical expenses; (vii) costs for equipment, materials, and supplies; (viii) mobilization, transportation, treatment, storage, and disposal costs; (ix) attorney’s fees, when authorized; (x) costs required for printing or mailings; and (xi) costs to collect unpaid supplemental fees.

“Total Suspended Solids” or “TSS.” Shall have the same meaning as that term is given pursuant to TMC Chapter 12.08C.

“TAGRO products.” Materials manufactured at least partly from biosolids from the City’s wastewater treatment plants. TAGRO products may include, but are not be limited to: TAGRO Cake, TAGRO Liquid, TAGRO Mix, TAGRO Potting Soil, TAGRO Mulch, and TAGRO Top Soil.

“TAGRO services.” The loading, delivery, and application of TAGRO products by the City.

“Tamper” or “tampering.” Shall have the same meaning as that term is given pursuant to TMC Chapter 12.08C.

“User.” An industrial user, and any property owner, business owner, multi-family residential property owner, tenant, residential homeowner or homeowner’s association/representative group, or any other individual, company, or vessel residing and/or conducting business within Tacoma that discharges wastewater or stormwater directly or indirectly to the POTW.

“Wastewater” or “wastestream.” Liquid and water-carried industrial wastes, holding tank waste, and domestic wastes from residential dwellings, commercial buildings, industrial, and manufacturing facilities, and institutions, whether treated or untreated.

“Wastewater services.” The service provided by the POTW of collecting, conveying, treating, and disposing of wastewater.

(Ord. 28761 Ex. B; passed May 25, 2021)

**GENERAL SEWER USE****12.08B.100 Prohibited discharges.**

No person shall introduce or cause to be introduced to the POTW any pollutant, wastewater, or other substance or flow which either alone or by interaction with other materials causes the City to violate its NPDES permits, or cause pass through, interference, or obstructions within the City's POTW, or a POTW owned and operated by another jurisdiction.

(Ord. 28761 Ex. B; passed May 25, 2021)

**12.08B.110 Limitations on the use of garbage grinders.**

Food waste from garbage grinders discharged to the POTW shall be properly shredded so that 100 percent will pass a 3/8-inch sieve and 75 percent will pass a 1/4-inch sieve. Persons engaged in the wholesale/retail sale of raw produce shall be limited to one grinder having a prime motor not exceeding five horsepower for the processing of raw produce waste. No discharge permitted by this section may contain plastic, paper products, inert material, garden refuse, or other material prohibited by this chapter.

(Ord. 28761 Ex. B; passed May 25, 2021)

**12.08B.120 Limitations on point of discharge.**

No person shall discharge any substances directly or indirectly into a manhole or other opening within the POTW, unless authorized by the control authority.

(Ord. 28761 Ex. B; passed May 25, 2021)

**12.08B.130 Metering devices.**

The control authority may require persons to install metering devices when necessary to accurately measure or calculate discharges to the POTW, and to measure water use from a source other than the City.

Any metering device required under this chapter shall be approved by the control authority. Persons installing a metering device shall maintain and calibrate it in a manner and frequency that ensures accuracy.

(Ord. 28761 Ex. B; passed May 25, 2021)

**12.08B.140 Domestic wastewater from outside the City.**

The control authority may allow domestic wastewater from premises located outside the City's service area to be discharged to the POTW in accordance with applicable requirements established in state laws and regulations, local ordinances, agreements, and such policies, procedures, guidance, requirements, and manuals as may be promulgated by the Director.

(Ord. 28761 Ex. B; passed May 25, 2021)

**12.08B.150 Side Sewer and Sanitary Sewer Availability Manual.**

All work necessary to repair, rehabilitate, replace, or construct new private side sewers shall be performed pursuant to a permit issued by the City and in accordance with the standards set forth in the Side Sewer and Sanitary Sewer Availability Manual.

(Ord. 28761 Ex. B; passed May 25, 2021)

## RATES AND FEES

### 12.08B.200 Types of rates and fees.

Rates and fees imposed on domestic and non-domestic users of the POTW pursuant to this chapter may include, but are not limited to the following:

- A. Rates and fees to recover the City's cost to operate, maintain, and improve the POTW, administer and regulate users under the City's Pretreatment Program, and regulate domestic users of the POTW;
- B. Permit and other control mechanism rates and fees;
- C. Monthly fixed rates and fees;
- D. Rates based on wastewater constituents, characteristics and flow;
- E. Connection rates and fees;
- F. Monitoring and inspection fees; and
- G. Rates and fees to recover the cost of operating the TAGRO program.

(Ord. 28761 Ex. B; passed May 25, 2021)

### 12.08B.210 Rates and fees for wastewater service inside the City limits.

In accordance with Chapter 35.67 RCW, rates and fees shall be established for the discharge and for the availability for discharge of all wastewater to the POTW. If the control authority requires construction of an extension to the POTW prior to issuance of a side sewer permit, the rates and fees for availability for discharge shall not be assessed or charged until such time as the POTW extension is completed. Unless the water service is shut off by Tacoma Water, or unless otherwise determined by the control authority, rates and fees for wastewater service shall be assessed and billed when a premises is vacant or during a remodeling project, or similar activity. Rates and fees for wastewater services inside the Tacoma City limits shall be established by ordinance or resolution of the City Council in accordance with this chapter.

A. Each single-family residence shall be assessed and billed monthly a Residential Fixed Fee and Residential Flow Rate for wastewater service, as established by ordinance or resolution of the City Council.

The water consumption, per ccf for the Residential Flow Rate shall be the average monthly use as measured during the most recent months of December, January, February, and March. If the average consumption results in a fractional part of a ccf, the number used for calculating the flow rate shall be rounded to the nearest one-hundredth of a ccf.

B. Multiple-family residences and mobile home courts with two or more units, served through one water meter, and accessory dwelling units served through the same water meter as the main dwelling, shall be assessed and billed monthly per living unit, except that the water consumed during the winter months shall be divided by the total number of living units served by the account to determine the per living unit flow volume. If the average consumption per unit results in a fraction, the number used for calculating the flow rate shall be adjusted to the nearest one-hundredth of a ccf.

It shall be the duty of every person in possession, charge, or control of the entire premises consisting of two or more living units served by the POTW, or to which such wastewater service is available, to be accountable for payment for such wastewater service for each living unit.

Where units in multiple-unit residences are separately metered; each unit shall be charged the appropriate single-family residence rate as set forth in subsection A of this section.

C. For new residential services or account holders which have incomplete or no winter flow records available, the monthly flow portion of the Residential Flow Rate for wastewater service shall be computed using the flows listed below:

Single-family Dwellings - 6.0 ccf per month

Multiple-family Dwelling - 5 ccf per unit per month

Except that charges for existing multiple-family dwellings with previous consumption history shall not change solely due to changes in account holder or ownership.

D. Residential customers who qualify as low-income senior or low-income disabled under TMC 12.06.165(B) shall be eligible for a Residential Rate and Fee Reduction from the Residential Fixed Fee and Residential Flow Rate at a percentage as established by ordinance or resolution of the City Council. The determination of low income senior and low income disabled status shall be made as set forth in TMC 12.06.165(B). Customers seeking a wastewater service rate and fee reduction under

this subsection shall submit a written request to the control authority. Such request shall include documentation demonstrating that the requester qualifies for the reduction. If the control authority grants the request, the effective date for the rate reduction shall be the first day of the billing period in which the control authority's acceptance is granted.

E. Non-residential customers shall be assessed and billed monthly a Commercial and/or Industrial User Fixed Fee and Flow Rate, as established by ordinance or resolution of the City Council. Assessment and billing for non-residential customers shall be computed and paid as follows:

**1. Metered Water Supply.**

When billing is based upon the water usage, such rate shall be applied against the total amount of water used from all sources unless, in the opinion of the control authority, significant portions of water received are not discharged to a sanitary sewer. The total amount of water used from public and private sources will be determined by public meters or private meters, installed and maintained in accordance with applicable Environmental Services' policies, procedures, guidance, requirements and manuals promulgated by the Director, at the customer's expense. Such public or private meters shall measure flow in cubic feet (cf). Where more than one commercial/industrial facility is served by one water meter, the user group shall be determined by the activities of the largest water consumption user.

**2. Metered Wastewater Volume and Metered Diversions.**

When billing is based upon water usage and where, in the opinion of the control authority, a significant portion of the water received from any metered source does not flow into the sanitary sewer because of the principal activity of the customer or removal by other means, the rate will be applied against the volume of water discharged from such premises into the sanitary sewer. Any customer seeking a reduction in sewer billing based on a diversion of metered water from the sanitary sewer system shall submit written proof of such diversion to the control authority for its approval. To establish reduced sewer billing based on such diversion, the customer shall, unless clearly demonstrated as impractical, install a submeter of a type and at a location approved by the control authority and at the customer's expense. A credit adjustment for sanitary sewer overcharges may be granted, upon written application by the customer, but only for the three-month period immediately preceding the submeter installation.

Such meters shall measure flow in cubic feet (cf) and shall be maintained and tested for accuracy at the customer's expense in accordance with manufacturer's specifications and applicable control authority's policies, procedures, guidance, requirements, and manuals. Within 30 days of notification by the control authority that meter repair or testing is required, the customer shall provide written confirmation that such repair or testing has been accomplished. Failure to provide such confirmation may result in sanitary sewer rates being based upon the metered water source.

**3. Customers Installing Irrigation Systems.**

All customers installing irrigation systems shall be required to meter the water usage of the irrigation system by installing, at customer's expense, either a metered water supply dedicated solely to the irrigation system, or a submeter, which the customer shall maintain, to calculate the appropriate reduction of sewer rates.

**4. Estimated Wastewater Volume.**

a. Customers without Source Meters. In cases where, in the opinion of the control authority, it is unnecessary or impractical to install meters, the rate calculation may be based upon an estimate of the volume to be discharged, prepared by the control authority. A rational method will be used to estimate the quantity of wastewater discharged and may consider such factors as the number of plumbing fixtures, seating capacity, population equivalent, annual production of goods and services, or such other determinations of water use necessary to estimate the wastewater volume discharged. The factors used to estimate the volume of wastewater discharge may be periodically reviewed at the discretion of the control authority.

b. Customers with Source Meters. In cases where, in the opinion of the control authority, a customer diverts a significant portion of their flow from the POTW, the rate calculation may be based upon an estimate of the flow and volume to be discharged, prepared by the customer and approved by the control authority. The estimate must include the method and calculations used to determine the wastewater volume and may consider such factors as the number of fixtures, seating capacity, population equivalents, annual production of goods and services, or such other determinations of water use necessary to estimate the wastewater volume discharged. The estimate of the flow volume may be periodically reviewed at the discretion of the control authority and the rate adjusted accordingly.

c. When the control authority determines that the City's cost to provide wastewater service to a customer or a group of customers is higher than the City's cost to provide wastewater service to typical City customers, the control authority may impose a surcharge on such customers in an amount established by ordinance or resolution of the City Council. The control authority will notify affected customers prior to implementing the surcharge.

(Ord. 28761 Ex. B; passed May 25, 2021)

**12.08B.220 Rates and fees for direct wastewater services for properties outside the City.**

Persons owning premises outside the City may, upon a written request from the appropriate jurisdiction and receipt of a side sewer construction or similar permit issued by such jurisdiction if required by that jurisdiction, and a side sewer construction or similar permit issued by the control authority, discharge wastewater to the POTW.

Such permit issued by the control authority shall be issued only upon the written application of the owner of the premises and subject to the following terms and conditions:

A. The applicant for any such permit shall attach to the application a construction permit issued to the owner or to that owner's contractor by the appropriate jurisdiction for the construction of a side sewer.

B. The owner or that owner's licensed contractor shall pay all fees and obtain a permit for a side sewer in strict compliance with the City's requirements governing the construction and maintenance of side sewers then in effect. The fees include a "Connection Fee" as established by ordinance or resolution of the City Council and the connection charge in-lieu-of-assessment.

C. The owner shall agree to pay monthly Outside City Residential Fixed Fees and Outside City Residential Flow Rates for wastewater service in an amount computed based upon a percentage, as established by ordinance or resolution of the City Council, of the rates and fees assessed to similar wastewater service customers located in the City, and subject to the following:

1. If the jurisdiction where the customer is located assesses a utility tax against the revenues of the control authority derived from that customer, and/or imposes a fee on the customer that the control authority must assess and reimburse to the jurisdiction, the fixed fee assessed to such customer shall increase in an amount that covers' the added cost to the control authority, including administrative expenses, of paying the utility tax and collecting and reimbursing the added fee.

2. If the control authority determines that the City's cost to provide wastewater service to a customer or a group of customers is higher than the City's cost to provide wastewater service to typical customers located in the City, the control authority may impose a surcharge on such customers in an amount established by ordinance or resolution of the City Council. The control authority will notify affected customers prior to implementing the surcharge.

D. The owner of the premises served by the POTW shall pay an Outside City Connection Charge-in-lieu-of-Assessment to the City computed at the rate as set by ordinance or resolution of the City Council. This charge shall be computed in the same manner as sanitary sewer assessments are from time to time computed by the City under Chapter 35.44 RCW relating to local improvement districts. The cost of side sewer construction shall be the responsibility of the owner of the premises.

E. The Outside City Connection Charge-in-lieu-of-Assessment shall apply to and be credited to the benefit of a specific parcel of real property which shall be designated by legal description and shall be posted by the City to appropriate records or ledgers and made a part of the City's permanent records pertaining thereto. No further connection charge-in-lieu-of-assessment shall be collected against said premises.

F. Future service connections to premises abutting the POTW on which an Outside City Connection Charge-in-lieu-of-Assessment has not been paid but which adjoins specific premises for which such charges have been charged or paid, shall be subject to the charges as hereinabove set forth as now or hereafter amended.

G. All Outside City Connection Charges-in-lieu-of-Assessment received pursuant to the provisions of this section are nonrefundable and shall be considered capital contributions to the POTW and deposited into the Sewer Utility Fund.

H. All current ordinances, policies, procedures, guidance, requirements, and manuals relating to the use, maintenance, and connection to the POTW shall apply to each such sanitary sewer connection. Persons who violate the requirements of this chapter may be subject to suspension or disconnection of municipal sanitary sewer service, along with other enforcement remedies authorized by this chapter and state law. The owner of any premises connecting to the POTW shall, as a condition of the side sewer construction or similar permit, allow an inspection of that owner's premises by the control authority for the purpose of determining whether the connection has been properly made and whether the use of the POTW is in accordance with applicable provisions of this chapter. Refusal to grant, or revocation of, such consent shall be grounds for revocation of the side sewer construction or similar permit and disconnection of the side sewer connection at owner's cost and expense.

I. In the event of a change in ownership, or if the premises are rented, the owner or renter shall be assessed and billed and pay the rates and fees required by this chapter.

J. Pursuant to RCW 35.67.300 a contributing jurisdiction owning or operating its own sanitary sewer system may contract with the City for the discharge, treatment and disposal of wastewater from all or any part or parts of such contributing jurisdiction to the POTW, upon such terms and conditions as the City and contributing jurisdiction may agree. A contributing jurisdiction entering into such a contract with the City for the discharge, treatment and disposal of wastewater (Wastewater Treatment Services) shall pay such rates and fees as are calculated using the following formula:



Total Monthly Billing Amount = Residential Billing Amount + Commercial Billing Amount.

Residential Billing amount = Sum of ((Monthly fixed residential charge + (Quantity multiplied by the Residential flow Rate)) multiplied by Ratio of Applicability) for all residential customers as estimated by the control authority.

Commercial Billing Amount = Sum of (Monthly fixed charge + (Quantity multiplied by Commercial Flow rate for the assigned billing category)) multiplied by Ratio of Applicability) for all commercial customers as estimated by the control authority.

Monthly fixed residential charge = Monthly Fixed Charge established by ordinance or resolution of the City Council for City residential customers multiplied by the number of residential customers in the contributing jurisdiction.

Monthly fixed commercial charge = Monthly Fixed Charge established by ordinance or resolution of the City Council for City commercial customers multiplied by the number of commercial customers in the contributing jurisdiction.

Quantity = Estimated discharge of wastewater to the POTW. The quantity can be directly measured by meters at the point the wastewater discharge enters the POTW, or quantity can be estimated based on water consumption, or it can be a combination of both. For residential customers only, quantity can be estimated based on average water consumption in winter months; or quantity can be estimated for residential customers based on average water consumption per residential connection for all residential customers multiplied by the number of connections.

Flow Rate = Flow rate assigned to each rate category for residential and commercial customers in the City.

Ratio of Applicability = A ratio based upon the sewer expense of the contributing jurisdiction and the total POTW wastewater service expense. Such ratio may be more specifically described in a policy, procedure or guidance promulgated by the Director.

(Ord. 28761 Ex. B; passed May 25, 2021)

#### **12.08B.230 Connection charge-in-lieu-of-assessment.**

It is the intent of the City that all property owners shall bear an equitable share of the historic cost of constructing the abutting and adjacent POTW. Owners of premises within the City adjacent to and abutting the POTW that have not been previously assessed under a LID, or for a sanitary sewer improvement, may, upon receipt of a permit issued by the control authority to an owner or authorized representative, connect such premises to the POTW and discharge wastewater into such system. Such permit shall be issued only upon written application to the City by the owner of the premises to be served and shall be subject to the following terms and conditions:

A. The owner shall obtain all permits and pay all fees required by the City prior to making a connection to the POTW. Private side sewers shall be constructed in accordance with the City's Side Sewer and Sanitary Sewer Availability Manual and applicable policies, procedures, guidance, requirements and manuals promulgated by the Director related to side sewer connections.

B. Except as provided in subsection F of this section, the owner, prior to the issuance of any permit herein authorized, shall pay the City a connection charge-in-lieu-of-assessment. This charge shall be computed at the guaranteed rate per "Assessable Unit of Frontage" in effect at the time of construction of the sanitary sewer line to be used to serve the premises of such owners, unless as otherwise provided below at subsections 1 and 2. The rate for computation of a Connection Charge-in-lieu-of-Assessment shall be determined as of the date of completion of construction of the particular sanitary sewer line to be so used, as reflected by the rates shown below in Table I.

TABLE I

Construction Date	Rate Per A.U.F.	
	Two Side Service	One Side Service
Prior to September 30, 1957	\$3.25	\$3.25
October 1, 1957 to September 20, 1960	\$3.25	\$4.75
September 21, 1960 to January 15, 1963	\$3.75	\$4.75
January 16, 1963 to November 19, 1968	\$4.50	\$5.50
November 20, 1968 to July 17, 1973	\$5.75	\$9.00
July 18, 1973 to April 8, 1975	\$7.50	\$11.00
April 9, 1975 to December 5, 1978	\$15.50	\$23.00
December 6, 1978 to December 31, 1982	\$20.00	\$38.00
January 1, 1983 to June 2, 1991	\$24.50	\$46.50
June 3, 1991 to June 30, 1994	\$30.00	\$60.00
July 1, 1994 to December 31, 1998	\$40.00	\$80.00
January 1, 1999 to May 31, 2011	\$50.00	\$100.00
June 1, 2011 and thereafter	\$75.00	\$150.00

1. In no case shall the connection charge-in-lieu-of-assessment be less than the rate per “Assessable Unit of Frontage” charged to the original LID participants; therefore, in the event that the rate per “Assessable Unit of Frontage” charged to the original LID participants was higher than the rate set forth in this table, the connection charge-in-lieu-of-assessment shall be equal to the higher rate. In addition to the “Assessable Unit of Frontage” charge calculated according to Table I above, the City shall assess each connection to the POTW a Connection Fee, as established by ordinance or resolution of the City Council. In no case shall the total charge for the connection exceed the charge that would result from using the prevailing guaranteed maximum rate in effect at the time of the connection, unless as otherwise provided below.

2. For connections to any portion of the sanitary sewer line built with City funds instead of by LID, and constructed after January 1, 1999, the connection charge-in-lieu-of-assessment for each abutting premises shall be the proportionate share of the actual cost to construct the sanitary sewer line. The proportionate share shall be the ratio of each premises’ “Assessable Units of Frontage” to the total units of frontage, multiplied by the actual cost to construct the sanitary sewer line, plus any costs for side sewers. Actual cost to construct the sanitary sewer line shall be defined as the final applicable construction cost plus a 15 percent (15%) allowance for engineering, survey, inspection, and administration. In no case shall the connection charge exceed the benefit accruing to each premise. If the charge that would result from using the prevailing guaranteed maximum rate exceeds the proportionate share, the current connection shall be added to the proportionate share.

3. The calculation of the connection charge-in-lieu-of-assessment shall use the actual rate charged to the LID participants or the prevailing guaranteed maximum rate in effect at the time of construction, whichever is highest, unless the sewer was built with City funds after January 1, 1999. If the sewer was built with City funds after January 1, 1999, the calculation shall use the prevailing guaranteed maximum rate in effect at the time of connection or the final applicable construction cost plus 15 percent, whichever is highest.

4. Connection of premises to the existing POTW which is not adjacent to or abutting the subject premises shall be subject to a connection charge-in-lieu-of-assessment calculated using the higher of the prevailing guaranteed maximum rate in effect at the time of connection.

5. If the POTW is extended to be adjacent to or abutting the subject premises, the adjacent or abutting premises, which are identified on the City’s Request for Release as having contributed to the costs of the design and construction of the POTW, shall be connected to such POTW at no additional connection charge, as set forth in subsection C below; provided the owner/developer has submitted “As-Built” drawings to the City depicting the connection and has also executed the City’s Certificate of Release.

6. The “Assessable Units of Frontage” and the applicable amount to be paid thereon shall be computed in the same manner as the procedure set forth for LIDs under Chapter 35.44 RCW. The owner of the premises is responsible for the cost of constructing their private side sewer that connects to the POTW.

C. The connection charge-in-lieu-of-assessment shall be credited to and considered a benefit to the specific premises served by the sewer connection. Such premises shall be designated by legal description and maintained as a part of the City’s permanent

records pertaining thereto and recorded with the Pierce County Auditor's Office as required by state law. No further sanitary sewer connection charge shall be collected against said premises.

D. Future sanitary sewer connections to premises abutting the POTW on which a sanitary sewer connection charge has not been paid, but which adjoins specific premises for which such charges have been charged or paid, shall be subject to the applicable charges as established by ordinance or resolution of the City Council.

E. The Sanitary Sewer Connection Charges shall be calculated to include a processing fee equivalent to the current fees charged by the County Auditor for recording the Certificate of Payment and Release served under RCW 65.08.180.

F. Septic System Amnesty Program. Owners of residential and commercial premises where wastewater service is available, but where the premise is not connected to the POTW, are eligible for a financial incentive to connect to the POTW, as set forth below at subsections 1. and 2.

1. Where the Connection Charge-in-lieu-of Assessment is applicable, a financial incentive, consisting of a 50 percent reduction in the charge (incentive program) for the subject premises will be available, subject to the availability of funds, as described below, and in accordance with applicable policies set forth by the Director. The remaining 50 percent (50%) of that charge may be eligible for financial assistance under the Environmental Services Conservation Loan Program. The City will allocate up to \$500,000 per fiscal year to fund the incentive program. Owners of premises who qualify for the incentive program will be eligible for a 50 percent reduction in their connection charge on a "first-come, first-served" basis until the moneys allocated by the City for the incentive program in a given fiscal year are exhausted.

2. Where an LID was/is formed, the financial incentive will consist of a 50 percent reduction to that assessment for the subject premises in accordance with policies set forth by the Director, subject to the availability of funds, as stated in subsection F.1 above. In the case where all or a part of the LID assessment, not including requested supplemental work, has been paid, the appropriate reduction or rebate will be made so that the final cost for the subject premises will be 50 percent of the full assessment amount.

3. The financial incentive program is not available to new premises that are constructed after wastewater service is available to that property. Owners not electing to take advantage of this limited program will be subject to the regular charges such as those specified in subsection B above.

G. All Connection Charges-in-lieu-of-Assessment received pursuant to the provisions of this section are nonrefundable and shall be considered capital contributions to the POTW and deposited into the Wastewater Management Fund.

H. All ordinances, polices, procedures, guidance, requirements, and manuals relating to the use, maintenance, and connection to POTW, shall apply to each such sanitary sewer connection. Persons who violate the requirements of this chapter may be subject to suspension or disconnection of wastewater service, along with other enforcement remedies authorized by this chapter or state law.

(Ord. 28761 Ex. B; passed May 25, 2021)

#### **12.08B.240 Billing periods, payments, and collections.**

A. All wastewater service rates and fees as established by ordinance or resolution of the City Council shall be assessed and billed monthly or bimonthly as shall be determined by the control authority and shall become due and payable at the office of the City Treasurer or such other places as approved by the City Treasurer on or before the 15th day after the statement has been mailed and shall become delinquent thereafter.

B. For any service rate or fee which becomes delinquent, the party shall be charged a late payment fee as set forth in TMC Chapter 12.01. Any service rate or fee which becomes delinquent, together with interest, also shall immediately become a lien against the premises served under RCW 35.67.200. Such lien may be foreclosed by the control authority in the manner provided by Chapter 35.67 RCW. In the event that the control authority files or releases a lien with the County Auditor, a processing fee will be added to the delinquent amounts owed equivalent to the current fees charged by the County Auditor for filing or releasing a lien. The processing fee will be allocated to the Wastewater Management Fund, and, for City tax purposes, recorded as revenue. In addition to such foreclosure, a customer whose wastewater management account is delinquent shall also be subject to having City water utility services terminated for the subject premises (or other premises owned or rented by the customer), which termination shall continue until the delinquency is fully satisfied or other arrangements are made to the satisfaction of the control of authority.

C. Rates due under this chapter shall be computed by carrying the computation to the third decimal place and rounding to a whole cent using a method that rounds up to the next cent whenever the third decimal place is greater than four.

(Ord. 28761 Ex. B; passed May 25, 2021)

**12.08B.250 Rates and fees for special approved discharges.**

A. The control authority may issue a special approved discharge authorization for short-term discharges of wastewater, stormwater, or groundwater to the POTW. Application and reapplication for discharge approval shall be made in accordance with TMC 12.08C.360 and accompanied by payment of a Special Approved Discharge Annual Fixed Administration Fee established by ordinance or resolution of City Council.

B. An authorized discharger shall also pay a rate based on the quantity and strength of the wastewater, stormwater, or groundwater discharged. Such Special Approved Discharge Rate shall be established by ordinance or resolution of the City Council and charged based on the following formula:

$$(FL + ((TSS * X) + (BOD * Y))) * Q = Z$$

FL = Flow rate

TSS = Total suspended solids mg/l

X = TSS rate per mg/l

BOD = Biochemical oxygen demand mg/l

Y = BOD rate per mg/l

Q = Quantity 100 cubic feet (ccf)

Z = Rate of charge

(Ord. 28761 Ex. B; passed May 25, 2021)

**12.08B.260 Fixed-term discharges of groundwater “pump and treat” effluent to the POTW.**

The control authority may conditionally allow effluent discharges from groundwater “pump and treat” remediation systems regulated by EPA or the Department of Ecology to the POTW for a fixed-term. Such discharges that cause or have the potential to cause pass through or interference shall not be allowed. No person shall discharge effluent from a groundwater “pump and treat” remediation system unless authorized by a control mechanism issued by the control authority. Persons authorized to discharge effluent from a “pump and treat” remediation system shall pay the applicable rates and fees for monitored users as set forth in this chapter at TMC 12.08B.265.

(Ord. 28761 Ex. B; passed May 25, 2021)

**12.08B.270 Discharge of domestic wastewater from holding tanks.**

A. Persons wishing to discharge domestic wastewater from a holding tank not connected to the POTW shall obtain an authorization from the control authority prior to discharging the contents to the POTW. Such authorization shall be conditioned on submittal of a completed and approved application on a form provided by the control authority.

B. Persons discharging holding tank waste shall pay a Holding Tank Waste Discharge Rate for every 100 gallons discharged as established by ordinance or resolution of the City Council. The rate for holding tank waste generated from within the City shall be lower than the rate for holding tank waste generated outside the City.

C. Persons discharging holding tank waste shall comply with the best management practices for the acceptance of hauled waste under TMC 12.08C.510.

D. Persons discharging domestic wastewater from noncommercial vehicles which provide facilities for human habitation, including but not limited to campers, motor homes, and travel trailers are exempt from this section provided that such wastewater is discharged into a City-approved facility designed to receive such wastes.

E. Only domestic wastewater shall be authorized to be discharged under this section. Any other waste, including but not limited to grease traps, oil/water separators, interceptors, or septic tanks comprising waste other than domestic wastewater, or any mixture thereof, shall not be discharged under this section, unless authorized by the control authority. The control authority may prohibit or limit the discharge of holding tank waste to the POTW if such discharge contains chemicals at concentrations that may cause interference at the POTW.

F. Any mixture of hazardous or dangerous wastes, as defined by federal, state, or local laws and regulations, regardless of the quantity or ratio, in a holding tank is strictly prohibited from being discharged to the POTW.

G. Persons authorized to discharge holding tank waste under this section shall discharge such material at the City’s Septage Receiving Station located at 2101 Cleveland Way, unless otherwise directed by the control authority.

(Ord. 28761 Ex. B; passed May 25, 2021)

#### **12.08B.280 Rates and fees for TAGRO.**

The Director is authorized to establish and adjust charges and prices for TAGRO products and TAGRO services based on market conditions.

The Director may establish a program allowing for self-loading of TAGRO Mix up to one cubic yard at no cost, if material is available.

(Ord. 28761 Ex. B; passed May 25, 2021)

#### **12.08B.290 Pilot rate program.**

The control authority is authorized to establish a Pilot Rate Program for commercial/industrial users to determine the suitability of alternative rate classifications to ensure costs are being properly recovered to provide wastewater services. As part of such Pilot Rate Program, the control authority may establish test rate classifications and set rates for each such test rate classification. The Pilot Rate Program and test rate classifications established therein shall be designed to increase the equitable distribution of costs among the users of the POTW to ensure the City's cost to own, operate, and maintain the POTW are properly recovered. Rate classifications established under this section shall be in the best interest of the rate payers. The rates set for each classification shall be fair and reasonable and each test rate classification created shall be based upon reasonable differences between users as grounds for distinction. The maximum rate set for each pilot rate classification shall be no higher than the rate that would ordinarily apply to each commercial/industrial user as established by ordinance or resolution of the City Council. No Pilot Rate Program established under this section shall exceed two years.

(Ord. 28761 Ex. B; passed May 25, 2021)

#### **12.08B.300 Regular review of wastewater rates and fees.**

The control authority shall conduct regular reviews of the wastewater rates and fees established by ordinance or resolution of the City Council to confirm that all costs to provide wastewater services by the City are properly recovered.

(Ord. 28761 Ex. B; passed May 25, 2021)

#### **12.08B.310 Reconsideration of wastewater rates.**

A. There shall be no reduction in rates for any premises to which a sanitary sewer service connection has been made or for which wastewater service is available, unless there is no charge being made for water or water service to such premises, or where monitoring, sampling, and testing prove the rate to be based on erroneous information.

B. If an industrial user is of the opinion that the user group rate thereof applicable to that industrial user is based on erroneous information, that owner or other person responsible for paying wastewater rates may, in writing, request a review by the control authority of the rate by sampling and testing of sanitary sewage and industrial wastewater from the premises served. Any industrial user or other person making such request shall provide a detailed explanation for why they believe their wastewater rate is based on erroneous information. An industrial user requesting such reconsideration may be eligible for sampling and testing by Environmental Services personnel or, if the industrial user chooses, they may have an approved certified outside laboratory perform the sampling and testing, at the industrial user's expense. The industrial user shall provide adequate and safe facilities for sampling. Any subsequent sampling and testing by control authority personnel, not required to meet federal or state regulations, shall be the responsibility of the industrial user. If an outside laboratory is employed for testing under this section, all samples taken shall be split with the Environmental Services Laboratory. Concurrent tests shall be run by the control authority to corroborate the results. All sampling and testing procedures shall be done according to "Standard Methods" or an alternative approved by the control authority. If the results of the tests are within standard deviations for the concentrations used in determining the rates, no rate change will be made. The industrial user shall bear all costs for re-sampling and testing by the control authority unless the results outside standard deviations indicate a lower composite rate. No retroactive credits or rebates for rates assessed and billed while using estimated concentration levels prior to an industrial user's request for sampling will be made.

(Ord. 28761 Ex. B; passed May 25, 2021)

#### **12.08B.320 Rates and fees for monitored users.**

Monitored commercial and/or industrial users shall pay a Commercial and/or Industrial User Fixed Fee and a Monitored Commercial and/or Industrial User Rate based on the quantity and strength of the wastewater. Such rates and fees shall be established by ordinance or resolution of the City Council and be charged based on the following formula;

$$MF + (FL + ((TSS * X) + (BOD * Y))) * Q = Z$$

MF = Monthly fixed fee

FL = Flow rate

TSS = Total suspended solids mg/l

X = TSS rate per mg/l

BOD = Biochemical oxygen demand mg/l

Y = BOD rate per mg/l

Q = Quantity 100 cubic feet (ccf)

Z = Rate of charge

(Ord. 28761 Ex. B; passed May 25, 2021)

### **12.08B.330 Rates and fees for commercial/industrial wastewater user groups.**

The City shall charge an annual fee, as established by ordinance or resolution of the City Council, for administering Industrial Wastewater Discharge Permits and Industrial Wastewater Zero-Discharge Permits.

Commercial or industrial users of the POTW shall be assessed and billed monthly a Commercial and/or Industrial User Fixed Fee and a Commercial and/or Industrial User Flow Rate, as established by ordinance or resolution of the City Council. Each unmonitored commercial or industrial user placed in a user group shall pay the Commercial and/or Industrial User Flow Rate per 100 cubic feet (ccf) for each category identified in Table II below. In no event shall any such rate and fee be less than the applicable monthly Residential Fixed Fee assessed to a single family residence.

All restaurants are initially classified in the Category 8 (Restaurant II) group. Any restaurant utility customer may petition the Director to be placed in the Category 6 (Restaurant I) user group. The customer must provide the Director with documentation that the restaurant has an approved grease retention device in compliance with current Uniform Plumbing Code as adopted in Chapter 2.06 of the Tacoma Municipal Code, and as amended thereafter, and applicable policies, procedures, guidance, requirements, and manuals of the control authority, and that the customer has an adequate ongoing maintenance program in place for that device. If the Director concurs, the control authority will classify that restaurant in the Category 6 (Restaurant I) user group as long as those conditions are continually met. In the event that those conditions are not continually met, the Director will re-classify the restaurant into the Category 8 (Restaurant II) user group until the Director is satisfied that the required conditions are again met. Persons required to install and maintain a grease protection device shall comply with TMC 12.08C.500.

<b>Table II Categories for Commercial and/or Industrial User Groups</b>	
<b>Billing Category</b>	<b>Constituent Strength limits</b>
Category 8	(BOD 901 + mg/l) (SS 600 mg/l)
Category 7	(BOD 701-900 mg/l) (SS 700 mg/l)
Category 6	(BOD 701-900 mg/l) (SS 400 mg/l)
Category 5	(BOD 501-700 mg/l) (SS 400 mg/l)
Category 4	(BOD 301-500 mg/l) (SS 450 mg/l)
Category 3	(BOD 301-500 mg/l) (SS 0-400 mg/l)
Category 2	(BOD 200-300 mg/l) (SS 150-400 mg/l)
Category 1	(BOD 0-250 mg/l) (SS 0-150 mg/l)

(Ord. 28761 Ex. B; passed May 25, 2021)

### **12.08B.340 Liability for supplemental fees.**

A. Persons, whether inside or outside the City, that discharge substances in violation of this chapter or TMC Chapter 12.08C to the POTW including, but not limited to persons that cause pass through or interference, shall be liable to pay any supplemental fees the control authority incurs to respond to such violation. Liability for supplemental fees under this section shall also apply to any person responsible for discharging a substance in violation of this chapter or TMC Chapter 12.08C to

the POTW, regardless whether they own the property from which the prohibited discharge originates. Assessment of supplemental fees shall be in addition to:

1. Any enforcement action authorized by this chapter to address a violation of TMC Chapter 12.08B or TMC Chapter 12.08C;
2. Any cost recovery remedy available to the control authority under state and federal environmental laws and regulations; and
3. Any other remedy available at law or in equity to address a violation of TMC Chapter 12.08B or TMC Chapter 12.08C.

B. Any supplemental fees assessed shall become due and payable to the City within 30 days of receipt of such assessment. If supplemental fees are appealed and affirmed in whole or in part, such fees shall become due and payable within 30 calendar days of receipt of a final decision by the Hearing Examiner or a court. The control authority may pursue collection of non-payment of supplemental fees by any lawful means authorized, including referral to a collection agency.

(Ord. 28761 Ex. B; passed May 25, 2021)

**RIGHT OF ENTRY AND CONFIDENTIALITY****12.08B.400 Right of entry.**

In addition to any other authority granted herein, whenever the control authority has a reasonable basis to believe that a violation of this chapter has occurred or is occurring in, on or upon a building, premises, or real property, authorized representatives of the control authority bearing proper credentials and identification may, with the consent of the owner or occupant of such building, premises, or real property, enter into, on or upon the same at all reasonable times to conduct inspections and gather samples to determine whether the requirements of this chapter are being met. Reasonable times means normal business hours, or other times if the control authority has a reason to believe that wastewater discharges from a building, premises or real property are causing or contributing to a violation of this chapter that requires an immediate response by the control authority to protect property, human health, the POTW, or the environment.

(Ord. 28761 Ex. B; passed May 25, 2021)

**12.08B.410 Confidential information.**

The disclosure of public records maintained under this chapter shall be governed by the provisions of Chapter 42.56 RCW. Financial, commercial and proprietary information submitted by a person, which identifies it as confidential, may be exempt from public disclosure pursuant to the provisions of Chapter 42.56 RCW.

(Ord. 28761 Ex. B; passed May 25, 2021)



**ENFORCEMENT REMEDIES****12.08B.500 Violations, enforcement, and penalties.**

A. The provisions of this chapter together with, any policies, procedures, guidance, requirements, and manuals promulgated under authority of this chapter or TMC Chapter 12.08A, or otherwise made subject to enforcement under this chapter, and all terms and conditions of any permit, authorization, control mechanism, directive, or compliance order issued under authority of this chapter, are subject to enforcement pursuant to and under authority of TMC Chapter 1.82, the Uniform Enforcement Code. The control authority is authorized to exercise all powers and authority granted pursuant to TMC Chapter 1.82, including by way of example and not limitation, the power to issue compliance orders, corrective action notices, and notices of violation, assess monetary penalties, approve voluntary correction agreements, and develop, promulgate, revise, and implement policies and procedures governing enforcement actions under TMC Chapters 1.82 and 12.08B. The Director is empowered to delegate enforcement authority under TMC Chapters 1.82 and 12.08B to such persons as may be determined by the Director. Any such power and authority authorized pursuant to TMC Chapter 1.82 is in addition to the power and authority granted pursuant to TMC Chapter 12.08B and any other applicable state or federal law or regulation.

B. The maximum monetary penalty that may be assessed for each violation per day or portion thereof, and each continuing day or portion thereof, shall not exceed \$10,000. The maximum monetary penalties set forth at TMC 1.82.050.F are not applicable to violations of this Chapter. Monetary penalties shall be assessed in accordance with the most recent version of the Environmental Services Response Plan as promulgated by the Director pursuant to TMC Chapter 12.08A.

C. Compliance with the requirements of this chapter is mandatory except as may be otherwise provided in this chapter. Except as otherwise provided herein, any act or omission by a responsible person in noncompliance with any duty, requirement, or obligation set forth in this chapter, set forth in any standard, requirement, manual, or procedure promulgated under authority of this chapter or otherwise made subject to enforcement under this chapter, or set forth in a term or condition of any permit, authorization, control mechanism, directive, or compliance order issued under authority of this chapter, shall constitute a violation of this chapter and is subject to enforcement by the control authority.

D. Violations of this chapter may include, by way of example, but are not limited to the following acts or omissions:

1. Failure to accurately report the wastewater constituents and characteristics of a discharge when required by this chapter, or when requested by the control authority;
2. Discharging non-domestic wastewater to the POTW without the control authority's authorization;
3. Discharging wastewater that causes the City to violate one of its NPDES permits;
4. Tampering with any metering device or piping connected to such device to show the quantity of water used on the premises or discharged from such premises is less than the actual quantity used or discharged;
5. Discharging any solid or viscous substance capable of obstructing wastewater which will or may cause obstruction to the flow of wastewater or other interference with the operations of the POTW; and
6. Violating any provision of this chapter, including the terms of a permit, order, authorization, or other control mechanism issued under the authority of this chapter.

E. Policies and procedures governing enforcement of violations of this chapter and assessment of monetary penalties are set forth in the Enforcement Response Plan. The Enforcement Response Plan, and all amendments thereto, shall be issued by the Director or Director's designee, a copy of which shall be made available to the public pursuant to such requirements and procedures as are issued by the Director pursuant to TMC Chapter 12.08A to ensure public notice.

F. Any responsible person who willfully violates any provision of this chapter, or any permit, order, control mechanism, or other written authorization or directive issued by the control authority pursuant to this chapter shall, upon conviction, be guilty of a gross misdemeanor punishable by a fine of not more than \$5,000, or by imprisonment in jail for up to three hundred sixty-five (365) days, or both. Each day upon which a willful violation of this chapter, or any permit, order, control mechanism, or other written authorization or directive issued by the control authority pursuant to this chapter occurs may be deemed a separate and additional violation.

G. Any person who shall knowingly and falsely make, complete, or alter a written instrument required to be submitted to the control authority pursuant to this chapter, or a regulation, rule, or procedure promulgated under this chapter, or a term or condition of any directive or compliance order issued under authority of this chapter, shall be guilty of a gross misdemeanor and subject to a fine of not more than \$5,000, or by imprisonment in jail for up to three hundred sixty-five (365) days, or both. Proof of intent to defraud or injure is not required.

H. The enforcement provisions in this chapter are not exclusive remedies. The control authority may take any, all, or any combination of the enforcement actions described in this chapter against any person who violates this chapter. Furthermore, the control authority may pursue any other available remedies that exist in law or equity against any person that violates this chapter. Enforcement of violations will generally be in accordance with TMC Chapter 1.82 and the Environmental Services Enforcement Response Plan.

(Ord. 28761 Ex. B; passed May 25, 2021)

#### **12.08B.510 Suspension of service.**

##### **A. Suspension of Service - Emergency.**

In addition to any other authority set forth in this chapter, the control authority may, pursuant to a stop-use order, immediately suspend discharges to the POTW at a premises whenever the control authority has reasonable cause to believe that an actual or threatened discharge, or other violation of this chapter, either:

1. Presents an imminent threat or substantial danger to the health or welfare of persons or the environment; or
2. Presents an imminent threat to, or does, interfere with the operation of the POTW.

Depending on the emergent circumstances, the control authority may provide either verbal or written notice to suspend an industrial user's actual or threatened discharge.

##### **B. Suspension of Service – Other Violations.**

The control authority may, pursuant to a stop-use order, suspend wastewater services at a premises where a connection to the POTW has been made in violation of this chapter, the control authority's NPDES permit, or any authorization, control mechanism, directive, or compliance order issued under authority of this chapter.

##### **C. Suspension of Service – Access.**

Unreasonable refusal to allow control authority representatives to access a premises pursuant to TMC 12.08B.300 (right of entry) to determine compliance with this chapter may, pursuant to a stop-use order, result in the suspension of discharges to the POTW.

D. The responsible person receiving a notice to suspend its discharge shall suspend discharging to the POTW in accordance with the requirements contained in the notice. If the responsible person fails to immediately comply with the terms of a notice to suspend an actual or threatened discharge, the control authority may take steps it deems reasonably necessary to protect the health and welfare of persons, the environment or the POTW, which may include, but is not limited to, severing the industrial user's sanitary sewer connection at any accessible location. As a condition of allowing discharges to the POTW to recommence, the control authority may require the responsible person to submit a written statement describing the corrective action it has implemented to prevent discharges that presented an imminent danger or threat to the health and welfare of persons or the environment, or threatened to interfere with the operation of the POTW.

(Ord. 28761 Ex. B; passed May 25, 2021)

#### **12.08B.520 Unauthorized connection – misdemeanor.**

It is unlawful to make or cause to be made or to maintain any connection with the POTW, or with any sewer which is connected directly or indirectly with the POTW, without having permission from the control authority. Violation of this section is a misdemeanor punishable by a fine of not more than \$1,000, or by imprisonment in jail for not more than ninety (90) days, or by both such fine and imprisonment.

(Ord. 28761 Ex. B; passed May 25, 2021)

#### **12.08B.530 Side sewer condition education requirement.**

##### **A. Purpose.**

The purpose of this section is to establish the distribution requirements for private side sewer educational flyers at the time of sale, major building remodel or additions to properties within the City, in order to educate property owners on the conditions of private side sewers, and to encourage the reduction in quantity of inflow and infiltration into the sanitary sewer system. The educational flyer distribution requirements take effect on December 1, 2010. The control authority encourages owners to be proactive in making private side sewer or building repairs to eliminate inflow and infiltration to the sanitary sewer system. The City offers financial assistance to qualified customers through the Environmental Services Conservation Loan Program, to aid with the cost of performing private side sewer repairs or replacement.

**B. Educational Flyer Distribution Requirement.**

1. Effective December 1, 2010, property owners shall be provided with an educational flyer in the following circumstances:

- a. Prior to the sale or transfer of title for a real property that contains any building or structure with a private side sewer connecting to the public sewer main. The educational flyer shall be provided to the buyer and seller by the real estate professional(s) representing the buyer and seller.
- b. Prior to issuance of a building permit for a “substantial building renovation” (as defined in TMC 2.06.060). The educational flyer shall be provided to the permit applicant by the City at the time of permit application. If the permit applicant is not the property owner, the educational flyer shall be provided to the property owner by the permit applicant.
- c. Prior to issuance of a building permit for any new buildings or additions to existing buildings in which the new structures or additions may be constructed over the top of the existing private side sewer. The educational flyer shall be provided to the permit applicant by the City at time of permit application. If the permit applicant is not the property owner, the educational flyer shall be provided to the property owner by the permit applicant.

2. This section shall not apply to any of the following:

- a. Transfer of title from one co-owner to one or more other co-owners.
- b. Transfer of title made to a spouse or to a person or persons in the lineal line of consanguinity of one or more of the transferors.
- c. Transfer of title between spouses resulting from a decree of dissolution of marriage or a decree of legal separation or from a property settlement agreement incidental to a decree.
- d. Condominiums,

C. Property owners are solely responsible for the construction, maintenance, operations, repairs, or replacement of the private side sewer and any surface reconstruction requirements when performing said repairs.

(Ord. 28761 Ex. B; passed May 25, 2021)

**MISCELLANEOUS PROVISIONS**

**12.08B.600 Environmental Services Conservation Loan Program.**

Conservation loans for wastewater are governed under TMC Chapter 12.08A.

(Ord. 28761 Ex. B; passed May 25, 2021)

**SUBCHAPTER 12.08C**  
**INDUSTRIAL WASTEWATER PRETREATMENT PROGRAM<sup>1</sup>**

Sections:

**GENERAL PROVISIONS**

- 12.08C.010 Purpose and application.
- 12.08C.020 Administration.
- 12.08C.030 Abbreviations.
- 12.08C.040 Definitions.

**GENERAL SEWER USE REQUIREMENTS**

- 12.08C.100 Prohibited discharge standards.
- 12.08C.110 Categorical pretreatment standards.
- 12.08C.120 State requirements.
- 12.08C.130 AKART.
- 12.08C.140 Industrial user survey form.
- 12.08C.150 Payment of rates and fees.

**PRETREATMENT AND MONITORING FACILITIES**

- 12.08C.200 Treatment required.
- 12.08C.210 Proper operation and maintenance.
- 12.08C.220 Monitoring facilities.
- 12.08C.230 Operating pretreatment facilities.
- 12.08C.240 Wastewater discharge control.
- 12.08C.250 Flow equalization.
- 12.08C.260 Multitenant buildings.
- 12.08C.270 Flow, pH, LEL and other meters and equipment.
- 12.08C.280 Tampering with water metering devices prohibited.

**INDUSTRIAL WASTEWATER DISCHARGE PERMITTING**

- 12.08C.300 Permits required.
- 12.08C.310 Industrial wastewater discharge permitting – Existing industrial users.
- 12.08C.320 Industrial wastewater discharge permitting – New sources and new industrial users.
- 12.08C.330 Industrial users.
- 12.08C.340 Industrial wastewater discharge permitting – Application contents.
- 12.08C.350 Certification requirements.
- 12.08C.360 Special approved discharge authorization.

**INDUSTRIAL WASTEWATER DISCHARGE PERMIT ISSUANCE**

- 12.08C.400 Industrial wastewater discharge permit duration.
- 12.08C.410 Industrial wastewater discharge permit contents.
- 12.08C.420 Industrial wastewater discharge permit modification.
- 12.08C.430 Industrial wastewater discharge permit transfer.
- 12.08C.440 Industrial wastewater discharge permit revocation.
- 12.08C.450 Industrial wastewater discharge permit reissuance.
- 12.08C.460 Industrial wastewater discharge permitting – Extra jurisdictional industrial users.
- 12.08C.470 Public notice.

**REQUIREMENTS FOR FOOD SERVICE ESTABLISHMENTS, HAULED WASTE AND DENTAL FACILITIES**

- 12.08C.500 Requirements for food service establishments.
- 12.08C.510 Requirements for hauled waste.
- 12.08C.520 Requirements for dental facilities.

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<sup>1</sup> Chapter 12.08 was repealed and reenacted by subchapters 12.08A, 12.08B, 12.08C, and 12.08D, per Ord. 28761, passed May 25, 2021, eff. Jul. 1, 2021.

## **REPORTING AND NOTIFICATION REQUIREMENTS**

- 12.08C.600 Baseline monitoring reports.
- 12.08C.610 Compliance schedules.
- 12.08C.620 Reports on compliance with categorical pretreatment standard deadline.
- 12.08C.630 Periodic self-monitoring reports.
- 12.08C.640 Notification of change in discharge or operations.
- 12.08C.650 Notification and reports of potential problems.
- 12.08C.660 Slug discharge – Notification and plan development.
- 12.08C.670 Reports for industrial users.
- 12.08C.680 Notice of noncompliance.
- 12.08C.690 Notification of the discharge of hazardous waste.
- 12.08C.700 Requests for information.

## **COMPLIANCE MONITORING AND RECORDKEEPING**

- 12.08C.800 Analytical and sampling requirements.
- 12.08C.810 Specific sampling requirements for industrial users.
- 12.08C.820 Monitoring – Recordkeeping.

## **RIGHT OF ENTRY AND CONFIDENTIALITY**

- 12.08C.900 Right of entry – Inspection and sampling.
- 12.08C.910 Public Disclosure and Confidentiality.

## **PUBLICATION OF INDUSTRIAL USERS IN SIGNIFICANT NONCOMPLIANCE**

- 12.08C.1000 Publication of industrial users in significant noncompliance.

## **AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATIONS**

- 12.08C.1100 Upsets.
- 12.08C.1110 Bypass.

## **ENFORCEMENT AND REMEDIES**

- 12.08C.1200 Violations, enforcement and penalties.
- 12.08C.1210 Remedies non-exclusive.
- 12.08C.1220 Suspension of service.

## **MISCELLANEOUS PROVISIONS**

- 12.08C.1300 Severability.
- 12.08C.1310 Electronic records.

## GENERAL PROVISIONS

### 12.08C.010 Purpose and application.

This chapter sets forth uniform requirements for industrial users of the POTW to comply with all applicable state and federal laws, including Chapter 90.48 RCW, Chapter 173-216 WAC, Chapter 90.48 RCW, the Federal Clean Water Act (33 U.S.C., Section 1251 et seq.), the General Pretreatment Regulations (40 CFR Part 403), and this chapter. This chapter shall apply to all industrial users of the POTW and all other persons responsible for compliance with any requirement of this chapter. The purpose of this chapter is:

- A. To protect the POTW by preventing the introduction of pollutants into the POTW that may interfere with its operation, or be incompatible with, or otherwise cause damage to, the POTW;
- B. To prevent the introduction of pollutants into the POTW that will pass through if inadequately treated prior to discharge into receiving waters;
- C. To protect personnel who may be affected by wastewater and biosolids in the course of their employment and to protect the general public;
- D. To promote reuse and recycling of industrial wastewater and biosolids derived from the POTW; and
- E. To require persons regulated by this chapter to pay applicable rates and fees to reasonably distribute the cost to operate, and to maintain and improve the POTW.
- F. To enable the City to comply with its NPDES Permit conditions, federal and state requirements applicable to biosolids use and disposal, and any other federal or state laws or regulations to which the POTW is subject.

(Ord. 28761 Ex. C; passed May 25, 2021)

### 12.08C.020 Administration.

#### A. Administration.

The City will administer this chapter in accordance with the purposes set forth herein and in accordance with the authority set forth in Chapter 35.67 RCW, and other applicable federal, state and local laws and regulations, its state pretreatment delegation, and its Pretreatment Program policies and procedures. In the event there is a conflict between a requirement of this chapter and: (a) a provision contained within it; (b) a provision of a permit issued under this chapter; or (c) a provision of an applicable federal or state law or regulation, the requirement(s) that are more protective of the environment shall apply.

#### B. Responsibility for Compliance.

It is the intent of this chapter to place the responsibility for complying with its requirements, and any policies, regulations, manuals, procedures and guidance adopted pursuant to this chapter, and any permit, authorization or approval granted pursuant to this chapter, upon the permittee, the person granted an authorization or approval, the facility operator, the facility manager, the facility owner, the owner and operator of any food service establishment or other business subject to regulation under this chapter, and any other person when that person's action or failure to take action causes or contributes to a violation of this chapter or any permit, authorization or approval made or given pursuant to this chapter. It is further the intent of this chapter that, whenever a facility constitutes an industrial user, the permittee, facility operator, facility manager, and facility owner shall be responsible for compliance with all requirements, obligations, limitations and prohibitions made applicable to an industrial user pursuant to this chapter. It is further the intent of this chapter that the permittee, operator, facility manager, and owner of a facility that constitutes a new source or existing source shall be responsible for compliance with all requirements, obligations, limitations and prohibitions made applicable to a new source or existing source pursuant to this chapter.

#### C. Appeals of Decisions and Determinations.

Appeals of decisions or determinations made by the Control Authority pursuant to this chapter are governed by 12.08A.140; provided that, appeals of enforcement actions taken pursuant to this chapter are governed by TMC Chapter 1.82

#### D. Liberal Construction.

The provisions of this chapter shall be held to be minimum requirements in their interpretation and application and shall be liberally construed to serve the purposes of this chapter.

(Ord. 28761 Ex. C; passed May 25, 2021)

**12.08C.030 Abbreviations.**

The following abbreviations, when used in this chapter, shall have the designated meanings:

AWWA	American Water Works Association
BMPs	Best Management Practices
BOD <sub>5</sub>	5-Day Biochemical Oxygen Demand
BTEX	Benzene, Toluene, Ethylbenzene, Xylene
°C	degrees Celsius
COD	Chemical Oxygen Demand
CFR	Code of Federal Regulations
EPA	U.S. Environmental Protection Agency
ERP	Enforcement Response Plan
°F	degrees Fahrenheit
FOG	Fats, Oil and Grease
gpd	gallons per day
GGI	Gravity Grease Interceptor
HMGI	Hydromechanical Grease Interceptor
LEL	Lower Explosive Limit
MAIL	Maximum Allowable Industrial Loading
mgd	million gallons per day
mg/L	milligrams per liter
MIU	Minor Industrial User
NAICS	North American Industry Classification System
NPDES	National Pollutant Discharge Elimination System
O&M	Operation and Maintenance
POTW	Publicly Owned Treatment Works
RCRA	Resource Conservation and Recovery Act
RCW	Revised Code of Washington
SDCP	Slug Discharge Control Plan
SIC	Standard Industrial Classification
SNC	Significant Noncompliance
TMC	Tacoma Municipal Code
TRC	Technical Review Criteria
TSS	Total Suspended Solids
UPC	Uniform Plumbing Code
U.S.C.	United States Code
WAC	Washington Administrative Code

(Ord. 28761 Ex. C; passed May 25, 2021)



**12.08C.040 Definitions.**

For the purposes of this chapter, the following terms, phrases, words and their derivations shall have the meanings given herein unless a different meaning is otherwise plainly required. Words not defined herein shall have the meaning given pursuant to TMC 1.82.010. Words not otherwise defined in this chapter or TMC 1.82.010 shall have the meaning given in such federal and state statutes, rules, or regulations that apply to the activity being regulated. Words not otherwise defined, shall be given their common and ordinary meaning. When not inconsistent with the context, words used in the present tense include the future, words in the plural include the singular, and words in the singular include the plural. The words “shall” and “will” are always mandatory and not merely directory and the word “may” is permissive. References to governmental entities (whether persons or entities) refer to those entities or their successors in authority.

“Amalgam process wastewater.” Any wastewater generated and discharged by a dental discharge facility through the practice of dentistry that may contain dental amalgam.

“Amalgam separator.” A collection device designed to capture and remove dental amalgam from the amalgam process wastewater of a dental discharge facility.

“Amalgam waste.” Any non-contact and contact scrap amalgam waste or wastestream containing mercury or residues from the preparation, use or removal of amalgam. This includes, but is not limited to, any mercury waste generated or collected by chair-side traps, screens, filters, vacuum systems filters, amalgam separators, elemental mercury, amalgam capsules and autoclaves or other equipment that comes in contact with mercury.

“Applicable pretreatment standard.” The most restrictive federal or state pretreatment limit or prohibitive standard, or local limit, contained in or referenced by this chapter with which an industrial user is required to comply.

“Authorized representative” or “duly authorized representative of the industrial user.”

A. If the industrial user is a corporation:

1. The president, secretary, treasurer, or vice president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or
2. The manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions that govern the operation of the regulated facility including: having the explicit or implicit duty of making major capital investment recommendations; initiating and directing comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; ensuring that the necessary systems are established or actions are taken to gather complete and accurate information for reporting requirements established by the Control Authority, if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;

B. If the industrial user is a partnership or sole proprietorship: a general partner or proprietor, respectively;

C. If the industrial user is a limited liability company, the managing member(s) of the limited liability company;

D. If the industrial user is a federal, state, or local governmental facility: a director or the highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or the designee of such official; and

E. The individuals described in paragraphs A through D above may designate another duly authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the Control Authority.

“Batch discharge.” A special method of discharging wastewater defined in and authorized by an industrial wastewater discharge permit, special approved discharge authorization or other control mechanism.

“Best Management Practices” or “BMPs.” A schedule(s) of activities, treatment practices, prohibitions of practices, maintenance procedures, and other management practices based on applicable Pretreatment Standards in 40 CFR Part 403, federal categorical effluent standards and applicable state and local pretreatment requirements including local limits which are implemented by an industrial user to prevent or reduce pollutants from entering a facility’s waste stream and causing “interference” and/or “pass through” and/or damage to biosolids.

“Biochemical Oxygen Demand, 5-Day” or “BOD<sub>5</sub>.” The quantity of oxygen used in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20 degrees (20°) Celsius, expressed in parts per million or milligrams per liter (mg/L) by weight, using methods approved under 40 CFR Part 136.

“Bypass.” The intentional diversion of a wastestream from any portion of an industrial user’s treatment facility prior to being discharged to the POTW.

“Categorical Industrial User.” An industrial user subject to national categorical pretreatment standards.

“Categorical pretreatment standard” or “categorical standard.” Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with 33 U.S.C. Section 1317 that apply to a specific category of industrial users and that appear in 40 CFR Chapter I, Subchapter N, Parts 405-471.

“City.” The City of Tacoma, a municipal corporation organized and existing under and by virtue of the laws of the state of Washington. The phrase “within the City” means within the City boundaries as now or hereafter constituted.

“Complete written instrument” means an instrument which is fully drawn with respect to every essential feature thereof; “incomplete written instrument” means an instrument which contains some matter by way of content or authentication but which requires additional matter in order to render it a complete written instrument.

“Color.” The optical density at the visual wave length of maximum absorption, relative to distilled water.

“Composite sample.” Multiple grab samples collected over time, either by continuous sampling or by mixing discrete samples and are reported as the average wastewater characteristic concentration for the period of time during which the composite sample was collected.

“Contributing jurisdiction.” A municipality other than the City that contributes wastewater to the POTW.

“Control Authority.” The City’s Environmental Services Department, its Director and its authorized representatives and their successors.

“Control mechanism.” An industrial wastewater discharge permit, a special approved discharge authorization, a letter, an authorization to discharge, or any other written notice of discharge requirements issued by the Control Authority.

“Cooling water.” Cooling water shall mean contact cooling water or noncontact cooling water which have the following meanings:

A. Contact: Water used for cooling purposes which comes in contact with any raw material, intermediate product, waste product or finished product; and

B. Noncontact: Water used for cooling purposes which does not comes in contact with any raw material, intermediate product, waste product or finished product and the only pollutant added is heat.

“Daily maximum discharge limit.” The maximum allowable discharge limit of a pollutant that may be discharged during a twenty-four (24) hour period or as specified in an industrial user’s industrial wastewater discharge permit. Where daily maximum limits are expressed in units of mass, the daily discharge is the total mass discharged over the sampling period. Where daily maximum limits are expressed in terms of a concentration, the daily discharge is the arithmetic average measurement of the pollutant concentration derived from all measurements taken during that sampling period.

“Days.” Unless otherwise indicated, “days” means calendar days.

“Dental amalgam.” An alloy of elemental mercury and other metal(s) that is used in the practice of dentistry.

“Dental discharge facility.” A facility where the practice of dentistry is performed and wastewater is discharged to the POTW.

“Dilute.” A wastestream that has been reduced in strength by the addition of water or another solution.

“Director.” The City of Tacoma’s Director of the Environmental Services Department, or successor department, who is designated to supervise the implementation and enforcement of this chapter or the Director’s duly authorized designee.

“Domestic wastewater.” Water carrying human wastes, including kitchen, bath, and laundry wastes from residences, buildings, industrial establishments and other places, which is similar in volume or chemical composition to wastewater discharged from a residential dwelling unit.

“Environmental permit.” An authorization, order or equivalent control mechanism issued by a federal or state agency, or local jurisdiction to implement the requirements of an environmental law, regulation or ordinance.

“Exempt dental discharge facility.” Any dental facility in which amalgam is not placed, removed, or used at any time in the dental practice or a dental facility that does not discharge amalgam process wastewater to the POTW.

“Existing source.” Any industrial user that is not a new source.

“Extra jurisdictional industrial user.” An industrial user located outside the City limits that contributes wastewater to the POTW.

“Facility.” A building, structure, equipment, installation, land, or any combination thereof, that is a source or potential source of an indirect discharge of wastewater to the POTW. This term shall not mean or include pretreatment facilities, wastewater pretreatment facilities, or food service establishment facilities, as those terms are used in this chapter.

“Facility manager.” The person in the position of the most senior corporate officer, executive, leader or administrator in charge of the daily supervision and operation of a facility. The facility manager may or may not be a duly authorized representative of the industrial user.

“Falsely alter.” To falsely alter a written instrument means to change, without authorization by anyone entitled to grant it, a written instrument, whether complete or incomplete, by means of erasure, obliteration, deletion, insertion of new matter, transposition of matter, or in any other manner.

“Falsely complete.” To falsely complete a written instrument means to transform an incomplete written instrument into a complete one by adding or inserting matter, without the authority of anyone entitled to grant it; and, to “

“Falsely make.” To falsely make a written instrument means to make or draw a complete or incomplete written instrument which purports to be authentic, but which is not authentic either because the ostensible maker is fictitious or because, if real, the maker did not authorize the making or drawing thereof.

“Federal Clean Water Act.” The Federal Water Pollution Control Act, as amended and codified at 33 U.S.C. 1251 et seq.

“Food service establishment.” Any non-mobile facility, which serves, prepares, processes, manufactures, or packages food for consumption such as a restaurant, commercial kitchen, caterer, hotel, school, hospital, detention facility, food caterer, convenience store, grocery store, manufacturing facility or care institution.

“Grab sample.” A sample which is taken from a wastestream on a one-time basis with no regard to the flow in the wastestream over a period of time not to exceed fifteen (15) minutes.

“Hauled waste.” Any domestic or non-domestic wastes delivered by tanker truck for discharge to the POTW.

“Hauler.” Any person that delivers domestic or non-domestic waste by tanker truck for discharge to the POTW.

“Hazardous waste.” Any waste designated as hazardous under the provisions of 40 CFR Part 261 or a dangerous waste under Chapter 173-303 WAC.

“Hazardous waste pharmaceuticals.” Pharmaceuticals that are considered RCRA hazardous by the EPA. Excluded are non-prescription pharmaceuticals that have a reasonable expectation of being used/reused or reclaimed.

“Healthcare facility.” Any person that is lawfully authorized to:

A. Provide preventative, diagnostic, therapeutic, rehabilitative, maintenance or palliative care, and counseling, service, assessment or procedure with respect to the physical or mental condition, or functional status, of a human or animal or that affects the structure or function of the human or animal body; or

B. Distribute, sell, or dispense pharmaceuticals, including over-the-counter pharmaceuticals, dietary supplements, homeopathic drugs, or prescription pharmaceuticals.

“Holding tank waste.” Sewage, including typically associated solids, from domestic activities pumped from a septic tank serving one or more private residences or a chemical toilet, or tanks within recreational vehicles, campers, trailers, and vessels.

“Indirect discharge.” The discharge or the introduction of pollutants into the POTW from any source regulated under Section 307(b), (c) or (d) of the Federal Clean Water Act (33 U.S.C. 1317), or this chapter, including holding tank waste discharged by a non-domestic industrial user to the POTW.

“Industrial waste” or “Non-domestic waste.” A liquid or solid waste from industrial manufacturing processes, or trade or business activities distinct from domestic wastewater.

“Industrial user.” A non-domestic source of an indirect discharge or any other industrial or commercial facility or business that has a sewer connection to the POTW, whether or not the industrial user discharges non-domestic wastewater.

“Industrial wastewater discharge permit.” A control mechanism issued by the Control Authority to an industrial user that allows, limits and/or prohibits the discharge of pollutants or flow to the POTW.

“Interference.” A discharge which alone or in combination with other discharges:

A. Inhibits or disrupts the POTW, its treatment processes or operations or its sludge processes, use or disposal; and

B. Causes a violation of the City’s NPDES permit (including an increase in the magnitude or duration of a violation) or the prevention of sewage sludge use or disposal in compliance with any of the following statutory or regulatory provisions or

permits issued thereunder, or any more stringent state or local regulations: Section 405 of the Federal Clean Water Act; the Solid Waste Disposal Act (SWDA), including Title II commonly referred to as the Resource Conservation and Recovery Act (RCRA); any state regulations contained in any state sludge management plan prepared pursuant to Subtitle D of the Solid Waste Disposal Act; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research, and Sanctuaries Act.

“Interlocal agreement.” An agreement entered into pursuant to the Interlocal Cooperation Act, Chapter 39.34 RCW.

“Instantaneous discharge limit.” The maximum or minimum concentration of a pollutant or a pollutant property based on a grab sample or direct measurement allowed to be discharged at any time.

“Local limits.” Discharge limits developed by the Control Authority in accordance with 40 CFR Section 403.5(c) and (d) which are set forth in this chapter.

“New source.” Shall be defined as set forth in 40 CFR Section 403.3(m).

“New source dental discharge facility.” A dental discharge facility that discharges to the POTW for the first time on or after July 15, 2017, or a dental discharge facility that transfers ownership on or after July 15, 2017.

“Normal domestic strength wastewater.” Wastewater, when analyzed in accordance with procedures established in 40 CFR Part 136, as amended, that contains no more than two hundred (200) mg/L of 5-Day Biochemical Oxygen Demand (BOD<sub>5</sub>) or two hundred and twenty-five hundred (225) mg/L of Total Suspended Solids.

“North American Industry Classification System Code” or “NAICS Code.” An industrial classification system developed by the United States Office of Management and Budget to classify business establishments for the collection, tabulation, presentation, and analysis of statistical data describing the U.S. economy. Also, see Standard Industrial Classification Code.

“NPDES Permit.” Waste discharge permits issued by the Washington State Department of Ecology to the City pursuant to Chapter 90.48 RCW and Section 402 of the Federal Clean Water Act that establish special and general conditions for discharging effluent from the City’s Central and North End treatment plants into waters of the state.

“Operator” Any person or group of persons, other than a facility manager, in control of or otherwise responsible for, through any arrangement, the management and operation of a facility or an entity or business enterprise subject to regulation under this chapter.

“Owner.” Any person holding title to, or an ownership interest in, a facility. It shall be presumed that the person identified in records of the Pierce County Assessor as the taxpayer is the owner of any such real property that constitutes a facility or upon which a facility is located.

“Pass through.” A discharge which exits the POTW into waters of the United States or the state in quantities or in concentrations which, alone or in conjunction with a discharge or discharges from other sources, causes a violation of any requirement of the City’s NPDES Permit, including an increase in the magnitude or duration of a violation.

“Permittee.” Any person to whom an industrial wastewater discharge permit has been issued pursuant to this chapter.

“Person.” Any individual, partnership, co-partnership, firm, company, association, joint stock company, trust, estate, society, corporation, group, government, governmental agency or other legal entity, and their legal representatives, agents or assigns. The definition includes all federal, state and local government entities.

“pH.” The negative logarithm of the effective hydrogen-ion concentration or hydrogen activity in gram equivalents per liter used in expressing both acidity and alkalinity on a scale with values from 0 to 14, with 7 representing neutrality. Values lower than 7 are more acidic, and higher values are more alkaline.

“Pharmaceutical.” Any drug or dietary supplement for use by humans or other animals; any electronic nicotine delivery system (e.g., electronic cigarette or vaping pen), or any liquid nicotine (e-liquid) packaged for retail for use in electronic nicotine delivery systems (e.g., pre-filled cartridges or vials). This definition includes, but is not limited to dietary supplements, as defined by the Federal Food, Drug and Cosmetic Act; prescription drugs, as defined by 21 CFR 203.3(y); OTC drugs; homeopathic drugs; compounded drugs; investigational new drugs; pharmaceuticals remaining in nonempty containers; personal protective equipment contaminated with pharmaceuticals; and clean-up material from spills of pharmaceuticals. This definition does not include dental amalgam or sharps.

“Pollutant.” Any dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, explosives, munitions, medical waste, chemical wastes, corrosive substance, biological material, biological nutrient, toxic substance, radioactive materials, malodorous substance, wrecked or discharged equipment, rock, sand, slurry, cellar dirt, untreatable waste, or industrial, domestic, or agricultural wastes and certain characteristics of wastewater (e.g. pH, temperature, TSS turbidity, color, BOD<sub>5</sub>, COD, toxicity or odor).

“POTW.” Means a treatment works, as defined by 33 U.S.C. Section 1292 (2), which is owned and operated by the City. The term generally refers to any devices and systems used in the conveyance, storage, treatment, recycling and reclamation of municipal sewage and industrial wastes of a liquid nature. A reference to the POTW means and refers to the POTW owned or operated by the City, unless a different meaning is otherwise plainly required.

“POTW Treatment Plant.” That portion of the POTW known as the Central and North-End treatment plants that provides treatment of municipal wastewater.

“Pretreatment.” The reduction of the amount of pollutants, the elimination of pollutants or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to, or in lieu of, discharging or otherwise introducing such pollutants into the POTW through physical processes, biological processes, or by other processes or means, except as prohibited by 40 CFR Section 403.6(d).

“Pretreatment facilities.” Wastewater treatment equipment, units, devices, facilities or portions thereof designed to provide pretreatment of wastewater.

“Pretreatment program.” A federal, state and local program administered by the City that requires industrial and commercial sources of non-domestic wastewater to treat wastewater prior to discharging it to the POTW.

“Pretreatment interlocal agreement.” An interlocal agreement entered into by and between the City and another jurisdiction that is administered under TMC 12.08C.460.

“Pretreatment requirements.” Any substantive or procedural requirement related to pretreatment of wastewater, other than a pretreatment standard imposed on an industrial user.

“Pretreatment standard.” Any regulation containing pollutant limitations promulgated by the EPA in accordance with Section 307(b) and(c) of the Federal Clean Water Act or promulgated by the Washington State Department of Ecology in accordance with Chapter 90.48 RCW which applies to industrial users. The term includes prohibited discharge limits established pursuant to 40 CFR Section 403.5 and other standards, BMPs, local limits and specific prohibitions established by the Control Authority. See also, definition of “Applicable pretreatment standard.”

“Private side sewer” and “side sewer.” Shall have the same meaning as that term is given pursuant to TMC 12.08B.

“Responsible person.” Any person made responsible for compliance with the provisions of this chapter, any regulations established pursuant to this chapter, or any conditions of a permit, authorization or approval made or given pursuant to this chapter. Responsible persons are generally set forth at TMC 12.08C.020.B.

“Reverse distributor.” Any person that receives and accumulates prescription pharmaceuticals that are potentially creditable hazardous waste pharmaceuticals for the purpose of facilitating or verifying manufacturer credit. Any person, including forward distributors, third-party logistics providers, and pharmaceutical manufacturers, that processes prescription pharmaceuticals for the facilitation or verification of manufacturer credit is considered a reverse distributor.

“Septic tank waste” or “Domestic septage.” Liquid or solid material removed from a septic tank, cesspool, holding tank, or a similar system that receives only domestic waste (household, non-commercial, non-industrial sewage).

“Significant industrial user” means:

A. All industrial users subject to categorical pretreatment standards under 40 CFR 403.6 and 40 CFR Chapter I, Subchapter N; and

B. Any other industrial user that discharges an average of 25,000 gpd or more of process wastewater to the POTW (excluding domestic, noncontact cooling and boiler blowdown wastewater); or contributes a process wastestream which makes up five percent (5%) or more of the average dry weather hydraulic or organic capacity of the POTW; or is designated as such by the Control Authority on the basis that the industrial user has a reasonable potential for adversely affecting the POTW’s operation; or for violating any pretreatment standard or requirement (in accordance with 40 CFR 403.8(F)(6), as found in 55 FR 30128, July 24, 1990).

“Slug discharge.” Any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge, which has a reasonable potential to cause interference or pass through, or in any other way violate the POTW’s regulations, local limits or Permit conditions. This includes a discharge which exceeds the hydraulic or design of an industrial user’s treatment system or any part of the treatment unit.

“Stormwater.” That portion of precipitation, including snowmelt, that does not naturally percolate into the ground or evaporate, but flows via overland flow, interflow, pipes, and other features of a stormwater drainage system into a receiving water or stormwater facility.

“Supplemental fees.” Expenses and costs the Control Authority incurs to address and respond to a violation of TMC 12.08C, and which shall include, but not be limited to: (i) personnel costs, both direct and indirect; (ii) costs to investigate, contain, and abate the discharge, including cleaning up any contamination caused by the discharge that may be present within the POTW, at the point of discharge, or in the receiving environment; (iii) costs to respond to a discharge causing pass through or interference; (iv) costs to document and enforce a violation of TMC 12.08C; (v) costs to hire a contractor(s) or consultant(s) to respond to such violations; (vi) laboratory costs and analytical expenses; (vii) costs for equipment, materials, and supplies; (viii) mobilization, transportation, treatment, storage, and disposal costs; (ix) attorney’s fees, when authorized; (x) costs required for printing or mailings; and (xi) costs to collect unpaid supplemental fees.

“Tampering” or “tamper.” Any action taken to alter, bypass, damage or disable a monitoring device that would render it inaccurate.

“Threatened discharge.” The existence of any condition or practice which reasonably could be expected to lead to an unauthorized discharge of wastewater, that may present an imminent danger or threat to the health and welfare of persons or the environment, or that threatens to interfere with the operation of the POTW.

“Total suspended solids” or “TSS.” Solids that either float on the surface of or are suspended in water, sewage, or other liquid, and which are removable by laboratory filtering in accordance with procedures approved in 40 CFR Part 136, as amended.

“Toxic pollutant.” Any pollutant or combination of pollutants listed as toxic in regulations promulgated by the Administrator of the EPA under Section 307(a) of the Federal Clean Water Act or as otherwise listed in 40 CFR Part 122, Appendix D.

“Upset.” An exceptional incident in which there is unintentional and temporary noncompliance with the applicable pretreatment standards because of factors beyond the reasonable control of the industrial user. The term “upset” does not include noncompliance to the extent it is caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation thereof.

“Wastewater” or “Wastestream.” Liquid and water-carried industrial wastes, holding tank waste, and domestic wastes from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated.

“Written instrument” means any paper, document, or other instrument containing written or printed matter or its equivalent, or any stamp, seal, certification, trademark, or other evidence or symbol of value, right, privilege, or identification.

(Ord. 28761 Ex. C; passed May 25, 2021)

**GENERAL SEWER USE REQUIREMENTS****12.08C.100 Prohibited discharge standards.****A. General Prohibitions.**

No industrial user shall introduce to the POTW any pollutant which causes pass through or interference. These general prohibitions apply to all industrial users of the POTW whether they are subject to pretreatment standards, or any other national, state, or local pretreatment requirements.

**B. Specific prohibitions.**

No industrial user shall introduce or cause to be introduced to the POTW the following substances or combination of substances:

1. Any substance which either alone or by interaction with other substances create a fire or explosive hazard in the POTW, including, but not limited to wastestreams with a closed-cup flashpoint of less than 140 degrees Fahrenheit (60 degrees Celsius) using the test method specified in 40 CFR Section 261.21. The discharge restrictions and prohibitions of dangerous waste regulations set forth in Chapter 173-303 WAC shall apply to discharges under this chapter;
2. Wastewater having a pH of less than 5.0, or more than 11.0, or any wastewater capable of causing corrosive structural damage to the POTW or equipment except as authorized by an industrial wastewater discharge permit, special approved discharge authorization, or other control mechanism issued by the Control Authority;
3. Solid or viscous pollutants or substances in amounts which cause obstruction to the flow in the POTW or other interference;
4. Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin, in amounts that will cause pass through or interference;
5. Any pollutant, including oxygen-demanding pollutants released in a discharge at a flow rate and/or concentration which will cause interference;
6. Wastewater entering the POTW that exceeds 100 degrees Fahrenheit. The Control Authority may authorize a discharge above 100 degrees Fahrenheit if it determines such discharge will not cause interference or influent temperature at the POTW treatment plant to exceed 104 degrees Fahrenheit.
7. Pollutants which result in the presence of toxic gases, vapors or fumes within the POTW in a quantity which may cause acute worker health and safety problems or pollutants which alone or in combination with other pollutants, or by interaction with other wastes, are sufficient to create a public nuisance or hazard to life or are sufficient to prevent or interfere with entry into the POTW for maintenance and repair;
8. Trucked or hauled pollutants, except at discharge points as authorized by an industrial wastewater discharge permit, special approved discharge authorization, or other control mechanism issued by the Control Authority, as set forth in this chapter;
9. Wastewater which contains grease or oil or any other substances that will solidify or become discernibly viscous at temperatures between thirty-two degrees (32°) Fahrenheit (0° Celsius) and one hundred fifty degrees (150°) Fahrenheit (65.5° Celsius);
10. Wastewater generated as a result of wastes pumped from gravity grease interceptors, hydromechanical grease interceptors or grease traps, sand-oil separators or other storage tanks or treatment units without the approval of the Control Authority;
11. Wastewater which imparts color to the POTW's effluent such as, but not limited to, dye wastes and vegetable tanning solutions;
12. Wastewater containing radioactive wastes or isotopes except in compliance with applicable state or federal regulations;
13. Medical wastes that cause or contribute to pass through or interference;
14. Unless approved by the Control Authority under extraordinary circumstances, such as lack of direct discharge alternatives or need to augment sewage flows due to septic conditions (as required under WAC 173-216-050):
  - a. Non-contact cooling water in significant volumes;
  - b. Stormwater or other direct inflow sources; and
  - c. Wastewater significantly affecting system hydraulic loading, which does not require treatment or would not be afforded a significant degree of treatment by the POTW;
15. Any substance that causes the City to violate its NPDES Permit(s) or applicable federal or state water quality standards;

16. Sludge, screenings, or other residues from the pretreatment of industrial wastes or from industrial processes except as authorized by an industrial wastewater discharge permit, special approved discharge authorization or other control mechanism issued by the Control Authority;

17. Any slug discharge;

18. Any substance which may cause the POTW's effluent or treatment residues, sludge or sludge products or scums, to be unsuitable for reclamation or reuse, or which otherwise interferes with the reclamation process;

19. Any discharge containing a substance which is regulated under Chapter 173-303 WAC, unless authorized by an industrial wastewater discharge permit, special approved discharge authorization or other control mechanism issued by the Control Authority. Control mechanisms issued under this subsection shall comply with applicable discharge requirements set forth in Chapter 173-303 WAC; and

20. Any pesticides, herbicides or fungicides that cause or contribute to pass through, interference or negative impact to the POTW. Industrial users shall not discharge wastewater to the POTW that is generated from the rinsing of any container that contains or contained any concentrated or formulated pesticide, herbicide or fungicide unless approved by the Control Authority.

**C. Hazardous waste pharmaceuticals.**

Healthcare facilities that generate, accumulate or otherwise handle hazardous waste pharmaceuticals, and reverse distributors engaged in the management of prescription hazardous waste pharmaceuticals, shall not discharge pharmaceuticals to the POTW which are listed as hazardous waste under the federal Resource Conservation and Recovery Act (42 U.S.C. § 6901 et seq., and its implementing regulations), or which are regulated as hazardous waste under the same law based on the characteristics of ignitability, corrosivity, reactivity, or toxicity.

**D. Storage.**

No chemicals, materials, or other substances, including but not limited to, paints, solvents, boiler or water treatment chemicals, sludges, chemicals, or wastes shall be stored in proximity to a floor drain or other openings used to collect and convey, directly or indirectly, wastewater to the POTW unless secondary containment is provided. The requirement for secondary containment is waived if physical barriers exist that will prevent entry of chemicals, materials or other substances to floor drains or other openings used to collect and convey wastewater.

**E. Dilution prohibited.**

Dilution is prohibited as a substitute for wastewater treatment except where authorized by an applicable pretreatment standard or requirement. No industrial user shall ever increase the use of process water, or in any other way attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with a pretreatment standard or requirement. The Control Authority may impose mass limitations on industrial users which are using dilution to meet applicable pretreatment standards or requirements, or in other cases where the imposition of mass limitations is appropriate.

**F. Local limits.**

1. No industrial user issued an industrial wastewater discharge permit shall discharge, or cause to be discharged, wastewater containing pollutants that exceed the following limits:



Table 12.08C.100.F - 1

<b>Pollutant</b>	<b>Daily Maximum Discharge Limits<sup>(a)</sup> for IUs discharging to Central Treatment Plant</b>	<b>Daily Maximum Discharge Limits<sup>(a)</sup> for IUs discharging to North End Treatment Plant</b>
Arsenic	0.23	0.56
Cadmium	0.103	0.251
Chromium	4.74	4.54
Copper	1.46	2.27
Lead	0.427	1.20
Mercury	0.033	0.097
Molybdenum	0.55	1.46
Nickel	1.12	2.79
Selenium	0.14	0.437
Silver	0.64	1.55
Zinc	2.44	5.54
5-Day Biochemical Oxygen Demand (BOD <sub>5</sub> ), lbs/day <sup>(b)</sup>	No Limit	449
Total Suspended Solids (TSS), lbs/day <sup>(b)</sup>	No Limit	2153
Ammonia, lbs/day <sup>(b)</sup>	5,082.6	No Limit
Bis-2(ethylhexyl)phthalate	No Limit	<0.0005

(a) All Pollutants as Total and in mg/L unless otherwise specified.

(b) This limit is the total mass in pounds per day (lbs/day) that are available to allocate to all significant industrial users and other designated and permitted non-significant industrial users.

G. The Control Authority may implement local limits through allocation of the Maximum Allowable Industrial Load to significant industrial users and specific permitted non-significant industrial users that correspond to the uniform concentration local limits shown in Table 12.08C.100.F - 1.

H. The following limits shall apply to wastewaters that are discharged from:

1. Groundwater cleanup of petroleum or gasoline underground storage tanks or other remediation wastewaters containing these pollutants;
2. Discharges where one or more of these pollutants are present; or
3. Where these pollutants are appropriate surrogates.

It shall be unlawful for any industrial user to discharge or cause to be discharged any waste or wastewater to the POTW that exceeds the following limits:

Table 12.08C.100.H - 1

<b>Pollutant</b>	<b>Daily Maximum limit (mg/L)</b>
Benzene	0.050
BTEX	0.750

I. The Control Authority may establish more stringent pollutant limits, additional site-specific pollutant limits, best management practices, or additional pretreatment requirements when, in the judgment of the Control Authority, such limitations, practices or requirements are reasonably necessary to ensure compliance with the provisions of this chapter.

(Ord. 28761 Ex. C; passed May 25, 2021)

**12.08C.110 Categorical pretreatment standards.**

A. Industrial users shall comply with the categorical pretreatment standard(s) found at 40 CFR Chapter I, Subchapter N, Parts 405-471.

B. Where a categorical pretreatment standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the Control Authority may impose equivalent concentration or mass limits in accordance with this section and 40 CFR Part 403.6(c).

C. When categorical pretreatment standards are expressed only in terms of a mass of pollutant per unit of production, the Control Authority may convert the limits to equivalent limitations expressed either as mass of pollutant discharged per day or effluent concentration when calculating effluent limitations applicable to individual industrial users. The industrial user shall supply appropriate actual or projected long-term production rates for the unit of production specified in order to facilitate this process pursuant to 40 Part CFR 403.6(c)(2), as required by the Control Authority.

D. The Control Authority may allow wastewater subject to a categorical pretreatment standard to be mixed with other wastewaters prior to treatment. In such cases, the industrial user shall identify all categorically regulated wastestreams and provide sufficient information for each non-categorical wastestream to determine whether it should be considered dilute for each pollutant. In such situations, the Control Authority shall apply the appropriate formula as found at 40 CFR Part 403.6(e) to determine appropriate limits.

E. Equivalent mass limits.

1. When a categorical pretreatment standard is expressed only in terms of pollutant concentrations, an industrial user may request that the Control Authority convert the limits to equivalent mass limits. The determination to convert concentration limits to mass limits is within the discretion of the Control Authority. The Control Authority may establish equivalent mass limits if the industrial user meets all of the following conditions:

- a. Employ, or demonstrate that it will employ, water conservation methods and technologies that substantially reduce water use during the term of its control mechanism;
- b. Currently use control and treatment technologies adequate to achieve compliance with the applicable categorical pretreatment standard, and not have used dilution as a substitute for treatment;
- c. Provide sufficient information to establish the facility's actual average daily flow rate for all wastestreams, based on data from a continuous effluent flow monitoring device, as well as the facility's long-term average production rate. Both the actual average daily flow rate and the long-term average production rate must be representative of current operating conditions;
- d. Not have daily flow rates, production levels, or pollutant levels that vary so significantly that, in the judgement of the Control Authority, are not appropriate for application of equivalent mass limits; and
- e. Demonstrate that it has consistently complied with all applicable categorical pretreatment standards during the period prior to the industrial user's request for equivalent mass limits.

2. An industrial user subject to equivalent mass limits shall:

- a. Maintain and effectively operate control and treatment technologies adequate to achieve compliance with the equivalent mass limits;
- b. Continue to record the facility's flow rates by a continuous effluent flow monitoring device;
- c. Continue to record the facility's production rates;
- d. Notify the Control Authority if production rates are expected to vary by more than twenty percent (20%) from the submitted baseline production rates. The Control Authority may reassess and revise equivalent limits as necessary to reflect changed conditions; and
- e. Continue to employ the same or comparable water conservation methods and technologies so long as it discharges under its equivalent mass limit.

3. Equivalent mass limits:

- a. Shall not exceed the product of the actual average daily flow rate of the regulated process(es) of the industrial user and the applicable concentration-based daily maximum and monthly average standards (and the appropriate unit conversion factor);
- b. Shall, upon notification of a revised production rate, be reassessed and recalculated as necessary to reflect changed conditions at the facility; and

c. May be retained in subsequent industrial wastewater discharge permits if the industrial user's actual average daily flow rate was reduced solely as a result of the implementation of water conservation methods and technologies, and the actual average daily flow rates used in the original calculation of the equivalent mass limit were not based on the use of dilution as a substitute for treatment pursuant to TMC 12.08C.100.E. The industrial user shall also be in compliance with 40 CFR Section 403.17.

F. The Control Authority may convert the mass limits of the categorical pretreatment standards at 40 CFR parts 414, 419, and 455 to concentration limits for purposes of calculating limitations applicable to individual industrial users. When converting such limits to concentration limits, the Control Authority must use the concentrations listed in the applicable subparts of 40 CFR parts 414, 419, and 455 and document that dilution is not being substituted for treatment as prohibited by this chapter.

G. Equivalent limitations are deemed pretreatment standards for the purposes of this chapter and Section 307(d) of the Federal Clean Water Act. The Control Authority must document how the equivalent limits were derived and make this information publicly available. Once incorporated into its industrial wastewater discharge permit, an industrial user shall comply with the equivalent limitations in lieu of the promulgated categorical standards from which the equivalent limitations were derived.

H. When a categorical pretreatment standard specifies one limit for calculating maximum daily discharge limitations and a second limit for calculating maximum monthly average, or 4-day average, the same production or flow figure shall be used in calculating both the average and the maximum equivalent limitation.

I. Any industrial user operating under an industrial wastewater discharge permit that incorporates equivalent mass or concentration limits calculated from a production-based standard shall notify the Control Authority within two (2) business days after the industrial user has a reasonable basis to know that the production level will significantly change within the next calendar month. Any industrial user that fails to notify the Control Authority of such anticipated change will be required to meet the mass or concentration limits in its control mechanism that were based on the original estimate of the long-term average production rate.

(Ord. 28761 Ex. C; passed May 25, 2021)

#### **12.08C.120 State requirements.**

A. All pollutants discharged from a commercial or industrial operation to the POTW shall satisfy all applicable requirements set forth in Chapter 173-216 WAC.

B. Any person who constructs or modifies or proposes to construct or modify wastewater treatment facilities shall comply with the submittal requirements set forth in Chapter 173-240 WAC. No person may commence construction or modification of a wastewater treatment facility covered under Chapter 173-340 WAC without first submitting engineering reports and plans and specifications to the Control Authority for its review and written acceptance. The City, acting through the Control Authority, is authorized as a delegated unit of local government under RCW 90.48.110(2) to review such submittals.

C. Industrial users shall apply to the Control Authority for an industrial wastewater discharge permit at least ninety (90) days prior to the discharge of any pollutants other than domestic wastewater, or wastewater the Control Authority has determined to be similar in character and strength to domestic wastewater, and that there is no potential for such discharge to adversely affect the POTW.

D. All significant industrial users shall apply for, obtain, and maintain compliance with, an industrial wastewater discharge permit from the Control Authority, or approval of the Control Authority of a transfer of an existing permit to the industrial user, prior to discharging pollutants.

E. Claims of confidentiality shall be governed by TMC 12.08C.910.

F. Applicants for a new industrial wastewater discharge permit, or permit reissuance or modification, which allows a new or increased pollutant loading shall publish notice for each application in the format provided by the Control Authority, and in accordance with the public notice requirements set forth in TMC 12.08C.470.

G. The Control Authority may require the applicant to also mail this public notice to persons who have expressed an interest in being notified, and to state agencies and local governments with a regulatory interest, and to post the public notice on the facility. If the Control Authority determines there is sufficient public interest, it will hold a public meeting following the requirements of WAC 173-216-100. The Control Authority may, in its discretion, assume responsibility for public notice requirements for any applicant, and may waive the requirements of this section for any industrial user who is not classified as a significant industrial user.

H. Discharge restrictions set forth in Chapter 173-303 WAC (Dangerous Waste) shall apply to all industrial users.

I. All required monitoring data shall be analyzed by a laboratory registered or accredited under the provisions of Chapter 173-50 WAC, except for flow, temperature, settleable solids, conductivity, pH, turbidity, and internal process control parameters.

However, if the laboratory analyzing samples for conductivity, pH, or turbidity must otherwise be accredited, it shall also be accredited for these parameters.

(Ord. 28761 Ex. C; passed May 25, 2021)

**12.08C.130 AKART.**

Industrial users shall apply all known, available, and reasonable methods of prevention, control and treatment to wastewater discharges as required by Chapter 90.48 RCW.

(Ord. 28761 Ex. C; passed May 25, 2021)

**12.08C.140 Industrial user survey form.**

Any person whose activities may, in the judgement of the Control Authority, be a source of nondomestic wastewater to the POTW shall, upon request of the Control Authority, complete and submit an industrial user survey form. Industrial users who seek to modify or increase an existing discharge of a nondomestic waste stream to the POTW shall submit an updated industrial user survey form to the Control Authority prior to modifying or increasing its discharge. Accurate completion of the industrial user survey form is a condition of initial and continued discharge to the POTW. Information contained within the industrial user survey form shall be used by the Control Authority to categorize a business operation and determine the proper level of regulation under this chapter, including whether an industrial user is a significant industrial user. Failure to comply with this section is a violation of this chapter subject to the enforcement provisions of TMC 12.08C.1200.

(Ord. 28761 Ex. C; passed May 25, 2021)

**12.08C.150 Payment of rates and fees.**

Persons regulated by this chapter shall pay the applicable rates and fees for use of the POTW as set forth in TMC 12.08B.

(Ord. 28761 Ex. C; passed May 25, 2021)

**PRETREATMENT AND MONITORING FACILITIES****12.08C.200 Treatment required.**

An industrial user shall provide wastewater treatment. Such treatment shall comply with this chapter and shall also achieve compliance with all applicable federal, state and local pretreatment standards and requirements, within the time limitations specified by the EPA, the Washington State Department of Ecology, or the Control Authority, whichever is more stringent. The wastewater treatment can be obtained by physical process, biological process, or by other process or means, except as prohibited by 40 CFR Section 403.6(d). Appropriate pretreatment technology includes control equipment, such as equalization tanks or facilities, for protection against surges or slug discharges that might interfere with or otherwise be incompatible with the POTW. Where wastewater from a regulated process is mixed in an equalization facility with unregulated wastewater or with wastewater from another regulated process, the effluent from the equalization facility must meet an adjusted pretreatment limit calculated in accordance with 40 CFR Section 403.6(e). Any pretreatment facilities necessary for compliance with this chapter shall be provided, operated and maintained at the industrial user's expense and satisfy applicable requirements for content, review and acceptance of engineering reports, plans and specifications for construction and modification of pretreatment facilities, including an operation and maintenance manual as set forth in Chapter 173-240 WAC.

The Control Authority may, in its sole discretion, waive the requirement for a three-step submission of documents and require instead conceptual plans with such information from the engineering report and operation manual that the Control Authority determines will demonstrate compliance with this chapter. Construction or modification of a pretreatment facility shall not commence until engineering reports, plans and specifications for the project have been submitted to and approved by the Control Authority. Unless waived by the Control Authority, such reports shall be prepared under the supervision of, and bear the seal of, a professional engineer licensed in accordance with Chapter 18.43 RCW. The review and acceptance of the engineering reports, plans and specifications, and operation and maintenance manual, shall in no way relieve the industrial user from its obligation to comply with the provisions of this chapter, including modification of its pretreatment facility as necessary to produce a discharge acceptable to the Control Authority under the provisions of this chapter.

(Ord. 28761 Ex. C; passed May 25, 2021)

**12.08C.210 Proper operation and maintenance.**

Industrial users shall, at all times, properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the industrial user. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by an industrial user when the operation is necessary to achieve or assure compliance with conditions of its industrial wastewater discharge permit. Calibration of meters and monitoring equipment shall be performed in accordance with manufacturer specifications.

(Ord. 28761 Ex. C; passed May 25, 2021)

**12.08C.220 Monitoring facilities.**

The Control Authority may require an industrial user to install at the industrial user's expense, monitoring facilities or equipment that allow for the representative sampling and accurate observation of wastewater discharges. Whether constructed on public or private property, the monitoring facilities shall be constructed in accordance with the Control Authority's requirements and all applicable City construction standards and specifications. Monitoring equipment and structures shall be maintained in proper working order, calibrated as required by manufacturer's specifications and kept safe and accessible at all times for inspection by the Control Authority. The monitoring equipment shall be located and maintained on the industrial user's premises outside of the building footprint unless otherwise approved by the Control Authority. The monitoring facility shall include an enclosure that can be locked during sampling or monitoring or other inspection with a lock provided by the Control Authority. When such a location would be impractical, the Control Authority may allow such facility to be constructed in the public street or easement area, with the approval of the City department having jurisdiction over street occupancy according to such terms and conditions as it may impose. No industrial user shall cover any manhole, sewer cleanout, or other openings in the wastewater collection system with earth, paving, or otherwise render it inaccessible.

(Ord. 28761 Ex. C; passed May 25, 2021)

**12.08C.230 Operating pretreatment facilities.**

The Control Authority may require an industrial user to provide confirmation that treatment facility operators have been properly trained regarding treatment facility operation and maintenance (O&M) practices.

(Ord. 28761 Ex. C; passed May 25, 2021)

**12.08C.240 Wastewater discharge control.**

The Control Authority may require an industrial user to restrict discharge during peak flow periods, designate that certain wastewater be discharged to the POTW at designated locations, relocate and/or consolidate points of discharge, separate domestic wastestreams from industrial wastestreams, and require such other conditions as may be necessary to protect the POTW.

(Ord. 28761 Ex. C; passed May 25, 2021)

**12.08C.250 Flow equalization.**

The Control Authority may require any industrial user discharging to the POTW to install and maintain, on its property and at its expense, a suitable storage and flow control facility to ensure equalization of flow. An industrial wastewater discharge permit may be issued solely for flow equalization.

(Ord. 28761 Ex. C; passed May 25, 2021)

**12.08C.260 Multitenant buildings.**

When more than one industrial user is able to discharge into a common service line, the Control Authority may require installation of separate monitoring equipment or structures for each industrial user.

(Ord. 28761 Ex. C; passed May 25, 2021)

**12.08C.270 Flow, pH, LEL and other meters and equipment.**

If the Control Authority determines an industrial user is required to measure and report: (1) wastewater flow; (2) discharge process wastewaters necessitating continuous pH measurement; or (3) discharge wastewater that may contain flammable substances or other pollutants of concern, the Control Authority may require the industrial user to install and maintain, at the industrial user's expense, approved meters and equipment.

(Ord. 28761 Ex. C; passed May 25, 2021)

**12.08C.280 Tampering with water metering devices prohibited.**

No person shall install, change, bypass, adjust, remove, alter, or otherwise tamper with any water metering device or any piping arrangement connected to a metering device to show the quantity of water used at or discharged from the facility is more or less than the actual quantity used or discharged.

(Ord. 28761 Ex. C; passed May 25, 2021)

## INDUSTRIAL WASTEWATER DISCHARGE PERMITTING

### 12.08C.300 Permits required.

A. All significant industrial users proposing to connect to or discharge wastewater to the POTW shall apply for and obtain an industrial wastewater discharge permit from the Control Authority. An existing significant industrial user that has filed a timely wastewater permit application in accordance with this chapter may continue to discharge if authorized by the Control Authority.

B. The Control Authority may determine that an industrial user subject to categorical pretreatment standards under 40 CFR Section 403.6 and 40 CFR chapter I, subchapter N is a non-significant categorical industrial user rather than a significant industrial user on a finding that the industrial user never discharges more than 100 gallons per day (gpd) of total categorical wastewater (excluding sanitary, non-contact cooling and boiler blowdown wastewater, unless specifically included in the Pretreatment Standard) and the following conditions are met:

1. The industrial user has consistently complied with all applicable categorical pretreatment standards and requirements;
2. The industrial user annually submits the certification statement required in Section 6.14 B [see 40 CR 403.12(q)], together with any additional information necessary to support the certification statement; and
3. The industrial user does not and never has discharged untreated concentrated wastewater to the POTW.

C. Upon finding that an industrial user meeting the criteria in subsection B above has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirements, the Control Authority may, at any time, on its own initiative or in response to a petition received from an industrial user, and in accordance with 40 CFR 403.8(f)(6), determine that such industrial user is not a significant industrial user.

(Ord. 28761 Ex. C; passed May 25, 2021)

### 12.08C.310 Industrial wastewater discharge permitting – Existing industrial users.

An industrial user with an expiring industrial wastewater discharge permit shall apply for a new permit by submitting a complete permit application at least one hundred eighty (180) days prior to the expiration of the industrial user's existing industrial wastewater discharge permit. The industrial user shall file a permit application on forms provided by the Control Authority containing the information required pursuant to this chapter. A permit application containing incomplete or inaccurate information will not be processed and will be returned to the industrial user for revision.

(Ord. 28761 Ex. C; passed May 25, 2021)

### 12.08C.320 Industrial wastewater discharge permitting – New sources and new industrial users.

A new source or new industrial user proposing to begin or recommence a discharge to the POTW and who is required to obtain an industrial wastewater discharge permit, special approved discharge authorization or other control mechanism, shall submit an industrial wastewater discharge permit application to the Control Authority. A new source or new industrial user shall not discharge wastewater to the POTW without first receiving an industrial wastewater discharge permit, special approved discharge authorization or other control mechanism issued by the Control Authority. Applications for an industrial wastewater permit shall be filed at least one hundred eighty (180) days prior to the desired date of discharge unless otherwise specified by the Control Authority, and include the information required pursuant to this chapter. A permit application containing incomplete or inaccurate information will not be processed and will be returned to the industrial user for revision.

(Ord. 28761 Ex. C; passed May 25, 2021)

### 12.08C.330 Industrial users.

The Control Authority may require any industrial user to apply for and obtain an industrial wastewater discharge permit, a zero discharge industrial wastewater discharge permit or other control mechanism with conditions necessary to assure compliance with this chapter.

(Ord. 28761 Ex. C; passed May 25, 2021)

### 12.08C.340 Industrial wastewater discharge permitting – Application contents.

A. All industrial users required to obtain an industrial wastewater discharge permit shall apply by using a form provided by the Control Authority. Industrial users shall submit the following information as part of their permit application unless waived by the Control Authority:

**1. Identifying Information.**

The industrial user shall submit the name and physical address of the facility, including the legal name and trade name, if any, of the owner(s), operator(s), duly authorized representative of the industrial user, and, if different than the duly authorized representative of the industrial user, the facility manager, and mailing address and contact information for each person listed;

**2. Permits.**

The industrial user shall submit a list of any environmental permits held by or for the facility;

**3. Description of Operations.**

The industrial user shall submit the following information regarding facility operations: (i) a brief description of the nature and average rate of production (including each product produced by type, amount, process, and rate of production); (ii) the Standard Industrial Classification(s) (SIC Code) and/or the NAICS Code that applies to each operation; (iii) a list of all raw materials and chemicals used (average and maximum rates) or stored at the facility that could be accidentally or intentionally discharged to the POTW; (iv) the number of employees and a general description of the duties they perform; (v) the hours of operation; (vi) a description of each product produced by type and amount, including the rate of production, and the process used for each product produced; (viii) the types of wastes generated on a routine and periodic basis; (ix) the times and durations when wastes will be discharged; and (x) sampling locations and provisions for monitoring discharges. The description shall also include a schematic process diagram showing each process step, wastestream, treatment step, internal recycling process, and points of discharge to the POTW. This diagram shall identify which wastestreams are subject to a categorical pretreatment standard. The industrial user shall also submit site plans, floor plans, mechanical and plumbing plans and details showing all sewers, sewer connections, floor drains, inspection manholes, and sampling chambers by size, location, and elevation;

**4. Flow Data.**

The industrial user shall submit information showing the estimated or actual measured average daily and maximum daily flow, in gpd, to the POTW from regulated process streams and other wastestreams, if necessary to allow the use of the combined wastestream formula set forth in 40 CFR 403.6(e);

**5. Pollutant Data.**

The industrial user shall submit: (i) the categorical pretreatment standard applicable to each regulated process; (ii) the results of sampling and analysis, as required by the Control Authority, that identify the nature and concentration (or mass) of regulated pollutants in the discharge from each regulated process; and (iii) the estimated peak instantaneous, daily maximum and long-term average discharge concentrations (and mass) based on sampling results. All samples taken shall be representative of daily operations and shall conform to the sampling collection and analytical procedures outlined in TMC 12.08C.800 and TMC 12.08C.810 and applicable program guidance. Where an alternate concentration or mass limit has been calculated in accordance with 40 CFR 403.6(e) for a categorical industrial user covered by a categorical pretreatment standard, this adjusted limit, along with supporting data, shall be submitted as part of the application;

6. Slug discharge control plan for significant industrial users as described in Section 12.08C.670 shall be submitted. The Control Authority may require industrial users regulated under TMC 12.08C.330 to also submit a slug discharge control plan;

7. A statement that the industrial user acknowledges, understands, and agrees that the permittee facility will be subject at reasonable times to inspections and gathering of samples by the Control Authority to determine whether an industrial user is complying with the requirements of this chapter and any industrial wastewater discharge permit or other control mechanism issued thereunder;

**8. Other Information.**

Any other information the Control Authority deems necessary to prepare an industrial wastewater discharge permit;

**9. Certification.**

The industrial user shall certify that the application was reviewed by an authorized representative of the industrial user in accordance with TMC 12.08C.350; and

**10. Incomplete Information.**

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

(Ord. 28761 Ex. C; passed May 25, 2021)



**12.08C.350 Certification requirements.**

All industrial wastewater discharge permit applications, including applications for transfer, modification or reissuance, industrial user reports, survey forms and any other submittals required by this chapter shall be signed by an authorized representative of the industrial user and contain at a minimum the following certification:

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

(Ord. 28761 Ex. C; passed May 25, 2021)

**12.08C.360 Special approved discharge authorization.**

A. The Control Authority may, at its discretion, issue a special approved discharge authorization or other control mechanism for a short-term discharge to the POTW, but in no event to exceed 365 days for each special approved discharge. Such authorizations may include discharge requirements, limitations and conditions that the Control Authority determines are necessary to comply with this chapter. The Control Authority shall provide the industrial user with an application form that requires specific information and data to be provided to allow the Control Authority to evaluate and determine whether or not a special approved discharge to the POTW will be authorized. The information and data required shall be provided to the Control Authority no later than thirty (30) days prior to the date that discharge is being proposed unless an alternative submittal date is authorized by the Control Authority. The rates and fees for a special approved discharge authorization shall be as set forth in TMC 12.08B.250. The Control Authority may revoke or suspend the special approved discharge authorization at its discretion.

B. The Control Authority may require a proposed or authorized discharger, at their cost, to gather representative samples for total suspended solids (TSS), biochemical oxygen demand (BOD), total petroleum hydrocarbons (TPH) or any other pollutants suspected to be present in the wastewater, stormwater or ground water. The proposed or authorized discharger shall have such samples analyzed at a state accredited laboratory, and submit the results to the control authority. The control authority will determine sampling frequency.

(Ord. 28761 Ex. C; passed May 25, 2021)

**INDUSTRIAL WASTEWATER DISCHARGE PERMIT ISSUANCE****12.08C.400 Industrial wastewater discharge permit duration.**

An industrial wastewater discharge permit shall be issued for a specified period of time, not to exceed five (5) years from the effective date of the permit. An industrial wastewater discharge permit may be issued for a period of less than five (5) years at the discretion of the Control Authority. Each industrial wastewater discharge permit shall include an expiration date, subject to the provisions of TMC 12.08C.450. Approval of a modification or transfer of an industrial wastewater discharge permit shall not modify the duration of the permit.

(Ord. 28761 Ex. C; passed May 25, 2021)

**12.08C.410 Industrial wastewater discharge permit contents.**

A. Industrial wastewater discharge permits shall include conditions deemed necessary by the Control Authority to prevent pass through or interference, protect the quality of the water body receiving the treatment plant's effluent, protect worker health and safety, protect against damage to the POTW, and satisfy the requirements of this chapter.

B. Industrial wastewater discharge permits issued to significant industrial users and categorical industrial users shall contain all the conditions and information set forth below in TMC 12.08C.410.B.1 through B.10; provided that, control mechanisms issued to other industrial users may contain some or all of the same conditions, as determined by the Control Authority to ensure compliance with this chapter:

1. The industrial wastewater discharge permit issuance date, expiration date, and effective date;
2. The legal name, and trade name if any, and address for corporate offices of the owner(s) and operator(s);
3. The name and contact information of the duly authorized representative of the industrial user, the mailing address at which such representative may receive notice(s) from the Control Authority, and the name and contact information for the facility manager, if different than the duly authorized representative of the industrial user;
4. A statement that the industrial wastewater discharge permit is nontransferable without prior notification to and approval by the Control Authority in accordance with TMC 12.08C.430, and provisions for furnishing the new owner or operator with a copy of the existing industrial wastewater discharge permit;
5. A statement that the permittee facility is subject at reasonable times to inspections and gathering of samples by the Control Authority to determine whether an industrial user is complying with the requirements of this chapter and any industrial wastewater discharge permit or other control mechanism issued thereunder;
6. Effluent limits and best management practices based on applicable pretreatment standards and pretreatment requirements;
7. Self-monitoring, sampling, reporting, notification, and recordkeeping. These requirements shall, at a minimum include the pollutants to be monitored, sampling locations and sampling frequency, the sample type required to be monitored under this chapter, types of reports and when they are due, and the various notifications and when they are required;
8. A statement of applicable enforcement remedies for violating the conditions in the industrial wastewater discharge permit, including pretreatment standards and requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable federal, state, and local law;
9. Requirements to control slug discharges, including developing, updating, and implementing slug discharge control plans if determined by the Control Authority to be necessary; and
10. Reapplication requirements.

C. Industrial wastewater discharge permits may, as determined by the Control Authority, contain the following additional 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 to install and maintain pretreatment facilities and technology, pollution control, including requirements to use best management practices to prevent accidental, unanticipated, or non-routine discharges, and construction of appropriate containment devices designed to reduce, eliminate, or prevent the introduction of pollutants into the POTW;
3. Requirements to develop and implement waste minimization plans to reduce the amount of pollutants discharged to the POTW;
4. Requirements to pay rates and fees for wastewater discharged to, and managed and treated by the POTW;

5. Requirements to install and maintain inspection and sampling facilities and equipment, including flow measurement devices, and provide access to the Control Authority to conduct inspections and sampling at reasonable times;
6. A statement that compliance with the industrial wastewater discharge permit does not relieve the permittee of responsibility for compliance with all applicable federal and state pretreatment standards, and local limits, including those which become effective during the term of the industrial wastewater discharge permit; and
7. Other conditions determined by the Control Authority to ensure compliance with this chapter, including regulations issued by the Control Authority pursuant to this chapter, and applicable requirements set forth in federal and state laws and regulations.

(Ord. 28761 Ex. C; passed May 25, 2021)

#### **12.08C.420 Industrial wastewater discharge permit modification.**

A. The Control Authority may amend any industrial wastewater discharge permit for good cause, including, but not limited to the following reasons:

1. To incorporate any new or revised federal, state, or local pretreatment standards or requirements;
2. To address significant alterations or additions to the industrial user's operation, processes, or wastewater volume or character after the industrial user's industrial wastewater discharge permit is issued;
3. To address a change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;
4. To respond to information indicating that a permitted discharge poses a threat to the health and safety of POTW personnel and the public, and/or receiving waters;
5. In response to a violation(s) of any term or condition of an industrial wastewater discharge permit;
6. When an industrial user misrepresents or fails to fully disclose all relevant facts in the industrial wastewater discharge permit application, or in any report required under this chapter;
7. When there is a revision of, or a variance is granted from, categorical pretreatment standards pursuant to 40 CFR 403.13;
8. When there has been a change in the legal or trade name of the industrial user, the duly authorized representative of the industrial user, or the name of the facility manager, and the permittee has submitted a request for a modification of the permit;
9. To correct typographical or other errors in the industrial wastewater discharge permit; and
10. To reflect an approved transfer of the facility ownership or operation to a new owner or operator.

B. The industrial user shall file a written request for a modification of an industrial wastewater discharge permit whenever there has been a change in the legal name or trade name of the industrial user or a change in the name or mailing address of the duly authorized representative or the industrial user or facility manager. The request shall be submitted to the Control Authority as soon as practicable but no later than 60 days following implementation of the change. A permit will be non-transferable and subject to revocation if such request is not timely filed.

(Ord. 28761 Ex. C; passed May 25, 2021)

#### **12.08C.430 Industrial wastewater discharge permit transfer.**

A. Industrial wastewater discharge permits may be transferred to a new owner or operator subject to approval by the Control Authority. A permittee and new owner or operator seeking such transfer shall submit a joint or concurrent written request(s) to the Control Authority at least thirty (30) days in advance of the scheduled transfer date requesting the Control Authority to approve the transfer and modify the industrial wastewater discharge permit as needed to reflect the new owner or operator. Failure to provide a request for transfer in accordance with this section shall operate to revoke any and all rights granted under the industrial wastewater discharge permit to discharge to the POTW effective as of the date of the facility transfer to the new owner or operator. The joint or concurrent request(s) to the Control Authority under this section shall (each) include a written certification by a duly authorized representative of permittee and the new owner or operator which:

1. States that there is no immediate intent to change the facility's operations and processes;
2. Identifies the specific date on which the facility transfer will occur;
3. Identifies the legal name and trade name, if any, of the new owner and operator, and the address of its corporate offices;

4. Identifies the name and contact information of the duly authorized representative of the new industrial user, the mailing address at which such representative may receive notice(s) from the Control Authority, and the name and contact information for the facility manager, if different than the duly authorized representative of the industrial user; and

5. Acknowledges and agrees that:

- a. The new owner or operator has a legal, valid and binding obligation to comply with all requirements of the transferred industrial wastewater discharge permit;
- b. Such transfer is within the power and authority of the permittee and the new owner or operator without consent of any other party and has been authorized by all requisite corporate or partnership action on the part of the permittee and new owner or operator;
- c. Neither the transfer nor the Control Authority's approval of the transfer shall relieve the permittee of any obligation or liability arising under the industrial wastewater discharge permit occurring prior to the transfer;
- d. The Control Authority waives none of its rights with respect to the permittee's or the new owner's or operator's compliance with the terms and conditions of the permit;
- e. The Control Authority grants its approval of the transfer in reliance upon the representations, documents, and information provided by the permittee and new owner or operator in connection with the request for transfer; and that the approval of the transfer shall not in any way be deemed a representation by the Control Authority that the permittee or new owner or operator are in full compliance with the terms and conditions of the industrial wastewater discharge permit; and
- f. The facility is subject at reasonable times to inspections and gathering of samples by the Control Authority to determine whether an industrial user is complying with the requirements of this chapter and any industrial wastewater discharge permit or other control mechanism issued thereunder.

(Ord. 28761 Ex. C; passed May 25, 2021)

#### **12.08C.440 Industrial wastewater discharge permit revocation.**

A. The Control Authority may revoke an industrial wastewater discharge permit or other control mechanism for cause, which includes, but is not limited to:

1. Failure to notify the Control Authority of a new waste stream or any changes to wastewater loading and wastewater characteristics prior to discharging such waste stream;
2. Failure to notify the Control Authority of significant production changes, as required by TMC 12.08C.640;
3. Misrepresenting or failing to disclose all relevant facts in an industrial wastewater discharge permit application, report, or other submittal required under this chapter;
4. Falsifying self-monitoring reports or certification statements;
5. Tampering with monitoring equipment;
6. Unreasonably refusing, or interfering with, entry by Control Authority authorized representatives seeking to conduct inspections and/or gather samples at the facility, as required by the industrial user's industrial wastewater discharge permit or other control mechanism, or TMC 12.08C.900;
7. Failure to meet effluent limitations or the conditions in the industrial wastewater discharge permit or other control mechanism;
8. Failure to pay monetary penalties imposed by the Control Authority, or supplemental fees it assesses;
9. Failure to meet compliance schedules imposed by the Control Authority in an industrial wastewater discharge permit or other control mechanism;
10. Cessation of operations;
11. Failure to obtain the Control Authority's approval under TMC 12.08C.430 prior to transferring the facility to a new owner or operator;
12. Failure to request a modification of an industrial wastewater discharge permit in accordance with TMC 12.08C.420.B;
13. Any violation of this chapter, including, a violation of any applicable pretreatment standard or requirement, or any term of an industrial wastewater discharge permit or control mechanism issued pursuant to this chapter;
14. An error by the Control Authority in issuing an industrial wastewater discharge permit; and

15. Discharging wastewater to the POTW that does or is likely to:

- a. Cause pass through or interference;
- b. Cause the City to violate the terms of its NPDES Permit(s); or
- c. Pose a health and safety threat to POTW personnel and the public.

B. An existing un-expired industrial wastewater discharge permit is deemed revoked on the effective date of a new industrial wastewater discharge permit issued for the same industrial user.

(Ord. 28761 Ex. C; passed May 25, 2021)

#### **12.08C.450 Industrial wastewater discharge permit reissuance.**

An industrial user with an industrial wastewater discharge permit due to expire shall apply for an industrial wastewater discharge permit reissuance by submitting a complete permit application, in accordance with TMC 12.08C.410, at least one hundred eighty (180) days prior to expiration of the industrial user's existing industrial wastewater discharge permit, unless the Control Authority approves a different submittal deadline.

(Ord. 28761 Ex. C; passed May 25, 2021)

#### **12.08C.460 Industrial wastewater discharge permitting – Extra jurisdictional industrial users.**

A. The Control Authority may allow an industrial user located outside the City's jurisdictional boundary to discharge industrial wastewater into the POTW if the Control Authority determines that it has available capacity and treatment capability and that there is legal authority to regulate and control such discharges pursuant to a pretreatment interlocal agreement with the contributing jurisdiction where the industrial user is located. Such agreement shall affix responsibilities in an enforceable manner to assure that the Control Authority's Pretreatment Program is fully and equitably administered in all contributing jurisdictions and to ensure that the Control Authority has adequate legal authority to enforce pretreatment requirements; provided that, in the event that the contributing jurisdiction has a delegated pretreatment program, the interlocal agreement shall specify the distribution of responsibility such that the Control Authority can ensure that the contributing jurisdiction adequately implements and enforces a pretreatment program in a manner that complies with the City's NPDES Permit.

B. Prior to entering into a pretreatment interlocal agreement, the Control Authority shall obtain the following information from the contributing jurisdiction:

- 1. A description of the quality and volume of wastewater discharged to the POTW by the contributing jurisdiction;
- 2. An inventory of all industrial users located within the contributing jurisdiction that are discharging to, or seek to discharge to, the POTW through the jurisdiction; and
- 3. Such other information the Control Authority may deem necessary.

C. A pretreatment interlocal agreement under this section shall, at a minimum, contain the following provisions:

- 1. A requirement for a contributing jurisdiction that does not have a delegated pretreatment program to adopt a pretreatment ordinance which establishes pretreatment standards, requirements and enforcement provisions at least as stringent as this chapter, along with a requirement to revise such ordinance to reflect any amendments to this chapter that contain more stringent pretreatment standards and within a reasonable time frame, but not to exceed nine (9) months from the date of such amendments, and delegating authority to the Control Authority to implement and enforce the pretreatment program for extra jurisdictional users located within the contributing jurisdiction that meet the definition of an industrial user;
- 2. A requirement for the contributing jurisdiction to submit a revised industrial user inventory on an annual basis, or more frequently if requested by the Control Authority;
- 3. A provision specifying which pretreatment implementation activities, including, but not limited to, issuing industrial wastewater discharge permits, conducting compliance inspections, sampling, and enforcement will be conducted by the contributing jurisdiction and which activities will be conducted by the Control Authority;
- 4. A requirement for the contributing jurisdiction to provide the Control Authority with access to all information that the contributing jurisdiction obtains as part of its pretreatment activities;
- 5. A requirement to enforce limits on the nature, quality, and volume of the contributing jurisdiction's wastewater at the point where it discharges to the POTW;

6. A provision ensuring the Control Authority's access to the facilities of all industrial users within a contributing jurisdiction that does not have a delegated pretreatment program, for the purpose of inspection, sampling, and confirming that the City's pretreatment program is properly administered and that industrial users are properly categorized;
  7. Provisions ensuring that a contributing jurisdiction with a delegated pretreatment program adequately implements and enforces a pretreatment program in a manner that complies with the City's NPDES Permit; and
  8. Provisions for addressing any breach of the terms of the pretreatment interlocal agreement.
- D. Existing pretreatment interlocal agreements.

Existing pretreatment interlocal agreements that are not in compliance with the provisions of this section, shall be amended to conform, or shall be superseded by a pretreatment interlocal agreement that conforms, to the requirements of this section within a reasonable time frame, but not to exceed nine (9) months following the effective date. For purposes of this section, "existing pretreatment interlocal agreement" means a pretreatment interlocal agreement in effect on the effective date. For purposes of this section, "effective date" means the effective date of the ordinance adopting this chapter.

(Ord. 28761 Ex. C; passed May 25, 2021)

#### **12.08C.470 Public notice.**

A. Industrial users applying for an industrial wastewater discharge permit, or an industrial wastewater discharge permit reissuance or modification which allows a new or increased pollutant loading, shall publish notice for each application in a form provided and prescribed by the Control Authority, which shall conform to the requirements of WAC 173-216-090. Public notice requirements shall not apply to reissuance of industrial wastewater discharge permits if there are no increases in volume or changes in the characteristics of discharge from those previously authorized. Publication, at applicant's expense, shall be at least once each week, for two consecutive weeks, in a newspaper of general circulation in Pierce County.

B. Public comment on permit applications will be accepted for a 30-day period following the second publication. If the Control Authority determines that there is a significant public interest, then the Control Authority shall hold a public hearing after the 30-day comment period, at a time and place deemed appropriate by the Control Authority. The Control Authority may require the applicant to mail the notice to persons who have expressed an interest in being notified. The Control Authority may also require the applicant to post the notice of the public hearing on the applicant's facility.

(Ord. 28761 Ex. C; passed May 25, 2021)

## REQUIREMENTS FOR FOOD SERVICE ESTABLISHMENTS, HAULED WASTE AND DENTAL FACILITIES

### 12.08C.500 Requirements for food service establishments.

A. Best management practices for fats, oil and grease (FOG) for food service establishments.

The BMPs set forth below establish requirements for owners and operators of any food service establishment that has the potential to discharge floatable or settleable material.

1. Unless otherwise approved by the Control Authority, food service establishments shall install, and properly operate and maintain, a grease removal device in compliance with the requirements as set forth in this chapter, the Uniform Plumbing Code and the City's Side Sewer and Sanitary Sewer Availability Manual, as adopted and amended by the City.
2. Food service establishments shall not discharge or cause to be discharged any wastewater in violation of 12.08C.100.
3. If the Control Authority determines at any time that an existing grease removal device is incapable of adequately retaining the floatable and settleable material, or if it was installed in such a manner that it cannot be inspected or properly maintained, the food service establishment shall install a grease removal device that complies with this chapter, and the requirements of the Uniform Plumbing Code and the City's Side Sewer and Sanitary Sewer Availability Manual as adopted, and amended, within ninety (90) days after being notified by the Control Authority of such requirement unless an alternative schedule is approved by the Control Authority.

4. General control requirements.

The following general requirements apply to all food service establishments that install, or are required to install, a grease removal device.

- a. A grease removal device shall be required for the proper handling of liquid wastes which may be harmful to, or cause obstruction in, the POTW or cause or contribute to pass through or interference.
- b. It shall be the responsibility of the food service establishment and owner of the property to obtain any necessary permits from the appropriate regulatory authority prior to installing a grease removal device or modifying a facility's plumbing system to accommodate the installation of a grease removal device. The timing of review and approval of any permits that may be required shall in no way relieve the food service establishment from the responsibility of producing a discharge that complies with the provisions of this chapter.
- c. The grease removal device shall be designed, sized, installed, maintained and operated to accomplish the intended purpose of intercepting pollutants from the food service establishment's wastewater and preventing the discharge of such pollutants to the POTW, including pollutants that result in toxic, noxious or malodorous conditions that create a public nuisance or unsafe working conditions, which endanger life or the environment.
- d. Upon change of ownership or operator of any existing food service establishment required to have an approved grease removal device under this section, the applicant for sanitary sewer service shall have the burden to demonstrate that a properly sized, maintained and functioning grease removal device is installed.
- e. All sinks connected to a grease removal device shall be equipped with a fixed or removable mesh or screen to catch garbage and food debris and prevent it from entering the grease removal device.
- f. The industrial user and food service establishment shall ensure all grease removal devices are easily accessible for inspection, cleaning, and removal of FOG.
- g. The food service establishment shall maintain grease removal devices at its expense to ensure the device operates as designed to remove accumulated FOG. All such maintenance shall meet the requirements under the uniform plumbing code as adopted, and amended, by the City.
- h. Food service establishments required to use and maintain a grease removal device shall maintain a written record every time the device is pumped, cleaned or repaired. This record shall include the date, the name of the company that pumped, cleaned or repaired the device, and the amount of waste that was removed. Such records shall be maintained for a period of three (3) years, unless a longer retention period is specified in writing by the Control Authority, and made available to the Control Authority upon request. The removed contents from any GGI and other approved grease removal devices shall be handled by a person licensed to haul such waste and shall be disposed of in accordance with applicable federal and state regulations and local ordinances.

5. Required maintenance.

a. All grease removal devices shall be regularly cleaned so that the devices operate as designed to intercept fats, oil and grease from the food service establishment's wastewater and prevent the discharge of such materials into the POTW. All grease removal devices shall be serviced in accordance with manufacturer instructions at a minimum of every ninety (90) days or more frequently if the combined thickness of the floating greases and settled solids is greater than 25% of the hydraulic working capacity of the grease removal device or if toxic, noxious, malodorous conditions create a public nuisance or endanger worker or public health. The Control Authority may require more frequent cleaning if the minimum cleaning period is inadequate to meet the purpose and intent of this chapter, or less frequent cleaning if the industrial user can demonstrate to the Control Authority's satisfaction that less frequent cleaning is sufficient.

b. Biological treatment or enzyme treatment shall not be a substitute for the servicing of a grease removal device. Use of enzymes or other chemical or biological treatment or product that emulsifies or acts to emulsify FOG is prohibited unless approved by the Control Authority.

c. The food service establishment shall document the volume removed and the disposal of each pump-out with a waste manifest or disposal receipt, which shall be maintained by the food service establishment on site for at least three (3) years. The Control Authority may require food service establishments to submit that information electronically to the Control Authority.

#### 6. Variance.

a. A variance from the requirements of this section may be granted by the Control Authority when the installation of the required size GGI may be impractical due to limited space or other factors. The food service establishment may request a variance by submitting a proposed alternative grease removal system for attaining FOG protection for the POTW. The food service establishment shall demonstrate through data and other reliable information that the proposed alternative system, its overall design, including size and location, will satisfy and result in compliance with the intent, and discharge requirements, of this chapter. The design plans must be signed and sealed by a Washington State licensed professional engineer with experience in interceptor design. If approved, the design professional must certify that the site plan and the alternative grease removal system design meets the intent, and discharge requirements, of this chapter. In no case shall a variance result in violation of any pretreatment standard or requirement specified in this chapter and applicable to the discharge, cause or contribute to, an obstruction, pass through or interference with the POTW.

b. A variance may be revoked if the Control Authority determines, in its sole and reasonable discretion, that the food service establishment is in violation of the conditions set forth in the variance, the request for a variance was procured through fraud or materially false information, the reasons for granting the variance have materially changed, or the conditions set forth in the variance are inadequate to control specific pollutants as necessary to meet the purpose and intent of this chapter.

c. If a variance is granted, the food service establishment shall implement the approved alternative grease removal system and any BMPs and other mitigation measures that may be specified by the Control Authority. These BMPs may include, but are not limited to:

(1) Allowing the installation of a Hydromechanical Grease Interceptor (HMGI), or continuing to allow the use of a HMGI in lieu of installing a GGI, where the HMGI is shown to be effective. If a HMGI is not shown to be effective, the Control Authority may require the food service establishment to install a GGI;

(2) A requirement that all sinks and drains which are connected to the POTW be equipped with a fixed or removable mesh or screen which shall catch garbage and food debris and prevent it from entering the POTW;

(3) A requirement that biological treatment or enzyme treatment shall not be used unless approved by the Control Authority. Use of enzymes or other chemical or biological treatment or product that emulsifies or acts to emulsify FOG is prohibited;

(4) If requested by the Control Authority, an employee training program on FOG waste management instituted by the food service establishment on a periodic basis and for all new employees;

(5) A requirement that the food service establishment clean its private side sewer quarterly to prevent the buildup of FOG or as otherwise specified by the Control Authority; and

(6) A requirement that the food service establishment submit records of the private side sewer cleaning if requested by the Control Authority.

(Ord. 28761 Ex. C; passed May 25, 2021)

#### **12.08C.510 Requirements for hauled waste.**

A. Best management practices for the acceptance of hauled waste.



The requirements established in this section shall apply to haulers. If the Control Authority elects to accept hauled waste, the following conditions shall apply:

1. Hauled wastes may be discharged to the POTW only at locations and at such times designated by the Control Authority;
2. The Control Authority shall have the right to refuse the discharge of any hauled waste load to the POTW if the Control Authority determines, in its sole discretion, that such discharge may contribute to or cause a pass through, upset or interference with the POTW, may damage or cause harm to the POTW, contains constituents that are unknown or unverified, may not comply with applicable pretreatment standards, pollution limitations or requirements set forth in this chapter, or that the discharge will not meet the purpose and intent of this chapter;
3. Haulers are prohibited from discharging wastes that would violate any provision in TMC 12.08C.100;
4. Haulers shall comply with specific pollutant limitations established by the Control Authority under this chapter which are specific to the hauled waste to be discharged;
5. The Control Authority may sample and analyze the hauled wastes or require the hauler to perform such sampling and analysis to verify that each hauled load complies with any applicable pretreatment standards and requirements regulated by this chapter. Wastes approved for discharge to the POTW shall be representative of what the hauler disclosed in the manifest or trip ticket. The Control Authority may sample and analyze the contents of any hauled waste tank or container prior to the discharge of hauled waste to the POTW to determine compliance with the conditions of any discharge approval granted under this chapter. The Control Authority may assess and collect a charge to recover such sampling and analytical costs as a pre-condition to determining if a discharge will be authorized;
6. The Control Authority may require haulers to sample and analyze hauled waste, including at the location where the hauled waste is generated;
7. Haulers shall receive prior approval from the Control Authority prior to discharging hauled waste to the POTW. The Control Authority may require a hauler to obtain a control mechanism prior to discharging hauled waste to the POTW;
8. Haulers shall notify the Control Authority of any new commercial or industrial customers, or changes in the nature of hauled waste originating from existing customers;
9. The Control Authority may restrict the maximum number of loads that a hauler may discharge during a specific period of time, and the discharge rate and volume of each load;
10. If requested by the Control Authority, a hauler shall provide a manifest form or similar trip ticket for every load prior to discharging hauled waste to the POTW. The manifest form or ticket shall include, at a minimum:
  - a. The name and address of each customer or source of waste;
  - b. The permit number;
  - c. The truck identification;
  - d. The volume of wastewater from each source;
  - e. The type of waste to be discharged;
  - f. Known or suspected pollutants present in load(s);
  - g. Signatory Certification; and
  - h. Certification that the hauled waste is not hazardous;
11. The Control Authority may impose rates and fees for hauled wastes as established by ordinance or resolution of the City Council;
12. Haulers shall maintain tanks, pumps, valves, hoses, racks, cylinders, diaphragms, pipes, connections, and other appurtenances on a vehicle in good repair to avoid leaks and spills at discharge locations designated by the Control Authority;
13. Hauled waste disposed of to the POTW shall only be disposed of at a location designated by the Control Authority;
14. Each hauler shall maintain its hauled waste vehicle to prevent leaks and spills at the designated discharge location. Any leaks or spills shall be promptly cleaned up by the hauler causing such leak or spill;
15. The Control Authority may require haulers to obtain a performance bond in an amount as specified by the Control Authority as a condition of discharging hauled waste to the POTW. When required, proof of bonding, in a form acceptable to the City Attorney, shall be provided to the City prior to discharging hauled waste to the POTW; and

16. The Control Authority may revoke or suspend the authorization to discharge hauled waste when the Control Authority has determined that a hauler has violated any provision of this chapter or when it determines that revocation or suspension is necessary to protect the POTW.

(Ord. 28761 Ex. C; passed May 25, 2021)

### **12.08C.520 Requirements for dental facilities.**

#### **A. Best Management Practices for Dental Facilities.**

##### **1. Applicability.**

These BMPs apply to dental dischargers. Dental dischargers are not significant industrial users unless designated as such by the Control Authority. Dental dischargers are not categorical industrial users. These BMPs do not apply to dental dischargers that:

- a. Exclusively practice one or more of the following dental specialties: oral pathology, oral and maxillofacial radiology, oral and maxillofacial surgery, orthodontics, periodontics, or prosthodontics;
- b. Discharge wastewater from a mobile unit operated by a dental discharger;
- c. Do not discharge any amalgam process wastewater to the POTW (e.g., a dental discharger that collects dental amalgam process wastewater for transfer to a centralized waste treatment facility as defined in 40 CFR Part 437); and
- d. Do not place or remove dental amalgam except in limited emergency or unplanned, unanticipated circumstances that are reported and certified to the Control Authority as required in 40 CFR Section 441.50.

##### **2. Reporting.**

- a. The duly authorized representative of a dental discharge facility shall submit a dental user survey and certification to the Control Authority on a form provided by the Control Authority.
- b. A new source dental discharger shall submit the dental user survey and certification within ninety (90) days of discharge to the sanitary sewer system.
- c. A dental discharger existing on the effective date of the ordinance adopting this chapter, shall submit the dental user survey and certification to the Control Authority by October 12, 2020.
- d. Exempt dental dischargers shall submit the dental user survey and certification by October 12, 2020, or within ninety (90) days of operation if a new facility.

##### **3. Amalgam Separator Requirements.**

- a. A new source dental discharger shall install, operate, and maintain an amalgam separator or device compliant with 40 CFR Section 441.30 prior to discharge to the POTW.
- b. All dental facilities that discharge amalgam process wastewater to the POTW shall install an amalgam separator or device and implement the required best management practices in accordance with this section.
- c. Existing source dental dischargers shall install, operate, and maintain an amalgam separator compliant with 40 CFR Section 441.30 by July 14, 2020. Existing facilities with non-compliant amalgam separators shall comply by June 14, 2027, unless replaced earlier due to malfunction.

##### **4. Amalgam Separator Required Best Management Practices.**

- a. All amalgam separators required under this chapter shall meet and comply with the following BMPs:

- (1) The amalgam separator shall be compliant with 40 CFR Section 441.30(1) and certified to meet at least a 95% solids removal efficiency as specified by federal or state regulations per 40 CFR Section 441.30(1)(i);
- (2) The amalgam separator shall allow the dental discharge facility to make direct observations as to the level of solids in the collection container, proper solid and liquid separation, and the condition of all plumbing connections;
- (3) The amalgam separator shall be installed so that all amalgam contaminated wastewater passes through the unit before being discharged to the POTW;
- (4) The amalgam separator shall be installed so that it is accessible for cleaning and inspection;

(5) The amalgam separator shall be serviced at a minimum of once every twelve (12) months, in accordance with the manufacturer's instructions or more frequently if visual inspections indicate that the level of solids is at or over 85% of the recommended maximum level, whichever is more stringent; and

(6) Amalgam waste removed from the amalgam separator shall be collected and handled in accordance with the manufacturer's instructions and applicable federal and state regulations, and local ordinances.

b. Each dental discharge facility shall ensure dental amalgam wastestreams from chair side traps, screens, vacuum pump filters, dental tools, cuspidors, or collection devices discharge through an appropriate amalgam separator.

c. Each dental discharge facility shall operate and maintain all equipment in accordance with the manufacturer's instructions.

d. Each dental discharge facility shall use disinfecting line cleaners that are non-acidic and non-oxidizing with a pH between 6-8 Standard Units. Prohibited cleaning chemicals include but are not limited to: bleach; chorine; iodine; and peroxide chemicals and other oxidizing cleaners.

e. All water containing amalgam waste shall be plumbed through the amalgam separator. When cleaning, ensure all filters or traps are rinsed over sinks or drains that discharge to the amalgam separator.

f. The dental discharge facility shall not cause or contribute to pass through or interference, or violate TMC 12.08C.100.

#### 5. Record Keeping.

All records required pursuant to this chapter shall be kept on site for a minimum of three (3) years, unless a longer retention period is specified in writing by the Control Authority, and shall be made available to the Control Authority as required by this chapter. Each dental discharge facility shall maintain records of:

a. Amalgam disposal: Records shall include the date, name and address of the facility where amalgam waste is shipped, and the amount shipped;

b. Visual inspections: Inspection logs shall include the date and time of the visual inspection, name and initials of person conducting the inspection, level of solids, maintenance needed, or other identified problems (e.g., leaks); and

c. Amalgam separator: Records shall include all maintenance and service completed on the amalgam separator.

#### 6. Business Modifications.

The owner and operator of a dental discharge facility shall inform the Control Authority in writing prior to:

a. Sale or transfer of ownership of the dental discharge facility;

b. Change in the trade name under which the dental discharge facility is operated;

c. Change in the nature of the services provided at the dental discharge facility that affects the potential to discharge amalgam; and

d. Remodel of the dental discharge facility that may result in an increase in flow or pollutant loading or that otherwise requires the owner or operator of the dental discharge facility to submit plans or specifications for approval through a building, land use, permitting or zoning department, or any other formal approval process by the City.

#### 7. Inspections and Data Collection.

The Control Authority may conduct inspections as authorized by this chapter, and/or require an additional or updated dental user survey for any dental discharge facility.

(Ord. 28761 Ex. C; passed May 25, 2021)

## REPORTING AND NOTIFICATION REQUIREMENTS

### 12.08C.600 Baseline monitoring reports.

A. Within either one hundred eighty (180) days after the effective date of a categorical pretreatment standard, or the final administrative decision on a category determination under 40 CFR 403.6(a)(4), whichever is later, existing industrial users currently discharging to or scheduled to discharge to the POTW shall submit a report which contains the information listed in subsection B below. At least ninety (90) days prior to commencement of their discharge, the owners, operators, permittees, and facility managers of new sources and sources that become categorical industrial users subsequent to the promulgation of an applicable categorical pretreatment standard, shall submit to the Control Authority a report which contains the following:

1. The information listed in subsection B below;
2. The method of pretreatment intended to be used to meet applicable pretreatment standards; and
3. Estimates of anticipated flow and quantity of pollutants to be discharged from regulated process streams and other non-process streams.

B. Baseline monitoring reports shall include the following information:

1. All information listed in TMC 12.08C.340.A.1 through TMC 12.08C.340.A.11; and
2. Measurement of pollutants:
  - a. The industrial users shall take a minimum of one (1) representative sample to compile the data necessary to comply with the requirements of this paragraph;
  - b. Samples shall be taken immediately downstream from pretreatment facilities if such facilities exist or immediately downstream from the regulated processes if no pretreatment facilities exist. Industrial users shall measure the flows and concentrations necessary to allow use of the combined wastestream formula in 40 CFR Section 403.6(e) if other wastewaters are mixed with the regulated wastewater prior to pretreatment. Where an alternate concentration or mass limit has been calculated in accordance with 40 CFR Section 403.6(e) this adjusted limit along with supporting data shall be submitted to the Control Authority. Both daily maximum and average concentrations (where determined) shall be reported;
  - c. Sampling and analysis shall be performed in accordance with the sampling techniques described in this chapter and 40 CFR 136;
  - d. The Control Authority may allow the submission of a baseline monitoring report which uses historical data only, provided the data is sufficient to determine the need for industrial pretreatment measures;
  - e. The baseline report shall indicate the time, date and place of sampling, and the methods of analysis. Industrial users shall certify that such sampling and analysis is representative of normal work cycles and expected pollutant discharges to the POTW; and
  - f. All baseline monitoring reports shall be certified in accordance with TMC 12.08C.350.

(Ord. 28761 Ex. C; passed May 25, 2021)

### 12.08C.610 Compliance schedules.

A. When a compliance schedule is granted by the Control Authority under TMC 12.08C.410.B.8, or other provision of this chapter, the following conditions shall apply:

1. The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the industrial user to meet the applicable pretreatment standard. Such major events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operations;
2. No increment referred to in subsection A.1 above shall exceed nine (9) months. The date of final compliance shall not extend beyond the final compliance date established for the applicable pretreatment standard;
3. The industrial user shall submit a progress report to the Control Authority no later than fourteen (14) days following each date in the schedule and the final date for compliance with the schedule. The industrial user shall report, at a minimum, whether or not it timely complied with progress increments to be met on such date and, if not, the date on which it expects to comply with such progress increments, the reason for the delay, and the steps being taken by the industrial user to return to the established schedule and

4. In no event shall more than nine (9) months elapse between submittal of progress reports to the Control Authority.  
(Ord. 28761 Ex. C; passed May 25, 2021)

#### **12.08C.620 Reports on compliance with categorical pretreatment standard deadline.**

A. Existing sources and new sources subject to a categorical pretreatment deadline shall submit a report to the Control Authority stating whether compliance has been achieved by the deadline date. An existing source shall submit a report within ninety (90) days after the final compliance date established by an applicable pretreatment standard. A new source shall submit a report within ninety (90) days after first discharging wastewater to the POTW.

B. Reports submitted by existing sources and new sources under this section shall contain the information described in TMC 12.08C.340.A.1 through TMC 12.08C.340.A.11, and indicate whether the applicable pretreatment standards are being met on a consistent basis. If the report indicates that the pretreatment standards are not being met on a consistent basis, the report shall state what additional operation and maintenance and/or pretreatment is necessary to bring the industrial user into compliance with the applicable pretreatment standards and requirements. Reports submitted under this section shall be certified in accordance with TMC 12.08C.350.

(Ord. 28761 Ex. C; passed May 25, 2021)

#### **12.08C.630 Periodic self-monitoring reports.**

A. Any industrial user with an industrial wastewater discharge permit shall submit periodic self-monitoring reports to the Control Authority at dates specified in its industrial wastewater discharge permit. Such reports shall compile the results of all effluent sampling required by the industrial user's industrial wastewater discharge permit during the previous reporting period. At a minimum, such industrial users shall sample their discharge twice a year unless otherwise specified in the industrial wastewater discharge permit, or by the Control Authority.

B. The periodic compliance report shall include a record of the nature and concentrations (and mass if specified in the industrial user's industrial wastewater discharge permit) of the pollutants in the effluent, subject to a pretreatment standard, that were measured, including a record of measured or estimated average and maximum daily flows taken at the industrial user's designated sampling location. Flows shall be reported based on an actual measurement. If actual measurements are not feasible, the Control Authority may allow an industrial user to report average and maximum flows by other techniques that are acceptable to the Control Authority.

C. The periodic compliance report shall also include monitoring records and any sampling information required by the industrial user's industrial wastewater discharge permit, including information necessary to determine compliance with applicable best management practices, pollution prevention alternatives, maintenance, treatment, and record keeping requirements. Production data shall be reported if required by the industrial user's industrial wastewater discharge permit, or when an industrial user is subject to a unit production-based concentration limit established by an applicable categorical pretreatment standard. Sampling and analysis that is conducted by the industrial user at the designated sampling location more frequently than is required by this section shall be included in the report.

D. The Control Authority may require industrial users to report other sampling and analysis as needed to determine compliance with this chapter.

E. Industrial users shall certify all periodic self-monitoring reports in accordance with TMC 12.08C.350.

(Ord. 28761 Ex. C; passed May 25, 2021)

#### **12.08C.640 Notification of change in discharge or operations.**

A. Permitted industrial users shall file a written notification with the Control Authority a minimum of thirty (30) days prior to any significant change either in the volume or character of pollutants in its discharge, or a change in any manufacturing process or pretreatment modifications that may alter the volume or character of pollutants in its wastewater discharge, including the listed or characteristic hazardous wastes for which the industrial user has submitted initial notification under 40 CFR 403.12(p). A significant change shall be a change equal to or greater than twenty percent (20%) in the mass of a pollutant or volume of flow discharged to the POTW. For purposes of this subsection, an industrial user becomes aware when it knows, or reasonably should have known, the facts giving rise to a reporting obligation.

B. Permitted industrial users with a permit condition that imposes wastewater concentration limits based on production levels shall notify the Control Authority in writing within two (2) days of when the industrial user becomes aware that production levels will significantly change during the next calendar month.

C. The Control Authority may require permitted industrial users to submit information needed to evaluate the changed discharge, including submission of a new or revised industrial wastewater discharge permit application. The Control Authority may issue, reissue, or modify an industrial user's industrial wastewater discharge permit in response to the notice under this section.

D. Permitted industrial users shall notify the Control Authority at least thirty (30) days prior to facility shutdown or closure which might alter the character, nature, quality or volume of its wastewater.

(Ord. 28761 Ex. C; passed May 25, 2021)

#### **12.08C.650 Notification and reports of potential problems.**

A. An industrial user causing a discharge to the POTW that has the potential to cause pass through or interference, including but not limited to, discharges of a non-routine and episodic nature, non-customary batch discharges, and slug loads, shall, upon first becoming aware of such discharge(s) immediately notify the Control Authority by telephone of the incident. This notification shall include the location of the discharge, type of waste discharged, concentration and volume, if known, and any corrective actions taken by the industrial user. For purposes of this subsection, an industrial user becomes aware when it knows, or reasonably should have known, the facts giving rise to a notification obligation.

B. Within five (5) days following a discharge described above in subsection A, the industrial user shall submit a written report to the Control Authority describing the causes of the discharge and the actions taken by the industrial user to prevent a recurrence of the discharge. Such report shall also indicate whether the discharge caused violations of any pretreatment prohibition, pretreatment standard, pretreatment requirements, and permit-specific or local limits. Notifications and reports made and submitted under this section shall not relieve the industrial user of any expense, loss, or damage to persons or property, natural resource damages, or other liability, including the assessment of supplemental fees, nor shall such notification or reporting relieve the industrial user from any enforcement action authorized by this chapter.

C. Industrial users shall post a notice in a prominent place at their facility that makes employees aware of the notification obligation in this section. Such notice shall include the point of contact and telephone number to call at the POTW to report a discharge covered by this section.

D. Industrial users shall notify the Control Authority immediately of any changes at its facility affecting the potential for a slug discharge.

(Ord. 28761 Ex. C; passed May 25, 2021)

#### **12.08C.660 Slug discharge - Notification and plan development.**

A. Each industrial user shall establish protective measures at their facility to avoid and prevent spills and slug discharges of pollutants and prohibited substances to the POTW. BMPs to prevent the discharge of spill or slug discharges shall be implemented and maintained at the industrial user's expense.

B. Each industrial user shall report all spills to the Control Authority that occur within the boundaries of the industrial user's facility whether or not the spill results in a discharge to the POTW.

C. The Control Authority may require any industrial user to prepare and implement a Slug Discharge Control Plan (SDCP). The Control Authority's acceptance of such plan shall not relieve an industrial user from the responsibility to modify its SDCP, as necessary, to meet the requirements of this chapter. SDCP's shall address, at a minimum, the following:

1. A description of all discharge practices, including non-routine discharge practices;
2. A description of all stored chemicals, disclosing all ingredients in formulations which could violate this chapter if discharged to the POTW;
3. A description of potential discharge pathways to the POTW;
4. The procedures for ensuring immediate notification to the Control Authority of any slug discharge; and
5. The procedures to prevent adverse impacts from any slug discharge. Such procedures shall address the inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building or use of existing containment structures or equipment, measures for containing pollutants, and measures and equipment for emergency response.

D. Industrial users shall immediately notify the Control Authority when a slug discharge to the POTW occurs. This notification shall include the location of the discharge, date and time of the discharge, type of substances discharged, the concentration of contaminants, to the extent known, the volume of the discharge, and any corrective actions taken. In addition

to enforcement under this chapter, industrial users responsible for a slug discharge shall be liable for all supplemental fees incurred by the Control Authority caused by and in response to such event.

E. Within five (5) days following a slug discharge, the industrial user shall submit a written report to the Control Authority describing the cause of the discharge, including any information that has become available to supplement the industrial user's initial notice. The written notice shall also include measures taken by the industrial user to prevent similar events in the future.

F. Industrial users shall review their SDCP's annually, or sooner if a change is made at an industrial user's facility that may require modifications to the SDCP. Modifications to the SDCP shall be submitted to the Control Authority for review and acceptance.

G. Industrial users subject to this section shall post signs in conspicuous locations on the industrial user's facility notifying employees about the procedures for reporting a slug discharge to the Control Authority.

(Ord. 28761 Ex. C; passed May 25, 2021)

#### **12.08C.670 Reports for industrial users.**

If the Control Authority deems it reasonably necessary in order to assure compliance with provisions of this chapter, it may require any industrial user to submit an industrial wastewater discharge permit application, questionnaire, a report on BMP implementation, or other reports and notifications authorized by this chapter in a format and timeframe as specified by the Control Authority.

(Ord. 28761 Ex. C; passed May 25, 2021)

#### **12.08C.680 Notice of noncompliance.**

If sampling and analysis performed by, or on behalf of, an industrial user indicates a violation of this chapter has occurred or is occurring, the industrial user shall notify the Control Authority within twenty-four (24) hours of becoming aware of the violation. Unless otherwise directed by the Control Authority, the industrial user shall repeat the sampling and analysis within five (5) days and submit the results to the Control Authority no later than thirty (30) days after becoming aware of the violation. For purposes of this section, an industrial user becomes aware when it knows, or reasonably should have known, the facts giving rise to a notification obligation.

(Ord. 28761 Ex. C; passed May 25, 2021)

#### **12.08C.690 Notification of the discharge of hazardous waste.**

A. Any industrial user shall notify the Control Authority, in writing, of any discharge into the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261 or a dangerous waste under Chapter 173-303 WAC. Such notification shall be made within the appropriate time frames specified in TMC 12.08C.650 or within twenty-four (24) hours of becoming aware of the discharge, whichever is shorter. Such notification shall include:

1. The name of the hazardous waste as set forth at 40 CFR Part 261 or the name of the dangerous waste in Chapter 173-303 WAC;
2. The EPA hazardous waste number;
3. The type of discharge (continuous, batch, or other);
4. An identification of the hazardous constituents contained in the wastes;
5. An estimation of the mass and concentration of such constituents in the wastestream discharged during that calendar month;
6. An estimation of the mass of constituents in the wastestream expected to be discharged during the following twelve (12) months;
7. A statement that the industrial user has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical; and
8. Certification as required by TMC 12.08C.350.

B. Any industrial user shall additionally notify the EPA Regional Waste Management Division Manager and the Washington State Department of Ecology, Hazardous Waste & Toxics Reduction program, in writing, of any discharge into the POTW of a substance which, if otherwise disposed of, would be hazardous waste under 40 CFR Part 261 or a dangerous waste under Chapter 173-303 WAC and meets the reporting criteria specified at 40 CFR Section 403.12(p). Notification to the State and EPA is the responsibility of the industrial user and shall be made as required under 40 CFR Section 403.12(p). The industrial

user shall provide the Control Authority with copies of all notifications made to the Washington State Department of Ecology and EPA.

C. In the case of any new regulation under Section 3001 of the Resource Conservation and Recovery Act (RCRA) identifying additional characteristics of hazardous waste or listing any additional substance as hazardous waste, the industrial user shall notify the Control Authority, the EPA Regional Waste Management Waste Division Director and the Washington State Department of Ecology, Hazardous Waste & Toxics Reduction program of the discharge of such substance within ninety (90) days of the effective date of such regulations.

D. The requirements of this section do not create a right or privilege to discharge any substance not otherwise allowed to be discharged by this chapter, a permit issued hereunder, or any applicable federal or state regulation.

(Ord. 28761 Ex. C; passed May 25, 2021)

**12.08C.700      Requests for information.**

A. Permittees and other persons subject to regulation under this chapter shall timely submit the following to the Control Authority upon request:

1. Information requested by the Control Authority to determine whether an industrial wastewater discharge permit or other control mechanism should be issued, modified, revoked, reissued, or terminated, or to determine compliance with such permit, control mechanism, or this chapter; and
2. Copies of any records that are required by its industrial wastewater discharge permit, or other control mechanism, including but not limited to, information regarding industrial processes, the nature and characteristics of wastes and wastewaters generated at the industrial facility, and the method of disposal of wastes.

B. Failure to provide information within the timeframe specified by the Control Authority shall be a violation of this chapter.

(Ord. 28761 Ex. C; passed May 25, 2021)



## COMPLIANCE MONITORING AND RECORD KEEPING

### 12.08C.800 Analytical and sampling requirements.

All pollutant sampling and analysis required by this chapter shall be performed in accordance with the techniques prescribed in 40 CFR Part 136, unless otherwise specified in an applicable categorical pretreatment standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for a pollutant subject to sampling under this chapter, sampling and analysis shall be performed in accordance with procedures approved by the Control Authority. Unless specified below or otherwise specified by the Control Authority, data submitted to the Control Authority shall be analyzed by a laboratory registered or accredited under the provisions of Chapter 173-50 WAC. This requirement shall not apply to the following data submitted to the Control Authority: flow; temperature; settleable solids; conductivity; pH; turbidity; and internal process control parameters used solely for internal process control.

(Ord. 28761 Ex. C; passed May 25, 2021)

### 12.08C.810 Specific sampling requirements for industrial users.

A. Industrial users shall certify that all samples required to be collected under this chapter are representative of normal work cycles and the expected pollutant discharges from the industrial user's facility occurring during the reporting period. Industrial users shall also ensure that samples are collected during the period(s) specified in their industrial wastewater discharge permit, or as otherwise required by the Control Authority. In addition, industrial users shall comply with the following sampling protocols:

1. Use proper sample containers appropriate for sample analysis and sample collection and preservation as specified by the protocols in 40 CFR Part 136;
2. Obtain samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides, and volatile organic compounds using grab sample techniques;
3. For certain pollutants identified in an industrial user's industrial wastewater discharge permit, an industrial user may composite multiple grab samples taken over a twenty-four (24) hour period, unless a different time period is specified by the Control Authority. Industrial users may composite grab samples for cyanide, total phenols, and sulfides either in the laboratory or in the field, and may composite grab samples for volatile organics and oil and grease in the laboratory prior to analysis;
4. For all other pollutants, industrial users shall employ twenty-four (24) hour flow-proportional composite samplers unless the Control Authority authorizes or requires an alternative sample collection method. Time-proportional sampling may be approved or used by the Control Authority where time-proportional samples are believed representative of the discharge;
5. The Control Authority may authorize composite samples for parameters unaffected by the compositing procedures, as appropriate;
6. The Control Authority may require grab samples either in lieu of or in addition to composite sampling to show compliance with instantaneous discharge limits;
7. Industrial users conducting sampling activities to complete baseline monitoring and ninety (90) day compliance reports required by TMC 12.08C.600 and TMC 12.08C.620 shall collect at least four (4) grab samples for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds. Industrial users may composite samples prior to analysis if allowed under subsection 3 above. When historical sampling data exists, the Control Authority may authorize fewer samples if it determines that use of such samples will satisfy the requirements of this section;
8. For industrial users conducting sampling to complete periodic self-monitoring reports under TMC 12.08C.630, the Control Authority may specify the number of grab samples necessary to assess and assure compliance with applicable pretreatment standards and requirements; and
9. Industrial users shall properly operate, clean, and maintain sampling and flow metering facilities and devices and ensure they function properly.

(Ord. 28761 Ex. C; passed May 25, 2021)

### 12.08C.820 Monitoring – Recordkeeping.

In addition to any recordkeeping requirements set forth in an industrial user's industrial wastewater discharge permit or other control mechanism, all industrial users subject to the reporting requirements of this chapter shall retain and make available for inspection and copying by the Control Authority at its facility all records the industrial user generates when conducting

monitoring activities required by this chapter. Such industrial users shall also retain records associated with best management practices when such practices are required by the Control Authority. Monitoring records shall include chain-of-custody information including, at a minimum, the date, time, place and method of sampling, and the name of the person(s) conducting the sampling; the quality control and quality assurance procedures used and the name of the person(s) with control of the sample prior to analysis; the place and date where the sampling analysis was completed, the analytical technique(s) used, and the name of the person conducting the analysis; and the results of the sampling analysis. Industrial users shall retain the records described in this section at its permitted facility for inspection and copying by the Control Authority for three (3) years, unless a longer retention period is specified in writing by the Control Authority. The industrial user's obligation to maintain records under this section shall be automatically extended for the duration of any administrative enforcement or litigation action brought by the Control Authority against the industrial user.

(Ord. 28761 Ex. C; passed May 25, 2021)

**RIGHT OF ENTRY AND CONFIDENTIALITY****12.08C.900 Right of entry - Inspection and sampling.**

A. Authorized representatives of the Control Authority bearing proper credentials and identification shall have the right to enter the facility of any industrial user at reasonable times to conduct inspections and gather samples to determine whether an industrial user is complying with the requirements of this chapter and any industrial wastewater discharge permit or other control mechanism issued thereunder. Reasonable times shall include normal business hours, hours during which production, treatment, or discharge occurs, or times when the Control Authority has reasonable cause to believe that a violation has occurred or is occurring requiring immediate inspection.

B. Access shall include all parts of the facility for the purpose of inspection, and may include, but not be limited to surveillance, sampling discharges or materials likely to be discharged, examination and copying of records related to compliance with this chapter, evaluating pretreatment facilities, and the performance of additional duties relating to the compliance inspection.

C. Where an industrial user has security measures in force which require proper identification and clearance before entry into the facility, the industrial user shall make necessary arrangements with its security personnel so that Control Authority representatives bearing proper credentials and identification will be permitted to enter without delay for the purpose of conducting compliance inspection duties.

D. The Control Authority may require installation of devices necessary to sample and monitor industrial wastewater discharges as required by this chapter. The Control Authority may, with the industrial user's consent, temporarily install devices to sample and monitor discharges on an industrial user's premises when existing sampling and monitoring devices are inadequate to determine whether an industrial user's discharge is complying with the requirements of this chapter.

E. The Control Authority shall have access to and use of all monitoring facilities within an industrial user's facility to evaluate the industrial user's compliance with this chapter.

F. Industrial users shall maintain unobstructed, safe and convenient access to the areas of the facility to be inspected or sampled. Upon request by the Control Authority, an industrial user shall remove, at its own expense, any obstructions that prevent the Control Authority from undertaking its inspection or sampling activity.

G. Any unreasonable interference with the Control Authority's access under this section shall be a violation of this chapter, and may result in revocation of an industrial wastewater discharge permit, suspension or termination of authorization to discharge nondomestic wastewater to the POTW, or other enforcement authorized by this chapter.

(Ord. 28761 Ex. C; passed May 25, 2021)

**12.08C.910 Public Disclosure and Confidentiality.**

Information submitted to and maintained by the Control Authority pursuant to this chapter is subject to public disclosure pursuant to the provisions of Chapter 42.56 RCW. Financial, commercial and proprietary information submitted by an industrial user which it identifies as confidential may be exempt from public disclosure pursuant to the provisions of Chapter 42.56 RCW.

(Ord. 28761 Ex. C; passed May 25, 2021)

## PUBLICATION OF INDUSTRIAL USERS IN SIGNIFICANT NONCOMPLIANCE

### **12.08C.1000 Publication of industrial users in significant noncompliance.**

A. The Control Authority shall publish annually, in a newspaper of general circulation that provides meaningful public notice within the jurisdiction served by the POTW, a list of the industrial users which, at any time during the previous twelve (12) months, were in significant noncompliance with applicable pretreatment standards and met any of the criteria below:

1. Chronic violations of wastewater discharge limits in which sixty-six percent (66%) or more of all the measurements taken for the same pollutant parameter during a six (6) month period exceed by any magnitude a numeric pretreatment standard or requirement, including instantaneous limits;
2. Technical review criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of all the measurements taken for the same pollutant parameter during a six (6) month period equal or exceed the product of the numeric pretreatment standard or requirement, including instantaneous limits multiplied by the applicable TRC, which is 1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH;
3. Any other violation(s) of a pretreatment standard or requirement, including daily maximum, long-term average, instantaneous limit or narrative standard that the Control Authority determines to have caused, alone or in combination with other discharges, pass through or interference, including endangering the health of the general public or the health of POTW personnel;
4. Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the Control Authority exercising its emergency authority to halt or prevent such discharge;
5. Failure to meet a compliance schedule milestone contained in an industrial wastewater discharge permit or compliance order for starting construction, completing construction, or attaining final compliance within ninety (90) days after the milestone schedule date;
6. Failure to provide, within forty-five (45) days after the due date, any required report, including a baseline monitoring report, 90-Day compliance report, periodic self-monitoring reports, and reports on compliance with 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 Control Authority determines will adversely affect the operation or implementation of the local pretreatment program.

(Ord. 28761 Ex. C; passed May 25, 2021)

**AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATIONS****12.08C.1100 Upsets.**

A. An upset shall constitute an affirmative defense to an enforcement action brought for noncompliance with categorical pretreatment standards if the requirements of subsection B below are met.

B. An industrial user who wishes to establish the affirmative defense of an upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant and reliable evidence that:

1. An upset occurred and the industrial user can identify the cause(s) of the upset;
  2. The facility was at the time being operated in a prudent and workman-like manner and in compliance with applicable operation and maintenance procedures;
  3. The industrial user has submitted the following information to the Control Authority within twenty-four (24) hours of becoming aware of the upset; for purposes of this subsection, an industrial user becomes aware when it knows, or reasonably should have known, the facts giving rise to a reporting obligation:
    - a. A description of the indirect discharge and cause of noncompliance;
    - b. The period of noncompliance, including exact dates and times or, if not corrected at the time information is submitted under this subsection, the anticipated time the noncompliance is expected to continue, and why;
    - c. The steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance. If the upset was caused by a reduction, loss, or failure of the power supply to the treatment facility, an industrial user shall take steps to control production of all wastestreams to the extent necessary until the treatment facility is restored or an alternative method of treatment is provided, or until such wastestreams can be temporarily stored for future treatment, or taken off-site for treatment and disposal; and
    - d. If an industrial user provides the information required by this subsection orally within twenty-four (24) hours, the industrial user shall also provide the same information to the Control Authority in writing within five (5) days thereafter.
- C. In any enforcement proceeding, the industrial user seeking to establish the occurrence of an upset shall have the burden of proof.

(Ord. 28761 Ex. C; passed May 25, 2021)

**12.08C.1110 Bypass.**

A. Causing a bypass by intentionally diverting wastestreams from any portion of a treatment facility is a violation of this chapter unless such bypass is specifically authorized by this section and the industrial user responsible for the bypass complies with all applicable requirements in this section.

B. If approved by the Control Authority, an industrial user may allow a bypass to occur if it does not cause a violation of a pretreatment standard or requirement, or local limit, but only if the bypass is for essential maintenance to assure efficient operation. Bypasses under this subsection B are not subject to subsections C or D below, provided the bypass is compliant with this subsection.

C. Any other bypass, whether planned or unanticipated, shall meet the following requirements as applicable:

1. Industrial users knowing in advance of the need for a bypass shall submit written notice to the Control Authority, at least ten (10) days before the date of the bypass for approval by the Control Authority, if possible. Such notice shall include a description of the planned bypass (expected volume, pollutants, etc.), its expected duration, and the reason for such bypass. The Control Authority may approve such bypass, after considering its adverse effects, if it determines that the bypass will meet all conditions set forth in subsection D below.
2. Industrial users shall notify the Control Authority of any unanticipated bypass that exceeds an applicable pretreatment standard or requirement, or a local limit, within twenty-four (24) hours of becoming aware of such bypass. For purposes of this subsection, an industrial user becomes aware when it knows, or reasonably should have known, of the facts giving rise to a notification obligation. Industrial users shall provide a written follow-up report within five (5) days of such bypass, unless waived by the Control Authority based on its determination that the industrial user's oral report was timely and complete. Unless waived by the Control Authority, written bypass reports shall contain the following information:
  - a. A description of the bypass (volume, pollutants, etc.) and its cause;
  - b. The date(s) and time(s) when the bypass started and ended;

- c. If the bypass has not been corrected, the anticipated time it is expected to continue; and
  - d. The steps the industrial user has taken or planned to reduce, eliminate, and prevent recurrence of the bypass.
- D. The Control Authority may initiate an enforcement action authorized under this chapter against an industrial user for any bypass that violates this section; provided that, it shall be an affirmative defense to such an enforcement action if the industrial user can demonstrate that:
- 1. The bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
  - 2. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance, and the industrial user submitted notices as required under subsection C above.
- E. In any enforcement proceeding, the industrial user seeking to establish an affirmative defense shall have the burden of proof.
- F. The Control Authority may approve an anticipated bypass, after considering its adverse effects, if the Control Authority determines that it will meet the requirements of this section.

(Ord. 28761 Ex. C; passed May 25, 2021)

**ENFORCEMENT AND REMEDIES****12.08C.1200 Violations, enforcement and penalties.**

A. The provisions of this chapter together with any standards, requirements and procedures promulgated under authority of this chapter or otherwise made subject to enforcement under this chapter, and all terms and conditions of any permit, control mechanism, directive or compliance order issued under authority of this chapter, are subject to enforcement pursuant to and under authority of TMC 1.82, the Uniform Enforcement Code, which code is made a part of this chapter. The control authority is authorized to exercise all powers and authority granted pursuant to TMC 1.82, including by way of example and not limitation, the power to issue compliance orders, corrective action notices, and notices of violation, assess monetary penalties, approve voluntary correction agreements, and develop, promulgate, revise, and implement policies and procedures governing enforcement actions under TMC 1.82 and 12.08C. The Director is further empowered to delegate enforcement authority under TMC 1.82 and 12.08C to such persons as may be determined by the Director. Any such power and authority authorized pursuant to TMC 1.82 is in addition to the power and authority granted pursuant to TMC 12.08C and any other applicable state or federal law or regulation.

B. Except as otherwise provided herein, the maximum monetary penalty that may be assessed for each violation per day or portion thereof, and each continuing day or portion thereof, shall not exceed \$10,000. The maximum monetary penalties set forth at TMC 1.82.050.F are not applicable to violations of this Chapter. Monetary penalties shall be assessed in accordance with the most recent version of the Environmental Services Enforcement Response Plan as promulgated by the Director pursuant to TMC Chapter 12.08A.

C. Compliance with the requirements of this chapter is mandatory except as may be otherwise provided in this chapter. Except as otherwise provided herein, any act or omission by a responsible person in noncompliance with any duty, requirement, or obligation set forth in this chapter, set forth in any standard, requirement or procedure promulgated under authority of this chapter or otherwise made subject to enforcement under this chapter, or set forth in a term or condition of any permit, authorization, control mechanism, directive or compliance order issued under authority of this chapter, shall constitute a violation of this chapter and is subject to enforcement by the Control Authority.

D. Violations of this chapter may include, by way of example, but are not limited to the following acts or omissions:

1. Failure to accurately report the wastewater constituents and characteristics of a discharge;
2. Failure to submit any report or notices required by this chapter;
3. Failure to report known or reasonably anticipated changes in wastewater constituents or characteristics, including increased flows, prior to the changed discharge;
4. Misrepresenting or intentionally failing to disclose all relevant facts in an industrial wastewater discharge permit application, report, or other submittal required under this chapter;
5. Falsifying self-monitoring reports;
6. Tampering with monitoring equipment;
7. Unreasonably withholding consent for access by authorized City representatives to conduct a compliance inspection and other activities described in TMC 12.08C.900;
8. Violating any applicable pretreatment standard, pretreatment requirement or local limit; and
9. Violating any provision of this chapter, including the terms of a permit, order, authorization or other control mechanism issued under the authority of this chapter.

E. Policies and procedures governing enforcement of violations of this chapter and assessment of monetary penalties are set forth in the Environmental Services Enforcement Response Plan. The Enforcement Response Plan, and all amendments thereto, shall be issued by the Director or Director's designee, a copy of which shall be made available to the public pursuant to such requirements and procedures as are issued by the Director pursuant to TMC Ch. 12.08A.030 to ensure public notice.

F. Any responsible person who willfully violates any provision of this chapter, or any permit, order, control mechanism or other written authorization or directive issued by the Control Authority thereunder shall, upon conviction, be guilty of a gross misdemeanor punishable by a fine of not more than \$10,000, or by imprisonment in jail for up to three hundred sixty-five (365) days, or both. Each day upon which a willful violation of this chapter, or any permit, order, control mechanism or other written authorization or directive issued by the City thereunder occurs may be deemed a separate and additional violation.

G. Any person who knowingly and falsely makes, completes, or alters a written instrument required to be submitted to the Control Authority pursuant to this chapter, or requirement or procedure promulgated under this chapter, or a term or condition

of any permit, control mechanism, directive or compliance order issued under authority of this chapter, shall be guilty of a gross misdemeanor and subject to a fine of not more than \$5,000 or by imprisonment in jail for up to three hundred sixty-five (365) days, or both. Proof of intent to defraud or injure is not required.

H. Persons, whether inside or outside the City, that discharge substances in violation of this chapter to the POTW, including but not limited to persons that cause pass through or interference, shall be liable to pay any supplemental fees the Control Authority incurs to respond to such violation in accordance with the liability for supplemental fees section set forth in TMC 12.08B.

(Ord. 28761 Ex. C; passed May 25, 2021)

#### **12.08C.1210 Remedies non-exclusive.**

The enforcement provisions in this chapter are not exclusive remedies. The Control Authority may take any, all, or any combination of the enforcement actions described in this chapter against an industrial user in violation of this chapter. Furthermore, the Control Authority may pursue any other available remedies that exist in law or equity, including but not limited to, injunctive relief against an industrial user in violation of this chapter. Enforcement of violations will generally be in accordance with TMC 1.82 and the Environmental Services Enforcement Response Plan.

(Ord. 28761 Ex. C; passed May 25, 2021)

#### **12.08C.1220 Suspension of service.**

##### **A. Suspension of Service - Emergency.**

In addition to any other authority set forth in this chapter, the Control Authority may, pursuant to a stop-use order, immediately suspend an industrial user's actual or threatened discharge to the POTW whenever the Control Authority has reasonable cause to believe that, an actual or threatened discharge, or other violation of this chapter, either:

1. Presents an imminent threat or substantial danger to the health and welfare of persons or the environment, or
2. Presents an imminent threat to, or does cause, cause pass through or interference.

Depending on the emergent circumstances, the Control Authority may provide either verbal or written notice to suspend an industrial user's actual or threatened discharge.

##### **B. Suspension of Service – Other Violations.**

The Control Authority may, pursuant to a stop-use order, suspend wastewater services at a premises where a connection to the POTW has been made in violation of this chapter, the Control Authority's NPDES permit, or any authorization, control mechanism, directive or compliance order issued under authority of this chapter.

##### **C. Suspension of Service – Access.**

Unreasonable refusal to allow Control Authority representatives to access a premises pursuant to TMC 12.08C.900 (Right of Entry) to determine compliance with this Chapter may, pursuant to a stop-use order, result in the suspension of discharges to the POTW.

D. Any industrial user receiving a notice to suspend its discharge shall suspend discharging to the POTW in accordance with the requirements contained in the notice. If an industrial user fails to immediately comply with the terms of a notice to suspend an actual or threatened discharge, the Control Authority may take steps it deems reasonably necessary to protect the health and welfare of persons, the environment or the POTW, which may include, but is not limited to, severing the industrial user's sanitary sewer connection at any accessible location. As a condition of allowing the industrial user to recommence its discharge, the Control Authority may require the industrial user to submit a written statement describing the corrective action it has implemented to prevent discharges that presented an imminent danger or threat to the health and welfare of persons, the environment, or threatened to interfere with the operation of the POTW.

E. Nothing in this section prevents the Control Authority from taking any other enforcement action authorized by this chapter or otherwise available at law.

(Ord. 28761 Ex. C; passed May 25, 2021)



## MISCELLANEOUS PROVISIONS

### **12.08C.1300 Severability.**

If any portion of this chapter, as now or hereafter amended, or its application to any person or circumstances, is held invalid, unenforceable or unconstitutional, such adjudication shall not affect the validity of this chapter, as now or hereafter amended, or any section, provision or part hereof or thereof not adjudicated to be invalid, unenforceable or unconstitutional, and its application to other persons or circumstances shall not be affected.

(Ord. 28761 Ex. C; passed May 25, 2021)

### **12.08C.1310 Electronic records**

The City of Tacoma Industrial Pretreatment Program accepts electronic documents and signatures using a system compliant with 40 CFR Part 3 (Cross-Media Electronic Reporting). Users that are required to send electronic documents and signatures to the City to satisfy the requirements of this Subchapter must submit a signed subscriber agreement to the City for approval, and register online for the reporting service that the City has available. Users will have the opportunity, at the time of signing the subscriber agreement, to review the content or meaning of the subscriber agreement and the provisions of this Subchapter.

(Ord. 28955 Ex. A; passed Feb. 6, 2024)



**SUBCHAPTER 12.08D**  
**STORMWATER MANAGEMENT<sup>1</sup>**

Sections:

**GENERAL PROVISIONS**

- 12.08D.010 Purpose and application.
- 12.08D.020 Administration.
- 12.08D.030 Abbreviations.
- 12.08D.040 Definitions.

**GENERAL STORMWATER SYSTEM REQUIREMENTS**

- 12.08D.100 Regulated activities.
- 12.08D.110 Allowable, conditional, and prohibited discharges.
- 12.08D.120 Requirement to report spills, releases, or illicit discharges.
- 12.08D.130 Private use of public utility facilities.
- 12.08D.140 Special approved discharges to municipal stormwater system.
- 12.08D.150 Stormwater program requirements.
- 12.08D.160 Exceptions and adjustments procedure.
- 12.08D.170 Covenant and easement agreement.
- 12.08D.180 Connections to municipal stormwater system.

**RATES AND FEES**

- 12.08D.200 Regular review of stormwater rates and fees.
- 12.08D.205 Establishment of stormwater utility.
- 12.08D.210 Stormwater rates and fees.
- 12.08D.220 Billing for stormwater rates and fees– frequency, payments, and collections.
- 12.08D.230 Reconsideration of stormwater rates.
- 12.08D.240 Exclusions of certain properties from stormwater rates and fees.
- 12.08D.250 Low impact development stormwater rate reduction.
- 12.08D.260 Payment In-Lieu-Of Construction Program.
- 12.08D.270 Organized drainage or drainage improvement districts.

**RIGHT OF ENTRY AND CONFIDENTIALITY**

- 12.08D.300 Right of entry.
- 12.08D.310 Confidential information.

**ENFORCEMENT REMEDIES**

- 12.08D.400 Violations and enforcement.
- 12.08D.410 Suspension of service or discharge.
- 12.08D.420 Unauthorized connection – misdemeanor.

**MISCELLANEOUS PROVISIONS**

- 12.08D.500 Environmental services conservation loan program.
- 12.08D.510 Utility reimbursement agreements; stormwater utility improvements.

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<sup>1</sup> Chapter 12.08 was repealed and reenacted by subchapters 12.08A, 12.08B, 12.08C, and 12.08D, per Ord. 28761, passed May 25, 2021, eff. Jul. 1, 2021.

## GENERAL PROVISIONS

### 12.08D.010 Purpose and application.

A. This chapter sets forth uniform requirements for, and shall apply to all persons, discharging stormwater or pollutants to the municipal stormwater system and receiving waters within the City, and requires compliance with all applicable state and federal laws, local ordinances, and this chapter. The purpose of this chapter includes but is not limited to the following:

1. To control the quantity and quality of the stormwater discharged directly and indirectly into the receiving waters within the City and/or the municipal stormwater system;
2. To promote compliance with the City's municipal stormwater permit, its stormwater management program, and applicable federal and state laws and regulations, local ordinances, and this chapter;
3. To protect receiving waters by mitigating the impacts of increased stormwater due to urbanization; to correct or mitigate existing water quality impacts related to stormwater; and to help restore and maintain the chemical, physical, and biological integrity of the City's waters for the protection of beneficial uses, including salmon;
4. To manage stormwater to protect life, property, and the environment from loss, injury, and damage by pollution; to minimize flooding, erosion, and contact with pollutants; and to manage stormwater from developed properties and construction sites;
5. To encourage the use of low impact development as the preferred and commonly-used approach for stormwater management;
6. To require persons regulated by this chapter to pay appropriate rates and fees to reasonably distribute the cost to construct, operate, maintain and improve the municipal stormwater system; and
7. To provide for and promote the health, safety, and welfare of the general public.

B. Compliance with the provisions of this chapter, the state and federal laws that govern municipal stormwater management, the City's municipal stormwater permit, and the City's stormwater management program referenced under this chapter, does not necessarily mitigate all impacts to the environment and should not be construed as such. Additional requirements or mitigation may be necessary to protect the environment pursuant to such other applicable federal or state laws or regulations or local ordinances.

(Ord. 28761 Ex. D; passed May 25, 2021)

### 12.08D.020 Administration.

#### A. Administration.

The Control Authority shall administer this chapter in accordance with the purposes set forth herein and applicable federal and state laws and regulations, the City's municipal stormwater permit, the City's stormwater management program policies and procedures, and applicable local ordinances. In the event there is a conflict between this chapter and: (a) a provision contained within it; (b) a permit issued under this chapter; or (c) an applicable federal or state law or regulation or local ordinance, the requirement(s) that are more protective of human health and/or the environment shall apply.

#### B. Responsibility for Compliance.

It is the intent of this chapter to place the responsibility for complying with its requirements, and any permit, control mechanism, authorization or approval granted pursuant to this chapter, upon the responsible person, as that term is defined in this chapter.

#### C. Financial Security.

Performance bonding and/or other appropriate financial security may be required for all projects to ensure timely and proper completion of improvements, to ensure compliance with the requirements of the Stormwater Management Manual (SWMM) and City of Tacoma Right-of-Way Design Manual and all other provisions of this chapter, or to warranty materials, workmanship, and performance of design.

#### D. AKART.

Persons shall apply all known, available, and reasonable methods of prevention, control, and treatment (AKART) to stormwater discharges as required by Chapter 90.48 RCW.

#### E. Appeals of Decisions and Determinations.

Decisions or determinations made by the Control Authority pursuant to this chapter are governed by TMC Chapter 12.08A; provided that, appeals of enforcement actions taken pursuant to this chapter are governed by TMC Chapter 1.82.

**F. Liberal Construction.**

The provisions of this chapter shall be held to be minimum requirements in their interpretation and application and shall be liberally construed to serve the purposes of this chapter.

(Ord. 28761 Ex. D; passed May 25, 2021)

**12.08D.030 Abbreviations.**

AKART	All known, available, and reasonable methods of prevention, control, and treatment
BMPs	Best Management Practices
EPA	United States Environmental Protection Agency
FIFRA	Federal Insecticide, Fungicide, and Rodenticide Act
LID	Low Impact Development also Local Improvement District
LID BMPs	Low Impact Development Best Management Practices
MHHW	Mean Higher High Water
NAICS Code	North American Industry Classification System Code
NPDES	National Pollutant Discharge Elimination System
O&M manual	Operation and Maintenance Manual
ppm	Parts per million
RCW	Revised Code of Washington
SSP	Stormwater Site Plan
SWMM	Stormwater Management Manual
SWMP	Stormwater Management Program
SWPPP	Stormwater Pollution Prevention Plan
SWMMWW	Washington State Department of Ecology's Stormwater Management Manual for Western Washington
TMC	Tacoma Municipal Code
WAC	Washington Administrative Code
WSDOT NPDES Permit	Washington State Department of Transportation National Pollutant Discharge Elimination System and State Waste Discharge Municipal Stormwater General Permit

(Ord. 28761 Ex. D; passed May 25, 2021)

**12.08D.040 Definitions.**

For the purposes of this chapter, the following terms, phrases, words and their derivations shall have the meanings given herein unless a different meaning is otherwise plainly required. Words not defined herein shall have the meaning given in TMC Chapter 12.08A, 12.08B or 12.08C. Words not otherwise defined in TMC Title 12, or TMC 1.82.010, shall have the meaning given in such federal and state statutes, rules, or regulations that apply to the activity being regulated. Words not otherwise defined shall be given their common and ordinary meaning. When not inconsistent with the context, words used in the present tense include the future, words in the plural include the singular, and words in the singular include the plural. The words "shall" and "will" are always mandatory and not merely directory and the word "may" is permissive. References to governmental entities (whether persons or entities) refer to those entities or their successors in authority.

"All known, available, and reasonable methods of prevention, control, and treatment" or "AKART." The application of all known, available, and reasonable methods of prevention, control, and treatment to stormwater, surface water, and wastewater discharges as required by Chapter 90.48 RCW.

“Approval.” The determination by the Control Authority that the proposed or completed work or activity conforms to this chapter.

“Best Management Practices” or “BMPs.” Schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and education practices, maintenance procedures, and structural or managerial practices to prevent or reduce the direct or indirect discharge of pollutants and other adverse impacts to stormwater, receiving waters, or stormwater conveyance systems.

“Benefitted Premises.” For purposes of the Payment In-Lieu-Of Construction Program authorized pursuant to TMC 12.08D.260, the phrase “benefitted premises” shall mean and refer to the specific parcel(s), tract(s), lot(s), or right of way or portions thereof, the development or redevelopment of which has been approved under the Payment In-Lieu-Of Construction Program for mitigation of associated stormwater impacts in-lieu-of constructing individual stormwater treatment and/or flow control best management practices on the project site and/or associated right of way. Such benefitted premises, and associated improvements, shall be described in the voluntary payment agreement.

“City.” The City of Tacoma, Washington, a municipal corporation organized and existing under and by virtue of the laws of the State of Washington. The phrase “within the City” means within the City boundaries as now or hereafter constituted.

“Connection.” A connection to the municipal stormwater system may be a physical connection of a private pipe, ditch, structure or other physical drainage facility to a pipe, ditch, curb, through curb, facility or structure of the municipal stormwater system. A connection to the municipal stormwater system may also be where either a physical facility or pipe or stormwater or other type of flow enters the municipal stormwater system.

“Control authority.” The City’s Environmental Services Department, its Director and its authorized representatives and their successors.

“Control mechanism.” A special approved discharge authorization, a letter, or other written document issued by the control authority that authorizes a discharge of stormwater or a stormwater management activity.

“Covenant and easement agreement” or “C&E agreement.” An agreement that is both a covenant and an easement. For stormwater management purposes, covenant and easement agreements most commonly require parcel owners to inspect and maintain their private stormwater system and additionally allow the City access to the subject property or parcel(s) to inspect such systems.

“Direct discharge parcels.” Those parcels that do not discharge stormwater to the municipal stormwater system and that discharge all, or substantially all, of their stormwater directly into the marine waters of Puget Sound through private stormwater systems that comply with the SWMM. The term marine waters as used herein excludes tidally influenced freshwater bodies that discharge to the Puget Sound.

“Director.” The Director of the City of Tacoma’s Environmental Services Department who is designated to supervise the implementation and enforcement of this chapter or the Director’s duly authorized representatives.

“Disturbed areas.” All areas subject to land disturbing activity.

“Erosion.” The wearing away of the land surface as a result of the movement of water, wind, ice, or any other means.

“Groundwater.” Water in a saturated zone or stratum beneath the surface of the land or below a surface water body.

“Hard surface.” An impervious surface, a permeable pavement, or a vegetated roof.

“Illicit connection.” Any connection to the municipal stormwater system or receiving waters that is not intended, authorized or permitted under this chapter, or used for collecting and conveying stormwater or non-stormwater discharges allowed pursuant to TMC 12.08D.110.

“Illicit discharge.” Any spill or direct or indirect discharge to the City’s municipal stormwater system, groundwater, or receiving waters within the City that is not composed entirely of stormwater or of non-stormwater discharges allowed pursuant to TMC 12.08D.110. Illicit discharges may also include, but are not limited to, discharges of industrial process water, discharges from sanitary sewer connections and interior floor drains, and discharges from car-washing activities and gray water systems.

“Impervious surface.” A non-vegetated surface area which either prevents or retards the entry of water into the soil mantle as under natural conditions prior to development, and/or a surface area which causes water to run off the surface in greater quantities or at an increased rate of flow from the flow present under natural conditions prior to development. Further definition may be found in the SWMM.

“Land disturbing activity.” Activity that results in a change in the existing soil cover (both vegetative and non-vegetative) and/or the existing soil topography. Land disturbing activities include, but are not limited to, clearing, grading, filling,

stockpiling, excavation, and land modification. Compaction that is associated with stabilization of structures and road construction shall also be considered a land disturbing activity. Activities limited to vegetation maintenance practices, including landscape maintenance, vegetation management practices, and gardening are not considered land disturbing activity. Stormwater BMP/facility maintenance is not considered land-disturbing activity if conducted according to standards and procedures established in the SWMM or approved by the City in a site specific operation and maintenance plan.

“Low Impact Development” or “LID.” A stormwater and land use management strategy that strives to mimic predisturbance hydrologic processes of infiltration, filtration, storage, evaporation, and transpiration by emphasizing conservation, use of on-site natural features, site planning, and distributed stormwater management practices that are integrated into a project design.

“Low Impact Development Best Management Practices” or “LID BMPs.” Distributed stormwater management practices integrated into a project design that emphasize predisturbance hydrologic processes of infiltration, filtration, storage, evaporation, and transpiration. LID BMPs include, but are not limited to, bioretention, rain gardens, permeable pavements, roof downspout infiltration and dispersion, minimum excavation foundations, vegetated roofs, and water reuse.

“Manual (Department of Ecology).” Refers to the latest version of the Washington State Department of Ecology’s Stormwater Management Manual for Western Washington (SWMMWW).

“Maintenance.” Includes activities conducted on currently serviceable structures, facilities, and equipment that involves no expansion or use beyond that previously existing and results in no significant adverse hydrologic impact. It includes those usual activities taken to prevent a decline, lapse, or cessation in the use of or to repair structures and systems. Those usual activities may include replacement of dysfunctional facilities, including cases where environmental permits require replacing an existing structure with a different type structure, as long as the functioning characteristics of the original structure are not changed. Further definition may be found in the SWMM.

“Maintenance costs.” The total costs of maintaining a regional stormwater facility for which all, or substantially all, of the capacity of the regional stormwater facility to provide stormwater treatment and/or flow control is allocated to provide mitigation capacity under the Payment In-Lieu-Of Construction Program, or the total increase in the costs of maintenance of a regional stormwater facility that has been expanded to provide mitigation capacity under the Payment In-Lieu-Of Construction Program.

“Mean Higher High Water Datum.” A tidal datum related to Mean Higher High Water. The average of the higher high water height of each tidal day observed over the National Tidal Datum epoch. In Tacoma, this will be determined from the National Oceanic and Atmospheric Administration (NOAA) tides and currents statistics, station ID 9446484.

“Mitigation capacity.” Available capacity of a regional stormwater facility to provide stormwater treatment and/or flow control for mitigation of stormwater impacts.

“Multiple-family complex.” Any premise consisting of two or more living units served through a single water meter.

“Municipal stormwater system.” A conveyance, or system of conveyances, not part of a combined sewer, that is owned or operated by the City (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, stormwater BMPs/facilities or storm drains), and is designed or used for collecting, conveying, or managing stormwater.

“Municipal stormwater permit.” The Phase 1 Municipal Stormwater Permit issued to the City by the Department of Ecology under the National Pollutant Discharge Elimination System program, which is also a State Waste Discharge General Permit that authorizes the City to discharge municipal stormwater to state receiving waters.

“Natural drainage course.” Naturally and/or reconstructed naturally occurring surface water bodies, such as creeks, streams, rivers, lakes, wetlands, estuaries, and natural drainage ways that convey surface water and/or stormwater to receiving waters and groundwater.

“New development.” Land disturbing activities, including Class IV – general forest practices that are conversions from timberland to other uses; structural development including construction, installation, or expansion of a building or other structure; creation of hard surfaces; and subdivision and short subdivision of land and binding site plans as defined in RCW 58.17.020.

“North American Industry Classification System Code” or “NAICS Code.” An industrial classification system developed by the United States Office of Management and Budget to classify business establishments for the collection, tabulation, presentation, and analysis of statistical data describing the U.S. economy. Also, see Standard Industrial Classification Code.

“NPDES permit.” A permit issued by the Department of Ecology under the National Pollutant Discharge Elimination System program. Examples of NPDES permits include a NPDES Waste Discharge Permit, a NPDES Municipal Stormwater Permit, a NPDES Construction Stormwater General Permit, a NPDES Sand and Gravel General Permit, a NPDES Wastewater Pretreatment Permit, and an NPDES Industrial Stormwater General Permit.

“Open space parcel with forested land cover.” An undeveloped parcel of land where trees cover the majority of the land surface which is dedicated by deed or other instrument to remain in such condition and which reduces the quantity and improves the quality of stormwater collected by the municipal stormwater conveyance systems through infiltration, filtration, storage, evaporation and transpiration.

“Operational best management practices” or “operational BMPs.” Non-structural practices that prevent or reduce pollutants from entering stormwater.

“Owner.” Any individual, corporation, or entity that holds the title to a real property as shown by the Pierce County Assessor’s records or their designated agent.

“Parcel.” A single platted or unplatted lot, or contiguous lots, or tract of land having the same Pierce County Assessor’s tax identification number. A parcel is usually considered a unit for the purposes of development.

“Partial mitigation.” Mitigation of an entire surface or disturbed area to the maximum extent practicable, as administered under TMC 12.08D.560.

“Person.” Shall have the same meaning as that term is given pursuant to TMC Chapter 12.08B.

“pH.” Shall have the same meaning as that term is given pursuant to TMC Chapter 12.08B.

“Pollutant.” Any substance that is discharged to receiving waters or to the municipal stormwater system which is prohibited or limited by the requirements of this chapter or applicable state and federal laws and regulations.

“Premises.” A continuous tract of land, building, or group of adjacent buildings under a single control with respect to use of water and responsibility for payment therefor. Subdivision of such use or responsibility shall constitute a division into separate premises as herein defined, except where more than one dwelling is being served through the same water meter, in which case, each of said dwellings shall constitute a separate premises and shall be subject to separate charges as if separate single-family dwellings.

“Private stormwater BMPs/facilities.” Stormwater BMPs/facilities that are not part of the municipal stormwater system.

“Private stormwater system.” Private stormwater BMPs/facilities and conveyances, or a system of conveyances (including private roads with drainage systems, private streets, catch basins, curbs, gutter, ditches, manmade channels, or storm drains) that are not part of the municipal stormwater system.

“Property.” Any building, object, site, structure, improvement, public amenity, parcel of land, space, streetscapes and rights-of-way, or area.

“Public utility facility.” The whole or a partial component of a stormwater BMP/facility which may include pipes, manholes, catch basins, stormwater treatment and flow control BMPs/facilities, open spaces, or any other areas that contribute to the function of the facility.

“RCW.” The Revised Code of Washington as now or hereafter amended.

“Receiving water(s).” The naturally and/or reconstructed naturally occurring surface water bodies, such as creeks, streams, rivers, lakes, wetlands, estuaries, and marine waters, or groundwater, which receive stormwater from and/or within the City or to which a municipal stormwater system discharges.

“Redevelopment.” On a site that is already substantially developed (defined as having 35% or more of existing hard surface coverage – when determining percentage, only include those areas that are buildable): the creation or addition of hard surfaces, the expansion of a building footprint or addition or replacement of a structure, structural development including construction, installation or expansion of a building or other structure, replacement of hard surface that is not part of a routine maintenance activity, and/or land disturbing activities.

“Regional stormwater facility.” For purposes of the Payment In-Lieu-Of Construction Program authorized pursuant to TMC 12.08D.260, the phrase “regional stormwater facility” shall mean and include, (1) a single stormwater BMP/facility designed to provide stormwater treatment and/or flow control for a large region or portion of a basin or subbasin and designated by the Control Authority to be utilized under the Program to provide mitigation capacity, and (2) multiple stormwater BMPs/facilities that are designed to provide water quality and/or flow control for a large region or portion of a basin or subbasin and designated by the control authority to be utilized under the Program to collectively provide mitigation capacity.

“Responsible person.” Shall have the meaning as set forth in TMC 1.82.010, the Uniform Enforcement Code.

“Single-family residence.”

A. Any building or portion thereof, which contains living facilities, including provisions for sleeping, eating, cooking, and sanitation, for use by not more than one family;



B. Instances in which more than one residence is served through a single water meter; and

C. Those individual units within multi-family complexes that are served by a separate water meter.

“Source control BMP.” A structure or operation that is intended to prevent pollutants from coming into contact with stormwater through physical separation of areas or careful management of activities that are sources of pollutants. Structural source control BMPs are physical, structural, or mechanical devices, or facilities that are intended to prevent pollutants from entering stormwater. Operational source control BMPs are non-structural practices that prevent or reduce pollutants from entering stormwater.

“Spill.” An unauthorized discharge of a pollutant or other substance that is not composed entirely of stormwater into the municipal stormwater system, groundwater, a receiving water, or the ground surface. The definition does not include allowable or conditional non-stormwater discharges which are authorized pursuant to TMC 12.08D.110.

“Storm drains.” The enclosed conduits that transport stormwater runoff toward receiving waters.

“Stormwater.” That portion of precipitation, including snowmelt, that does not naturally percolate into the ground or evaporate, but flows via overland flow, interflow, pipes, and other features of a stormwater system into a receiving water or stormwater BMP/facility. May also be referred to as “stormwater runoff.”

“Stormwater BMP/facility.” A component of the stormwater system designed or constructed to perform a particular function or multiple functions such as stormwater treatment, flow control, or conveyance. Stormwater BMP/facility includes any permanent stormwater BMP/facility and structural BMPs, and also includes stormwater treatment and flow control BMPs/facilities and shall include catch basins that are part of the stormwater BMP/facility. Stormwater BMPs/facilities may either be part of a private stormwater system or the municipal stormwater system.

“Stormwater Management Manual” or “SWMM.” The most recent version of the Stormwater Management Manual as adopted or amended by the City Council.

“Stormwater Management Program” or “SWMP.” A set of actions and activities designed to reduce the discharge of pollutants from the municipal stormwater system to the maximum extent practicable as required by the City’s Municipal Stormwater Permit and this chapter.

“Stormwater pollution prevention plan” or “SWPPP.” A document which describes the best management practices and activities to be implemented by a person to identify sources of pollution or contamination at a premises or parcel and the actions to eliminate or reduce pollutant discharges to stormwater, stormwater conveyance systems, and/or receiving waters to the maximum extent practicable. A SWPPP may be used as a construction SWPPP for activities during construction or as an operational SWPPP for ongoing activities at a site.

“Stormwater site plan” or “SSP.” A comprehensive report and drawing(s) containing the technical information and analysis necessary to evaluate projects for compliance with the applicable stormwater requirements in this chapter.

“Stormwater treatment and flow control BMPs/facilities.” Detention facilities, permanent treatment BMPs/facilities, and bioretention, vegetated roofs, and permeable pavement that help meet Minimum Requirement #6 (stormwater treatment), #7 (flow control), or both.

“Structural best management practices” or “structural BMPs.” Physical, structural, or mechanical BMPs, which may include devices, or facilities that are intended to prevent pollutants from entering stormwater.

“Surface water.” Waterbodies, such as creeks, streams, rivers, lakes, wetlands, estuaries, and marine waters.

“Supplemental charges.” Charges that may be assessed to a responsible person by the control authority to recover the costs it incurs to address and respond to a violation of Chapter 12.08D TMC including, but not limited to: (i) personnel costs, both direct and indirect; (ii) costs to investigate, contain, and abate the discharge, including cleaning up any contamination caused by the discharge; (iv) costs to document and enforce a violation of Chapter 12.08D TMC; (v) costs to hire a contractor(s) or consultant(s) to respond to such violations; (vi) laboratory costs and analytical expenses; (vii) costs for equipment, materials, and supplies; (viii) mobilization, transportation, treatment, storage, and disposal costs; (ix) attorney’s fees, when authorized; (x) costs required for printing or mailings; and (xi) costs to collect unpaid supplemental charges.

“System development charge.” A charge assessed to the property owner under this chapter that represents the property owner’s reasonable share of the present worth of capital costs associated with the City-owned regional stormwater facilities that will be designated under the Payment In-Lieu-Of Construction Program to mitigate for stormwater impacts associated with the permitted project.

“Track-out.” Material such as dirt, mud and other debris that is deposited beyond the limits of a construction site or other site by vehicles exiting a construction site, a commercial or industrial facility, or any other parcel.

“Voluntary payment agreement.” An agreement entered into as part of Payment In-Lieu-Of Construction Program, by, and between the property owner and the City which sets forth the terms and conditions pursuant to which the applicant agrees to pay a system development charge in consideration for the City’s covenant to make mitigation capacity available to mitigate stormwater impacts associated with development or redevelopment of the benefitted premises.

“WAC.” The Washington Administrative Code as now or hereafter amended.

“Wastewater.” Shall have the same meaning as that term is given pursuant to TMC Chapter 12.08B.

“Waterfront discharge parcels.” Those parcels directly abutting Puget Sound with at least 50 feet of frontage and those parcels contiguous with the Puget Sound that do not discharge stormwater to the municipal stormwater system and that discharge, by private means, all or substantially all of their stormwater directly into the marine waters of Puget Sound. The term marine waters as used herein excludes tidally influenced freshwater bodies that discharge to the Puget Sound.

(Ord. 28761 Ex. D; passed May 25, 2021)

## GENERAL STORMWATER SYSTEM REQUIREMENTS

### 12.08D.100 Regulated activities.

This chapter regulates all direct and indirect discharges to receiving waters and the municipal stormwater system, including discharges to private stormwater systems that discharge directly or indirectly to receiving waters or the municipal stormwater system, and any other direct or indirect discharge to receiving waters or the municipal stormwater system from real property or right-of-way.

(Ord. 28761 Ex. D; passed May 25, 2021)

### 12.08D.110 Allowable, conditional, and prohibited discharges.

#### A. Allowable Discharges.

Clean, uncontaminated stormwater from rain, snowmelt, and other types of precipitation is an allowed discharge to the municipal stormwater system.

In addition to the above, the following are not prohibited discharges for the purposes of this chapter unless the control authority determines that the discharge, whether alone or in combination with other discharges, is causing or is likely to cause a violation of this chapter or the municipal stormwater permit:

1. Diverted stream flows;
2. Rising groundwater;
3. Uncontaminated groundwater infiltration- as defined in 40 CFR 35.2005(b)(20);
4. Uncontaminated pumped groundwater;
5. Foundation drains;
6. Air conditioner condensation;
7. Irrigation water from agricultural sources that is commingled with urban stormwater;
8. Springs;
9. Uncontaminated water from crawl space pumps;
10. Footing drains;
11. Flows from riparian habitats and wetlands; and
12. Discharges from emergency firefighting activities.

#### B. Conditional Discharges.

The following are not prohibited discharges for the purposes of this chapter if the applicable discharge requirements outlined below are met; unless the control authority determines that the discharge, whether alone or in combination with other discharges, is causing or is likely to cause a violation of this chapter or the municipal stormwater permit:

1. Potable water, including water from water line flushing, hyperchlorinated water line flushing, fire hydrant system flushing, and pipeline hydrostatic test water. Planned discharges shall be dechlorinated to a concentration of 0.1 ppm or less, pH-adjusted if necessary, and in volumes and velocities controlled to prevent resuspension of sediments in the municipal stormwater system. In all cases, the receiving storm pipe and downstream system shall be monitored as directed by the control authority for the duration of the discharge. All discharge volumes and velocities shall be controlled to prevent resuspension of sediments in the municipal stormwater system and/or structural damage to the conveyance system;
2. Lawn watering and other irrigation runoff are permitted but shall be minimized;
3. Dechlorinated swimming pool discharges. These discharges shall be dechlorinated to a concentration of 0.1 ppm or less, pH-adjusted and re-oxygenated if necessary. Such discharges shall also be at a volume and velocity that is controlled to prevent resuspension of sediments in the municipal stormwater system. Discharges shall be thermally controlled to prevent an increase in temperature of the receiving water;
4. Street and sidewalk wash water, water used to control dust, and routine external building wash down that do not use detergents are permitted if the amount of street wash water and dust control water used is minimized. At active construction sites, street sweeping must be performed prior to washing the street;

5. Non-stormwater discharges covered by another NPDES permit or State Waste Discharge permit, provided that the discharge is in full compliance with all requirements of such permit, or waiver, or order and all applicable laws and regulations and written approval has been granted by the control authority for any non-stormwater discharge to the municipal stormwater system. The control authority may require the discharge to be in compliance with the requirements of a SWPPP reviewed and approved by the control authority; and

6. Other non-stormwater discharges. The control authority may, in its discretion issue a special approved discharge authorization allowing non-stormwater discharges not covered by a NPDES permit to be discharged to the municipal stormwater system when such discharges are in compliance with the requirements of a SWPPP reviewed and approved by the control authority.

**C. Prohibited Discharges.**

No person shall throw, drain, spill, or otherwise discharge, cause, or allow others under their control to throw, drain, spill, or otherwise discharge any substance not specifically allowed or conditionally allowed into the municipal stormwater system or receiving waters. By way of example and not limitation, discharges that are contaminated with the following substances are prohibited.

1. Petroleum products including, but not limited to, oil, gasoline, grease, fuel oil, and heating oil;
2. Antifreeze and other automotive products;
3. Metals in either particulate or dissolved form;
4. Flammable or explosive materials;
5. Radioactive material;
6. Batteries;
7. Acids, alkalis, or bases;
8. Paints, stains, resins, lacquers, or varnishes;
9. Degreasers and/or solvents;
10. Drain cleaners;
11. Pesticides, herbicides, or fertilizers unless preapproved as set forth at TMC 12.08D.150.F;
12. Soaps, detergents, or ammonia;
13. Steam-cleaning wastes;
14. Swimming pool or spa filter backwash;
15. Chlorine, bromine, or other disinfectants;
16. Heated water;
17. Domestic animal wastes;
18. Sewage;
19. Recreational vehicle waste;
20. Animal carcasses;
21. Food wastes or products, trash, or debris not otherwise enumerated in this section;
22. Bark and other fibrous materials;
23. Lawn clippings, leaves, or branches;
24. Silt, sediment, concrete, cement, gravel, asphalt, or construction materials, including track-out;
25. Chemicals not normally found in uncontaminated water;
26. Any other process-associated discharge, except as otherwise allowed in this section;
27. Any other material that is regulated as a hazardous substance or hazardous or dangerous waste by federal, state, or local laws and regulations; and
28. Discharge or overflow from fountains or other outdoor water features.

**D. System Overburden.**

This section shall not limit in any way the control authority's ability to deny permission to discharge into the municipal stormwater system when such discharge could overburden the municipal stormwater system.

**E. Prohibition of Illicit Connections.**

The construction, use, maintenance, or continued existence of illicit connections to the municipal stormwater system is prohibited, regardless of whether such connection was lawful at the time it was made. It shall be a violation of this chapter to connect a pipe, or other conveyance, conveying sewage or any other prohibited substance enumerated in this chapter to the municipal stormwater system or receiving waters, or to allow discharge through such a connection to continue.

F. Illicit discharges to the municipal stormwater system and receiving waters are prohibited and are subject to enforcement as prescribed by this chapter.

(Ord. 28761 Ex. D; passed May 25, 2021)

**12.08D.120 Requirement to Report Spills, Releases, or Illicit Discharges.**

Immediately, but no later than twenty-four (24) hours after first becoming aware of such an event, any responsible person shall report to the control authority any spill, release, illicit discharge, or other incident causing a discharge that has contributed or is likely to contribute pollutants to the municipal stormwater system or a receiving water. Spills shall be reported to the control authority. This reporting requirement is in addition to any other reporting requirements imposed pursuant to federal and state laws and regulations, and local ordinances.

(Ord. 28761 Ex. D; passed May 25, 2021)

**12.08D.130 Private use of public utility facilities.**

No person shall enter into or place, install, or affix any temporary or permanent private object, material, device, or other appurtenance within a public utility facility without written permission of the control authority. Certain utility facilities located within the right-of-way or in public easements could be damaged or their function disrupted by trespass or placement of non-approved items or other appurtenances. If such items are found in these facilities, they shall be removed without notice and disposed of by the City.

(Ord. 28761 Ex. D; passed May 25, 2021)

**12.08D.140 Special approved discharges to municipal stormwater system.**

A. The control authority may conditionally approve non-stormwater discharges to the municipal stormwater system by issuing a special approved stormwater discharge permit. Except as otherwise provided for herein, the rates and fees for discharging non-stormwater to the municipal stormwater system shall be established by ordinance or resolution of the City Council and consist of a special approved stormwater discharge permit application fee for each discharge location requested by the applicant and a special approved stormwater discharge permit quantity rate.

Applications for a special approved stormwater discharge permit shall be submitted at least 30 days prior to the requested discharge date.

B. The control authority may require that samples be taken of the proposed discharge to ensure compliance with federal, state, and local water quality requirements. Samples will be analyzed based on known and/or suspected pollutants in the proposed discharge. Sampling and analysis, when required, must be completed and results submitted to the control authority for review prior to any discharge to the municipal stormwater system. The control authority may require additional sampling as needed to ensure compliance with the above-referenced requirements.

C. Payments shall be made in a manner and at the frequency determined by the control authority.

(Ord. 28761 Ex. D; passed May 25, 2021)

**12.08D.150 Stormwater program requirements.**

A. Pursuant to the terms of the municipal stormwater permit, the City has implemented a stormwater management program that includes the use of its SWMM, and regulations and administrative procedures, which are administered by the control authority.

B. The following activities are regulated through the stormwater management program under this chapter:

1. Direct and indirect discharges to the municipal stormwater system or receiving waters within the City, including discharges related to stormwater maintenance activities.

**C. Minimum Source Control Requirements for Existing Discharges.**

Source control BMPs shall be implemented by all property owners, residents, businesses, and public entities engaged in pollution generating activities.

1. If the control authority determines that discharges from a property or right-of-way cause or contribute to an illicit discharge, a nuisance, a threat to public health and safety, or a violation of the municipal stormwater permit or this chapter, the control authority shall require the responsible person to implement and maintain BMPs in accordance with the SWMM. Structural source control BMPs, or treatment BMPs/facilities, or both, shall be required if operational source control BMPs do not prevent illicit discharges or violations of surface water, groundwater, or sediment management standards because of inadequate stormwater controls. BMPs shall be designed, operated, and maintained in accordance with the SWMM.

2. The control authority shall also require persons responsible for track-out conditions on streets or alleys to implement and maintain operational BMPs in accordance with the SWMM to prevent polluted matter from entering the municipal stormwater system.

3. Source control activities and BMPs shall be implemented to the extent necessary to prevent prohibited discharges and to prevent contaminants from coming in contact with stormwater. Source control activities and BMPs include, but are not limited to, segregating or isolating wastes to prevent contact with stormwater; enclosing, covering, or containing the activity to prevent contact with stormwater; developing and implementing inspection and maintenance programs; sweeping; and taking management actions, such as training employees on pollution prevention. Source control can also include structural source control BMPs, or treatment BMPs/facilities, or both.

4. Spill prevention BMPs shall be required for all businesses and public entities engaged in pollution generating activities and as otherwise required by the control authority. Minimum requirements for spill prevention shall include developing and implementing plans and procedures to prevent spills and other accidental releases of materials that may contaminate stormwater or receiving waters. This requirement may be satisfied either by implementation of a SWPPP prepared in compliance with an NPDES stormwater permit for the site; or implementation of procedures for immediate containment and other appropriate action regarding spills and other accidental releases to prevent contamination of stormwater; and providing necessary containment and response equipment on-site. Personnel shall be trained regarding procedures and equipment to be used for spill prevention and cleanup.

**D. Minimum Requirements for New Development and Redevelopment.**

New development and redevelopment activities that meet or exceed the thresholds outlined in the SWMM shall comply with the minimum requirements contained in the SWMM.

**E. Exemptions.**

Except as otherwise provided herein, development undertaken by the Washington State Department of Transportation in state highway rights-of-way that it owns or controls by long-term lease or easement, or for which it has maintenance responsibility, if undertaken in compliance with a WSDOT NPDES Permit, is exempt from the requirements of TMC 12.08D.150.D.

Provided, however, that where a provision of TMC 12.08D.150.D is more stringent than a corresponding provision in the WSDOT NPDES Permit, the provision of TMC 12.08D.150.D shall apply. The Washington State Department of Transportation shall submit copies of plans for these exempt development activities within the aforementioned rights-of-way to the control authority prior to commencing such activities.

**F. Stormwater Maintenance Activities.**

Proper maintenance of all municipal stormwater systems and all private stormwater systems shall be required in accordance with the SWMM or other control authority approved standards.

1. Maintenance and Inspection. All private stormwater systems shall be maintained by the owner, or the homeowner and/or homeowner association or similar organization, if one is established as part of a residential or commercial development. All private stormwater systems shall be regularly inspected by the owner or other responsible person to ensure proper operation and monitored as required or as set forth in the SWMM or O&M manual approved by the control authority. The owner, or homeowner and/or owner association or other responsible person, shall maintain records of inspection and maintenance, disposal receipts, and monitoring results. The records shall catalog the action taken, the person completing the action, the date said action was taken, how the action was completed, results of any monitoring efforts, and any problems encountered or follow-up actions required. The records shall be made available to the control authority upon request. The owner, or homeowner and/or owner association, or other responsible person shall maintain a copy of the O&M manual on site, and shall make reference to such document in real property records filed with the Pierce County Auditor, so others who acquire real

property served by the private stormwater systems or controls are notified of their obligation to maintain such private stormwater systems.

2. Control Authority Inspection and Maintenance. The control authority is authorized to inspect all private stormwater systems in accordance with TMC 12.08D.300 to ensure they are properly operating and are being properly maintained. If the stormwater system is not properly maintained, the control authority may notify the owner(s) that maintenance is required. If the owner(s) fails to maintain the stormwater system, the control authority may, with written notice to and permission of the owner(s), maintain the stormwater system and bill all associated costs to the owner as supplemental charges. In the event that emergency maintenance is needed to protect human health, property, or improvements and a reasonable attempt to contact the owner(s) is impracticable under the circumstances due to the potential for imminent harm or danger to persons or property, or such attempt at notice has failed, the control authority may exercise its legal rights and authority to protect health and property.

3. Pest Control for Stormwater BMPs/Facilities. Use of pesticides, including herbicides, fungicides, and molluscicides in or adjacent to stormwater BMPs/facilities shall only be approved if applied in accordance with the specific operations and maintenance plan approved by the control authority for the BMP/facility, EPA's guidance on integrated pest management and other applicable BMPs. The least invasive method of pest control shall be employed, which may include pesticide use if it is infeasible to use other control methods. Pesticide use shall be in accordance with the federal and state laws and regulations, including, but not limited to the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) (7 U.S.C. §136 et seq.) and specific restrictions or permitting required by the EPA, Department of Ecology and State Department of Agriculture. All pesticide application shall be applied only by or under the direct supervision of specially trained and certified Pesticide Applicators or Aquatic Pesticide Applicators.

4. Persons required to construct a stormwater BMP/facility pursuant to older or replaced site development or stormwater regulations, which is covered by a maintenance or defect financial guarantee or which has been released from all required financial guarantees prior to the effective date of this section, and all persons holding title to the property for which a facility was required shall be responsible for the continual operation and maintenance of the facility in accordance with standards and requirements that were the basis of approval of the site development permit and for any liability as a result of breach of these duties.

(Ord. 28761 Ex. D; passed May 25, 2021)

## **12.08D.160 Exceptions and adjustments procedure.**

### **A. General.**

Requests for exceptions from or adjustments to the minimum requirements of TMC 12.08D.150.D may be made according to the requirements of the SWMM and this section. Any such request must be made in writing and, at a minimum, contain the information outlined in the SWMM.

B. The approval of plans, specifications, and calculations for an exception or adjustment shall not prevent the control authority from requiring the correction of errors in such plans, specifications, or other data, or from enforcing the requirements of this chapter and any other provisions of the Tacoma Municipal Code.

C. The following public notice requirements apply whenever a request for an exception to the minimum requirements is received by the control authority. Requests for adjustments are not required to follow this section.

1. Public notice shall be made to inform the public about the contents of the request and the control authority's decision to grant or deny it. Notice of the request and the control authority's decision to grant or deny the request may be combined.

2. The notice shall be published for a minimum of one day, at the requester's cost, in the City's newspaper of record and a newspaper of general circulation within the City. The notice shall also be published on the City's website for a minimum of one day.

3. The notice shall include: (i) a brief description of the request; (ii) a brief description of the control authority's decision to grant the request and the reasons supporting the decision, or a statement that the request is denied; (iii) how and where the request and the control authority's decision to grant or deny the request can be reviewed; and (iv) the name and contact information of a City employee who can answer questions regarding the request.

4. The City shall provide a copy of the control authority's decision to grant or deny a request to the requester. The control authority's decision to approve or deny a request shall include a reference to the procedures in TMC 12.08A.140 for appealing such decision.

### **D. Appeals to the Hearing Examiner.**

Appeals of the control authority's decision on a request for an exception or adjustment shall be made to the Hearing Examiner in accordance with TMC 12.08A.140.

(Ord. 28761 Ex. D; passed May 25, 2021)

**12.08D.170 Covenant and easement agreement.**

Property owners and homeowner associations or similar organizations, if one is established as part of a residential or commercial development for all projects that install privately owned stormwater BMPs/facilities and or private stormwater systems, shall enter into a covenant and easement agreement with the City in a form and content approved by the City Attorney. The covenant and easement agreement shall allow the control authority to access the property to inspect private stormwater BMPs/facilities or private stormwater systems, and shall, in the case of an emergency or owner neglect, authorize the control authority to repair and maintain such stormwater BMPs/facilities and systems. The covenant and easement agreement shall be recorded to the property title with the Pierce County Auditor's Office by the property owner as a condition precedent to issuance of applicable permits or authorizations, unless otherwise specified by the control authority.

(Ord. 28761 Ex. D; passed May 25, 2021)

**12.08D.180 Connections to municipal stormwater system.**

Owners of premises within the City adjacent to and abutting upon the municipal stormwater system or agents of such owners may, upon receipt of a permit to connect to the municipal stormwater system issued by the City, connect such premises to the municipal stormwater system and discharge stormwater into the municipal stormwater system. Such connections, including extensions necessary to make a connection, shall be in accordance with this chapter, the City's Stormwater Management Manual, Right-of-Way Design Manual and other applicable requirements under the Tacoma Municipal Code. Such permit shall be issued only upon written application to the control authority by the owner of the premises, or owner's agents, to be served and shall be subject to the following terms and conditions:

- A. The property owner or agent shall obtain all permits and pay all fees required by the City prior to making a connection to the municipal stormwater system;
- B. Extensions from premises to the municipal stormwater system for the purposes of connection shall be the responsibility of the owner of the premises;
- C. Mitigation for system capacity shall be the responsibility of the applicant and shall be undertaken in accordance with this chapter, the City's Stormwater Management Manual, Right-of-Way Design Manual and other applicable City regulations and ordinances;
- D. Compliance with applicable Local Improvement District agreements;
- E. Connections shall only convey discharges that comply with the requirements of TMC 12.08D.110; and
- F. Persons who violate the requirements of this section are subject to enforcement authorized by state law, and this chapter, including emergency suspension of service.

(Ord. 28761 Ex. D; passed May 25, 2021)



## RATES AND FEES

### 12.08D.200 Regular review of stormwater rates and fees.

The control authority shall conduct regular reviews of the stormwater rates and fees established by the City Council to confirm that all costs to manage, operate, and improve the municipal stormwater system are being properly recovered according to City ordinances, state laws, and federal regulations.

(Ord. 28761 Ex. D; passed May 25, 2021)

### 12.08D.205 Establishment of stormwater utility.

A. In March of 1977, the City Council, pursuant to Resolution No. 24356, declared its intent to create a municipal stormwater utility including establishing a proposed rate structure and transferring storm sewer assets from the General Fund to the new stormwater utility. In February of 1979, the Sewer Utility Division of the Department of Public Works published the City of Tacoma Storm Drain Utility Formation and Rate Report recommending that the City Council pass an ordinance establishing a new municipal stormwater utility and adopting the rate structure as set forth in the Formation and Rate Report. This report is adopted by reference herein as the basis for the formation of the municipal stormwater utility and the model for municipal stormwater utility rates. In April of 1979, the City Council enacted Ordinance No. 21638 consolidating the City's storm and surface water infrastructure to form the municipal stormwater utility. Contemporaneously, the City Council, pursuant to Ordinance No. 21632 and under authority of Chapter 35.67 RCW, repealed and re-enacted Chapter 12.08 of the Tacoma Municipal Code establishing the municipal stormwater utility and the rate model establishing rates and charges to fund the costs of maintaining, operating, managing and making capital improvements to the municipal stormwater system utility, managing and administering the stormwater utility, providing public education and outreach, and enforcing regulatory compliance with the provisions of this chapter. Under the rate model, the applicable rate is determined based upon the area of each parcel of land and the land use designation of the parcel, placing each parcel into one of five basic categories of development using an industrial classification manual. The basic category of development correlates to the amount of impervious surface of the premises.

B. The municipal stormwater utility is necessary to further the public health, safety, and welfare by, among other things:

1. Consolidating the City's stormwater BMP/facilities and system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, treatment and flow control stormwater BMPs/facilities devices or storm drains) designed and used for collecting, conveying, and managing stormwater;
2. Promoting a comprehensive approach to controlling stormwater runoff;
3. Providing for the management, operation, maintenance and improvement of the municipal stormwater system;
4. Protecting against property damage, personal injury, and other economic damages;
5. Protecting and preserving transportation corridors and routes of travel;
6. Reducing flooding, erosion, sedimentation, and the discharge of pollutants;
7. Protecting aquatic resources;
8. Preventing and mitigating against habitat loss;
9. Enhancing groundwater recharge;
10. Managing open spaces to control stormwater runoff; and
11. Enhancing environmental protection.

Accordingly, all real property in the City benefits from the establishment, operation, management, maintenance, and improvement of the municipal stormwater utility and municipal stormwater system.

(Ord. 28761 Ex. D; passed May 25, 2021)

### 12.08D.210 Stormwater rates and fees.

A. The City is authorized to establish and impose stormwater rates and fees for all parcels of real property within the City limits. Such rates and fees shall be calculated in accordance with this chapter and established by ordinance or resolution of the City Council.

B. The City is also authorized to establish and impose stormwater rates and fees when necessary to recover the cost of authorizing and regulating one-time, or short-term, discharges to the municipal stormwater system.

C. The control authority shall determine what rates and fees shall apply to each specific parcel in accordance with this section, subject to the exclusions in TMC 12.08D.240.

D. Stormwater rates and fees are calculated based on the following:

1. Unless otherwise provided for in this chapter, each parcel will be charged a monthly Stormwater Fixed Fee and a Stormwater Rate based upon the square footage of the parcel and the land use designation of the parcel.

Except as otherwise provided for in this chapter, for purposes of computing stormwater rates and fees under this section, the land use designation shall be classified based on the principal activity on the parcel using the North American Industry Classification System (NAICS, 2002) Code, adopted hereby for this purpose. The land use designation correlates to the level of development and amount of impervious surface on the parcel. Additional land use or location specific categories are further outlined in TMC 12.08D.210.E which are also considered in determining the Stormwater Rate. The control authority shall determine the land use or location specific category for each parcel based upon the principal activity on or use of the parcel and place each parcel in one of the five following specific categories, hereinafter referred to as “Basic Categories of Development,” as to each of which the Stormwater Rate per month per 500-square-foot increment of parcel area shall apply. The basic categories of development used for billing are: (a) Undeveloped; (b) Light; (c) Moderate; (d) Heavy; and (e) Very Heavy. Each basic category of development has been assigned a range of overall parcel runoff factors per the table below:

<b>BASIC CATEGORIES OF DEVELOPMENT</b>	<b>RANGE OF OVERALL PARCEL RUNOFF FACTORS</b>
(a) Undeveloped	0 to 0.22
(b) Light	0.23 to 0.39
(c) Moderate	0.40 to 0.56
(d) Heavy	0.57 to 0.79
(e) Very Heavy	0.80 to 1

The overall parcel runoff factor is related to the amount of impervious surfaces on a site. The more intensely a site is developed the higher the overall parcel runoff factor. Each NAICS code has been assigned an overall parcel runoff factor based upon typical development intensity for the uses represented by the NAICS code. The overall parcel runoff factor provides the correlation from NAICS code to the basic category of development utilized for stormwater billing.

2. In the event the control authority determines that the assigned NAICS code classification does not correlate to existing site conditions, the control authority may, in-lieu of classification based on NAICS code, calculate impervious surfaces on the site in accordance with policies, procedures, requirements, and guidelines promulgated and published by the Director, to determine which basic category of development should be applied.

3. If a parcel is redeveloped, segregated, or combined with another parcel, the revised parcels and, if applicable, land use designation or other land use or location specific designation in TMC 12.08D.210.E, will be used to reestablish the basic category of development per TMC 12.08D.210.D.2 that will be assigned to the parcel for municipal stormwater utility billing purposes.

4. For purposes of computing stormwater rates and fees, the area of the parcel shall be rounded to the nearest 500-square foot increment (the area of premises less than 500-square feet shall be set at 500-square feet) and the number of such increments shall be multiplied by the applicable Stormwater Rate.

5. Stormwater rates shall be computed by carrying the computation to the third decimal place and rounding to a whole cent using a method that rounds up to the next cent whenever the third decimal place is greater than four.

6. Residential customers who qualify as low-income senior or low-income disabled under TMC 12.06.165.B shall be eligible for a reduction from the regular stormwater rates and the fixed fee, the percentage of which will be established by ordinance or resolution of the City Council. The determination of low-income senior and low-income disabled status shall be made as set forth in TMC 12.06.165.B. Individuals must submit an application documenting such determination for review and acceptance by the control authority to qualify for this reduction. The effective date for the rate reduction shall be the first day of the billing period on which the control authority’s acceptance is granted.

E. Land use or Location Specific Stormwater Rate Categories.

1. All parcels that do not meet the definition of a waterfront or direct discharge parcel, shall be considered a non-waterfront/non-direct discharge parcel.

2. Waterfront and direct discharge parcels shall be subject to the waterfront/direct discharge stormwater rate for the applicable basic category of development. For purposes of computing the stormwater rate for waterfront/direct discharge parcels, the area of each parcel above MHHW elevation shall be used to determine the parcel size.
3. Parcels contiguous with waterfront discharge parcels which are under common ownership and discharge 100 percent of stormwater flow to the contiguous waterfront discharge parcel, and that do not discharge stormwater to the municipal stormwater system, shall be charged the waterfront discharge stormwater rate established by ordinance or resolution of the City Council.
4. Open space parcels with forested land cover shall be charged only the stormwater fixed fee and no stormwater rate for square footage will be applied to these parcels.
5. For undeveloped parcels over one acre, the first acre shall be billed at the undeveloped first acre or less stormwater rate, and any area over one acre shall be billed at the undeveloped area in excess of one acre stormwater rate.
6. Single-family residential parcels will be assigned the “moderate” basic category of development for determination of monthly stormwater rates. Single-family residential parcels of 15,000 square feet or more shall be billed at the “moderate” basic category of development stormwater rate for the first 15,000 square feet and the remainder at the undeveloped first acre or less basic category of development stormwater rate, unless the parcel is inspected by the control authority and placed in a different basic category of development, in which case the first 15,000 square feet shall pay the stormwater rate assigned to such basic category of development and the remainder at the undeveloped first acre or less basic category of development stormwater rate.

(Ord. 28761 Ex. D; passed May 25, 2021)

#### **12.08D.220 Billing for stormwater rates and fees - frequency, payments, and collections.**

- A. Persons responsible for paying wastewater rates or other City utility rates shall also be responsible to pay monthly or bimonthly stormwater rates and fees. Owners of vacant property or property not otherwise receiving City utility bills shall be billed and are responsible to pay stormwater rates and fees that are assessed to such property. Owners or other persons responsible for paying stormwater rates and fees may make a written request that such rates and fees be billed to another party by the control authority. Approval of such request shall not release the requester from responsibility for payment of delinquent stormwater rates and fees, or other charges including, but not limited to related interest, costs and fees allowed under this chapter and by applicable state law, nor does it release the requester from any lien filed on the subject parcel. Owners of parcels that are contiguous and have a single land use designation may receive a single bill for stormwater rates and fees for all contiguous parcels if such parcels are consolidated on the Pierce County Assessor’s tax rolls.
- B. All bills for stormwater rates and fees as established by ordinance or resolution of the City Council shall be billed monthly or bimonthly as shall be determined by the control authority and shall become due and payable at the office of the City Treasurer or such other places as approved by the City Treasurer on or before the 15th day after the statement has been mailed and shall become delinquent thereafter.
- C. For any stormwater rate and/or fixed fee that becomes delinquent, the responsible person shall be charged a late payment fee as set forth in TMC Chapter 12.01. Any stormwater rate and/or fixed fee that becomes delinquent, together with interest, also shall immediately become a lien against the premises served pursuant to RCW 35.67.200. Such lien may be foreclosed by the City in the manner provided by Chapter 35.67 RCW. In the event that the City files or releases a lien with the County Auditor, a processing fee will be added to the delinquent amounts owed equivalent to the current fees charged by the County Auditor for filing or releasing a lien. The processing fee will be allocated to the Stormwater Fund, as appropriate, and, for City tax purposes, recorded as revenue. In addition to such foreclosure, a customer with a stormwater account that is delinquent is also subject to termination of City water utility services for the subject premises (or other premises owned or rented by the customer), until such time as payment arrangements are made with the control authority to satisfy the delinquency.

(Ord. 28761 Ex. D; passed May 25, 2021)

#### **12.08D.230 Reconsideration of stormwater rates.**

- A. Owners or other persons responsible for paying stormwater rates for a parcel may request that the control authority review the rates they are being charged if they believe such rates are based on erroneous information. Such requests shall be made in writing and include the parcel number and a detailed description of the erroneous information alleged in the request. Upon receipt of such request, the control authority shall evaluate the requester’s information against the criteria set forth in the applicable provisions of this Chapter the Control Authority’s written policies for reconsideration of stormwater rates, applicable state laws, and other factors reasonably related to the determination of whether the requester’s stormwater rate is

based on erroneous information. If the control authority determines that a requester's stormwater rate is based on erroneous information, the control authority shall adjust the charge to reflect the proper rate under this chapter.

B. Owners or other persons responsible for paying stormwater rates and fees for a parcel may request that the control authority determine whether the City's use of a private stormwater system on or at a specific parcel benefits the municipal stormwater system or provides a stormwater benefit for a City-owned or operated property including public rights-of-way and is grounds for reducing stormwater rates. Collection from single premises and concentrating the flow, collection of surface water that is piped through or underneath the surface of a property, or management or acceptance of water that flows via a natural drainage course through a property, shall not constitute grounds for a rate reduction under this subsection. It shall be the requester's responsibility to provide the control authority with all information needed to evaluate the private stormwater system, including but not limited to, building permits, stormwater calculations, design drawings, engineering reports, SSPs, or other information requested by the City that may be needed to evaluate the private stormwater system.

(Ord. 28761 Ex. D; passed May 25, 2021)

#### **12.08D.240 Exclusions of certain properties from stormwater rates and fees.**

Stormwater rates and fees shall not be levied directly to any City street, road, alley or right-of-way where the stormwater function has been transferred to and made a part of the municipal stormwater system by Ordinance No. 21638 passed April 3, 1979, and all streets, roads, alleys or rights-of-way created and acquired by the City since April 3, 1979. The City Council finds all City streets, roads, alleys and rights-of-way collect and transport stormwater from multiple individual properties, which provides stormwater management benefits to the City, which corresponds to a value equal to the reasonable charge therefor that would otherwise be charged by the City for such streets, roads, alleys, and rights-of-way.

(Ord. 28761 Ex. D; passed May 25, 2021)

#### **12.08D.250 Low impact development stormwater rate reduction.**

A. For parcels that provide additional low impact development BMPs and features beyond those required by the SWMM to mitigate the stormwater impacts of new development or redevelopment, or if low impact development is used to mitigate existing stormwater discharges that were not required to install low impact development BMPs at the time of new development or redevelopment (collectively or individually the "low impact improvement"), a rate reduction in the stormwater charge(s) applicable to those parcels may be allowed by the control authority in accordance with this section. All stormwater facilities and low impact improvements shall be designed in accordance with the applicable BMPs and requirements of the SWMM. All designs shall be reviewed and approved by the control authority prior to installation.

In order to qualify for a rate reduction under this section, the owner shall submit the request for a rate reduction to the control authority prior to construction of the proposed low impact improvements, obtain all required permits for such work, and satisfy the following requirements:

1. Where the low impact improvement is built for mitigating the impacts of stormwater based on new development or redevelopment that has met the thresholds for Minimum Requirement #5 as defined in the most recent version of the SWMM, the owner of the parcel must have obtained the required permits and constructed the low impact improvement according to plans approved by the control authority, and the low impact improvement must include LID BMPs or features beyond those required by the minimum requirements of the SWMM in effect at the time of new development or redevelopment.
2. Where the low impact improvement is built to provide mitigation for existing stormwater flows and not as a requirement of any new development or redevelopment action that requires compliance with the SWMM, the low impact improvement must be approved by the control authority prior to construction, the applicant shall obtain proper permits if applicable, the design shall be reviewed and accepted by the control authority prior to construction, the applicant shall notify and allow the control authority to inspect the low impact improvement during and after construction, and the low impact improvement shall comply with the applicable BMPs and requirements of the SWMM or the approved plans.
3. The owner shall develop an O&M manual for the low impact improvement, be responsible for all costs of construction and proper operation and maintenance of such low impact improvement, and shall submit annual maintenance reports to the control authority.
4. The owner shall enter into a covenant and easement agreement with the City to assure proper operation and maintenance of the low impact improvement and allow the City access for inspection. The covenant and easement agreement shall be recorded with the Pierce County Auditor's Office to the title of the property by the City and be in a form and content approved by the City Attorney.

B. The control authority may inspect all low impact improvement and stormwater systems approved or sought to be approved under this section to ascertain that they have been installed in accordance with the approved documents and function properly.

If at any time such low impact improvement or stormwater system fails to function as designed as determined by the control authority based on appropriate engineering standards, or if the owner fails to submit the annual maintenance reports, the control authority may reduce or revoke any rate reduction granted to reflect the effectiveness, if any, of such low impact improvement or stormwater system, or the control authority may revoke approval of the low impact improvement or stormwater system irrespective of its prior approval of either the low impact improvement or stormwater system or plans therefor.

C. The stormwater rate reduction allowed under this section shall be as follows:

1. Use of low impact development BMPs as designated in the SWMM for partial mitigation of stormwater impacts from the site, defined as in this chapter, shall qualify the parcel to receive a one basic category of development rate reduction.
2. Use of low impact development BMPs as designated in the SWMM for full mitigation of stormwater impacts from the site, defined as mitigation of all surfaces and disturbed areas to the maximum amount practicable, shall receive a two basic categories of development rate reduction.
3. Notwithstanding any rate reduction authorized, permitted, or provided for in this section, no rate shall be reduced below the basic category of development for undeveloped land.

(Ord. 28761 Ex. D; passed May 25, 2021)

## **12.08D.260 Payment In-Lieu-Of Construction Program.**

A. Purpose.

This section establishes the Payment In-Lieu-Of Construction Program (“Program”). Application for the Program is voluntary and not mandatory. This Program shall be available for qualified new development and redevelopment projects required to mitigate for stormwater impacts per Minimum Requirement #6 – Stormwater Treatment, or Minimum Requirement #7 – Flow Control, as defined in the SWMM. Property owners, or persons authorized to act on their behalf, may apply to the control authority under this Program to pay a system development charge in-lieu-of constructing stormwater treatment and/or flow control best management practices on the project site. Mitigation capacity will be allocated to qualifying benefitted premises under this Program. A system development charge will be assessed to reimburse the City for the historic capital costs to construct or expand regional stormwater facilities to provide mitigation capacity for projects approved under the Program. A maintenance surcharge may also be applicable to offset the additional maintenance costs resulting from the new or expanded regional stormwater facilities benefitting such properties.

All applications for the Program must be reviewed and approved by the control authority.

B. Voluntary Payment Agreement.

A voluntary payment agreement signed by the City and applicant is required for participation in this Program.

C. System Development Charge.

An applicant qualified under this Program shall be assessed a system development charge as established by ordinance or resolution of the City Council. The system development charges are different for each regional stormwater facility in the Program or group of facilities. The methodology for calculation of the system development charge is defined in the City of Tacoma regional stormwater facility plan and is based on the present worth of capital costs for each facility.

D. Calculation; Payment.

The amount of surface area requiring stormwater mitigation will be calculated based upon the proposed project as approved with a City construction permit. An applicant cannot pay for and reserve mitigation capacity within a regional stormwater facility for potential future mitigation needs. Each system development charge assessed shall be paid to the City at the time of construction permit issuance.

E. Maintenance Surcharge.

A maintenance surcharge may be assessed upon the benefitted premises in addition to the surface water rate or fee. The maintenance surcharge is intended to equitably recover the maintenance costs associated with the regional stormwater facility.

The maintenance surcharge will be calculated by multiplying the total maintenance costs for the regional facility by the percentage of total mitigation capacity of the regional facility allocated to the benefitted parcel. The maintenance surcharge for each regional stormwater facility included in the Program shall be established by ordinance or resolution of the City Council.

F. Qualification.

In order to qualify for the Program outlined under this section:

1. The applicant shall submit a completed Program application, on forms provided by the control authority, prior to final approval of construction permits for the proposed project;
2. The proposed project must be considered a new development or redevelopment project, as those terms are defined in the SWMM;
3. The proposed project must be located in an area defined by the City of Tacoma regional stormwater facility plan and the regional stormwater facility specific ordinance;
4. The control authority must determine that the regional stormwater facility has mitigation capacity available for the proposed project;
5. Projects shall comply with all applicable portions of the SWMM and City of Tacoma regional stormwater facility plan;
6. The applicant shall provide all information requested by the City that is reasonably related to qualification for the program; and
7. The property owner shall execute a voluntary payment agreement with the City, in a form approved by the control authority and the City Attorney. The benefitted premises shall be designated in the voluntary payment agreement.

The covenants set forth in the voluntary payment agreement shall, upon recording with the Pierce County Auditor, or successor, be credited to and considered as a benefit to the benefitted premises running with the land; provided that, the City's covenants shall not apply to additional stormwater mitigation required for redevelopment or new development of any portion of the benefitted premises. It shall be the responsibility of the applicant to timely record the voluntary payment agreement as provided herein and submit a copy of the recorded agreement to the control authority. The City shall maintain a copy of the agreement in the City's permanent records. Projects where the benefitted premises is a right-of-way may not be required to record the agreement.

(Ord. 28761 Ex. D; passed May 25, 2021)

#### **12.08D.270 Organized drainage or drainage improvement districts.**

Any organized drainage or drainage improvement district in existence on April 1, 1979, the boundary of which is wholly or partly within the boundary of the City on that date, may seek relief from City stormwater rates and fees to the extent that it can prove to the satisfaction of the control authority that such district provides stormwater management services within the boundary of the City. Nothing herein shall expressly or by implication constitute City or City Council approval or ratification of, or agreement or consent to, any act, undertaking, or omission by any such district.

(Ord. 28761 Ex. D; passed May 25, 2021)

**RIGHT OF ENTRY AND CONFIDENTIALITY****12.08D.300 Right of entry.**

In addition to any other authority granted herein, whenever the control authority has reasonable cause to believe that a violation of this chapter has occurred, or is occurring, in, on, or upon a building, premises, or real property, or has a reasonable basis to inspect stormwater facilities and BMPs in, on, or upon a building, premises, or real property to ensure they are functioning or maintained as designed, have been installed in accordance with approved documents, or to ensure compliance with the municipal stormwater permit or this chapter, authorized representatives of the control authority bearing proper credentials and identification may, with the consent of the owner or occupant of such building, premises, or real property, enter into, on, or upon the same at all reasonable times to conduct inspections and gather samples for such purposes. Reasonable times means normal business hours, or other times if the control authority has a reason to believe that stormwater discharges from a building, premises, or real property to the municipal stormwater system are causing or contributing to a violation of this chapter that requires an immediate response by the control authority to protect property, human health, the municipal stormwater system, or receiving waters.

(Ord. 28761 Ex. D; passed May 25, 2021)

**12.08D.310 Confidential information.**

A. The disclosure of public records maintained under this chapter shall be governed by the provisions of Chapter 42.56 RCW. Financial, commercial, and proprietary information submitted by a person, which identifies it as confidential, may be exempt from public disclosure pursuant to the provisions of Chapter 42.56 RCW.

(Ord. 28761 Ex. D; passed May 25, 2021)

**ENFORCEMENT REMEDIES****12.08D.400 Violations and enforcement.****A. Enforcement.**

The provisions of this chapter, together with any standards, requirements, manuals, and procedures promulgated under authority of this chapter or otherwise made subject to enforcement under this chapter, and all terms and conditions of any permit, authorization, control mechanism, directive, or compliance order issued under authority of this chapter, are subject to enforcement pursuant to and under authority of TMC Chapter 1.82, the Uniform Enforcement Code. The control authority is authorized to exercise all powers and authority granted pursuant to TMC Chapter 1.82, including by way of example and not limitation, the power to issue compliance orders, corrective action notices, and notices of violation, assess monetary penalties, approve voluntary correction agreements, and develop, promulgate, revise, and implement policies and procedures governing enforcement actions under TMC Chapter 1.82 and 12.08A. The Director is empowered to delegate enforcement authority under TMC 1.82 and 12.08A to such persons as may be determined by the Director. Any such power and authority authorized pursuant to TMC Chapter 1.82 is in addition to the power and authority granted pursuant to TMC Chapter 12.08A and any other applicable state or federal law or regulation.

**B. Monetary penalties.**

The maximum monetary penalty that may be assessed for each violation per day or portion thereof, and each continuing day or portion thereof, shall not exceed \$10,000. The maximum monetary penalties set forth at TMC 1.82.050.F are not applicable to violations of this Chapter. Monetary penalties shall be assessed in accordance with the most current version of the Stormwater Compliance Policy as promulgated by the Director pursuant to Chapter 12.08A TMC.

**C. Compliance mandatory.**

Compliance with the requirements of this chapter is mandatory except as may be otherwise provided in this chapter. Except as otherwise provided herein, any act or omission by a responsible person in noncompliance with any duty, requirement, or obligation set forth in this chapter, or in any standard, regulation, manual, or procedure promulgated under authority of this chapter or otherwise made subject to enforcement under this chapter, or set forth in a term or condition of any permit, control mechanism, directive, or compliance order issued under authority of this chapter, shall constitute a violation of this chapter and is subject to enforcement by the control authority.

**D. Violations.**

Violations of this chapter may include, by way of example, but are not limited to the following acts or omissions:

1. Discharging stormwater contaminated with any of the substances prohibited under TMC 12.08D.110;
2. Failure to obtain any permit or authorization required by this chapter;
3. Failure to comply with any of the City's stormwater program requirements in TMC 12.08D.150, including, but not limited to applicable best management practices;
4. Misrepresenting, or intentionally failing to disclose, all relevant facts in a permit application, report, or other submittal required under this chapter;
5. Falsifying self-monitoring reports;
6. Tampering with monitoring equipment;
7. Unpermitted alterations to stormwater discharges that cause damage to any personal or real property, public health, or the environment;
8. The construction, use, maintenance, or continued existence of an illicit connection to the municipal stormwater system;
9. Unreasonably interfering with the control authority's access and inspection authority; and
10. Violating any provision of this chapter, including the terms of a permit, order, authorization, or other control mechanism issued under the authority of this chapter.

**E. Written instruments.**

Any person who shall knowingly and falsely make, complete, or alter a written instrument required to be submitted to the control authority pursuant to this chapter, or regulation, or procedure promulgated under this chapter, or a term or condition of any permit, control mechanism, directive, or compliance order issued under authority of this chapter, shall be guilty of a gross



misdeemeanor and subject to a fine of not more than \$5,000 or by imprisonment in jail for up to three hundred sixty-five (365) days, or both. Proof of intent to defraud or injure is not required.

**F. Supplemental Charges.**

Responsible persons whose act or omission or participation in an act or omission, whether inside or outside the City, creates, causes, or allows a pollutant to be discharged into the municipal stormwater system in violation of this chapter, shall be liable to pay any supplemental charges the control authority incurs to respond to such violation. Any supplemental charges assessed shall become due and payable to the control authority within 30 days of receipt of such assessment. Persons wishing to appeal their assessment of supplemental charges may do so in accordance with TMC Chapter 12.08A.140. If supplemental charges are appealed and affirmed in whole or in part, such affirmed charges shall become due and payable within 30 calendar days of receipt of a final decision by the Hearing Examiner or a court. The control authority may pursue collection of non-payment of supplemental charges by any lawful means authorized, including referral to a collection agency. Assessment of supplemental charges shall be in addition to:

1. Any enforcement action authorized by this chapter to address a violation of TMC Chapter 12.08D;
2. Any cost recovery remedy available to the control authority under state and federal environmental laws and regulations; and
3. Any other remedy available at law or in equity to address a violation of TMC Chapter 12.08D.

G. Policies and procedures governing enforcement of violations of this chapter and assessment of monetary penalties are set forth in the Environmental Services Stormwater Compliance Policy. The Environmental Services Stormwater Compliance Policy, and all amendments thereto, shall be promulgated by the Director or Director's designee, a copy of which shall be made available to the public pursuant to such requirements and procedures as are issued by the Director pursuant to TMC Chapter 12.08A to ensure public notice.

H. Any responsible person who willfully violates any provision of this chapter, or any permit, order, control mechanism, or other written authorization or directive issued by the City thereunder shall, upon conviction, be guilty of a gross misdemeanor punishable by a fine of not more than \$10,000, or by imprisonment in jail for up to three hundred sixty-five (365) days, or both. Each day upon which a willful violation of this chapter, or any permit, order, control mechanism, or other written authorization or directive issued by the control authority thereunder occurs may be deemed a separate and additional violation.

I. The enforcement actions and authority authorized in this chapter are not exclusive and are supplemental to the enforcement actions and authority that may be available, or at law or in equity, which may include, but are not limited to, revoking, suspending, modifying, or terminating a user's connection or discharge to the municipal stormwater system or receiving water within the City of Tacoma, if the City so chooses, or seeking injunctive relief. Enforcement of violations will generally be in accordance with TMC Chapter 1.82 and the Environmental Services Stormwater Compliance Policy.

(Ord. 28761 Ex. D; passed May 25, 2021)

**12.08D.410 Suspension of service or discharge.**

**A. Suspension of Service or Discharge - Emergency.**

In addition to any other authority set forth in this chapter, the control authority may, pursuant to a stop-use order, immediately suspend special approved stormwater discharges or other stormwater discharges to the municipal stormwater system or other stormwater BMP/facility regulated under this chapter, whenever the control authority has reasonable cause to believe that an actual or threatened discharge, or other violation of this chapter, either:

1. Presents an imminent threat or substantial danger to the health or welfare of persons or the environment; or
2. Presents an imminent threat to, or does interfere with, the operation of the municipal stormwater system or other stormwater BMP/facility regulated under this chapter.

Depending on the emergent circumstances, the control authority may provide either verbal or written notice to suspend an actual or threatened discharge.

**B. Suspension of Service – Other Violations.**

The control authority may, pursuant to a stop-use order, suspend special approved stormwater discharges or other stormwater discharges to the municipal stormwater system or other stormwater BMP/facility regulated under this chapter, where a discharge has been made in violation of this chapter, the municipal stormwater permit, or any authorization, control mechanism, directive, or compliance order issued under authority of this chapter.

**C. Suspension of Service – Access.**

Unreasonable refusal to allow control authority representatives to access a premises pursuant to TMC 12.08D.300 (Right of entry) to determine compliance with this chapter may, pursuant to a stop-use order, result in the suspension of special approved stormwater discharges or other stormwater discharges at a premises.

D. The responsible person receiving a notice to suspend its discharge shall suspend discharging in accordance with the requirements contained in the notice. If the responsible person fails to immediately comply with the terms of a notice to suspend an actual or threatened discharge, the control authority may take steps it deems reasonably necessary to protect the health and welfare of persons, the environment, or the municipal stormwater system or other stormwater BMP/facility. As a condition of allowing discharges to recommence, the control authority may require the responsible person to submit a written statement describing the corrective action it has implemented to prevent discharges that presented an imminent danger or threat to the health and welfare of persons or the environment, or threaten to interfere with the operation of the municipal stormwater system.

(Ord. 28761 Ex. D; passed May 25, 2021)

**12.08D.420      Unauthorized connection – misdemeanor.**

It is unlawful to make or cause to be made or to maintain any connection with the municipal stormwater system, or with any stormwater BMP/facility that is connected directly or indirectly with the municipal stormwater system, without written authorization from the control authority. Violation is a misdemeanor punishable by a fine of not more than \$1,000, or by imprisonment in jail for not more than 90 days, or by both such fine and imprisonment.

(Ord. 28761 Ex. D; passed May 25, 2021)

**MISCELLANEOUS PROVISIONS**

**12.08D.500 Environmental services conservation loan program.**

Conservation loans for stormwater are governed by TMC 12.08A.120.

(Ord. 28761 Ex. D; passed May 25, 2021)

**12.08D.510 Utility reimbursement agreements; stormwater utility improvements.**

Utility Reimbursement Agreements for stormwater are governed by TMC 12.08A.130.

(Ord. 28761 Ex. D; passed May 25, 2021)



## CHAPTER 12.09

### SOLID WASTE, RECYCLING, AND HAZARDOUS WASTE

#### Sections:

- 12.09.010 Purpose.
- 12.09.020 Authority.
- 12.09.030 Definitions.
- 12.09.040 General requirements.
- 12.09.050 Transportation.
- 12.09.060 Requirements for containers.
- 12.09.070 Special permits.
- 12.09.080 Assistance to elderly and/or disabled individuals.
- 12.09.090 Rate reduction for low-income senior and low-income disabled individuals.
- 12.09.092 Authority to allow residential or commercial service.
- 12.09.095 Disposal rate reduction for qualifying nonprofit materials salvage/recycling corporation(s).
- 12.09.100 Collection.
- 12.09.105 Pilot Projects.
- 12.09.110 Residential automated and semi-automated services.
- 12.09.120 Commercial services.
- 12.09.130 Use of Recovery and Transfer Center Facility (disposal site) – General.
- 12.09.140 Disposal rates.
- 12.09.150 *Repealed.*
- 12.09.160 Billing periods, payments and collections.
- 12.09.170 Disposal area automated scale system cards.
- 12.09.180 State tax.
- 12.09.190 Prohibited material.
- 12.09.200 Disposal of asbestos-containing material.
- 12.09.210 Recycling – General.
- 12.09.215 *Preempted.*
- 12.09.220 Enforcement.
- 12.09.230 Violations – Penalties.
- 12.09.240 Notice of violations – Civil penalties.
- 12.09.250 Appeals of special permits.

#### **12.09.010 Purpose.**

The purpose of this chapter is to set forth the requirements for the collection, management, and proper handling of all solid waste, including recyclable materials, originating from residential, commercial, agricultural, and industrial operations and other sources within the City of Tacoma in order to prevent land, air, and water pollution, fly and rodent infestation, fire hazards, and damage to recreational values and to the environment; to conserve resources; and to maintain aesthetic values.

(Ord. 28262 Ex. A; passed Dec. 9, 2014: Ord. 25221 § 2; passed Dec. 8, 1992)

#### **12.09.020 Authority.**

The collection and disposal of solid waste within the City of Tacoma is compulsory and universal. The City of Tacoma asserts exclusive and universal control over the business of all solid waste collection, management, and disposal within the Tacoma city limits. It shall be a violation of this chapter for any person other than the City of Tacoma, acting through its Solid Waste Management Division, to engage in the business of collection, removal, and disposal of solid waste within the Tacoma city limits, except as provided in TMC 12.09.070, “Special permits.” There are hereby levied and imposed within the City of Tacoma mandatory service charges, at the rates and charges set forth in this chapter, for the collection, management, and disposal of all such solid waste or for the availability of such services.

(Ord. 28262 Ex. A; passed Dec. 9, 2014: Ord. 28129 Ex. A; passed Feb. 12, 2012: Ord. 27537 § 1; passed Oct. 24, 2006: Ord. 26728 § 1; passed Nov. 7, 2000: Ord. 26072 § 1; passed May 27, 1997: Ord. 25221 § 2; passed Dec. 8, 1992)

#### **12.09.030 Definitions.**

“Apartment customer.” An individual who physically occupies the subject dwelling unit.

“Asbestos-containing material.” Any material containing at least 1 percent asbestos determined by polarized light microscopy using the Interim Method of the Determination of Asbestos in Bulk Samples contained in Appendix A of Subpart F in 40 CFR Part 763.

“Ash.” The residue, including any flue dusts from combustion or incineration of material, including solid waste.

“Automated collection.” The method of collecting waste through the use of mechanical collection equipment and special containers to accommodate the collection.

“Automated collection container.” A City-owned container designed specifically for Solid Waste Management’s automated collection operation.

“Bulk waste.” Large items of solid waste including, but not limited to, appliances, furniture, trees, stumps, and other oversized waste.

“Carry Service.” The transport of a container by Solid Waste Management personnel from the customer’s premises or other designated location to a location accessible for collection.

“City” means the City of Tacoma.

“Collection vehicle.” A vehicle used for the collection and/or transportation of commercial or residential solid waste.

“Commercial customer.” Any business premises, industry, and mobile home park; organization (either private/public, profit/nonprofit); multi-family dwellings (triplex or larger); and dwelling units with one or more utilities paid for by a single entity and located on contiguous property.

“Container.” An approved Solid Waste Management or customer-owned portable container; e.g., can, recycling container, front load box, compactor, and drop-off box to be used for the deposit of solid waste therein.

“Construction and demolition waste.” Solid waste that is largely inert waste, resulting from the demolition or razing of buildings, roads, and other manmade structures. Demolition waste consists of, but is not limited to, concrete, brick, gypsum board, bituminous concrete, wood, masonry, composition roofing, roofing paper, steel, and minor amounts of other metals such as copper. Regulated asbestos-containing material is not considered to be demolition waste for the purpose of this chapter.

“Curbside container.” An approved solid waste or recycling container that is to be placed on the curb in such a way as to allow for safe automated or semi-automated collection or an approved container that is to be placed on the curb for manual pickup.

“Customer.” Any person or entity receiving service from Solid Waste Management.

“Dangerous/hazardous waste.” Solid waste presently defined in WAC 173-303 or as hereafter amended.

“Director.” The Director of the Environmental Services Department or his/her duly authorized representative.

“Disposal site.” The location where any treatment, utilization, collection, processing, or final deposition of solid waste occurs.

“Double Pick.” When a container or compactor requires double-handling in order to be hauled or emptied.

“Drop-off box (DOB).” A large-volume (10 cubic yards or greater) detachable City- or customer-owned container that can be pulled onto a collection vehicle mechanically for transportation.

“Dusty Loads.” Any load intended for disposal that consists of particulate matter that becomes easily airborne, as determined by Solid Waste Management.

“Dwelling.” Any building or portion thereof which contains not more than two dwelling units.

“Dwelling unit.” Any building or portion thereof that contains living facilities (which provide for sleeping, eating, cooking, and sanitation as required by this code) for not more than one household.

“Extra solid waste.” Any solid waste placed on, in, or around the vicinity of the collection container in excess of the capacity of the container.

“Front-load container.” A City- or customer-owned container, from one yard to eight yards in capacity, designed to be emptied by an automated front-loading truck.

“Health Department.” The Tacoma-Pierce County Health Department.

“Household hazardous waste.” A waste product derived from a residential or apartment customer which has the characteristic of dangerous waste presently defined under WAC 173-303 or as hereafter amended. This waste includes, but is not limited to, household cleaners, automotive products, pesticides, and herbicides.

“Incineration.” The controlled combustion of solid waste that yields nonputrescible residues and air effluents in compliance with applicable air pollution regulations.

“Infectious waste.” Waste from medical, dental, intermediate care facilities, research centers, veterinary clinics, and other similar facilities that have the potential to cause an infectious disease via exposure to a pathogenic organism of sufficient virulence and dosage, through a portal of entry in a susceptible host as defined in TMC 5.04.020.S.

“Landfill.” A disposal facility, or part of a facility, at which solid waste is permanently placed in or on land.

“Liquid waste.” Any material which would produce measurable liquids when the Paint Filter Liquids Test Method 9095 of EPA Publication Number SW-846 is used.

“Mandatory service.” Compulsory and universal City collection, management, and disposal of solid waste within the City at the applicable rates established herein.

“Minimum service.” The minimum level of service established by Solid Waste Management for residential and commercial customers.

“Month” or “Monthly.” The 28- to 32-day period corresponding to the meter-reading cycle for that account. For a bimonthly meter-reading cycle, “monthly” shall correspond to one-half of that cycle.

“Multi-business building or complex.” Buildings or premises that contain three or more commercial customers served by one water meter.

“Multi-family dwelling.” Any building or portion thereof that contains three or more dwelling units.

“Nonautomated container.” A container no larger than 32 gallons that must be manually lifted into a solid waste collection vehicle.

“Nonprofit material salvage/recycling corporation.” A corporation approved by the Director as eligible for special landfill disposal rate status.

“Nuisance.” An unreasonable or unlawful act, or omission from performing a duty, which act or omission either injures or endangers the comfort, health, or safety of others, obstructs or tends to obstruct any lake or navigable river, bay, stream, canal, basin, public park, square, street, highway, or in any way renders other persons insecure in life or in the use of property and produces such material annoyance, inconvenience, or discomfort that the law will presume resulting damage.

“Operator.” The person responsible for the overall operation of a public disposal area.

“Opportunity fuels.” A waste commodity that may be utilized as fuel in a waste-to-energy facility, requires little or no processing, provides an acceptable BTU value, creates little or no residual waste, and/or provides enhancement to other fuels.

“Overloaded.” A container that exceeds its rated capacity or the height of the container opening.

“Person.” An individual, firm, lessor, association, co-partnership, political subdivision, government agency, municipality, industry, public or private corporation, or any other entity whatsoever.

“Public disposal area.” The landfill and/or public tipping area.

“Premises.” A continuous tract of land, building, portion thereof, or group of adjacent buildings under a single control and responsibility. Multiple use or responsibility shall constitute a division of property into separate premises. Premises shall include, but are not limited to, dwelling unit, dwelling, multi-family dwelling, apartment house, mobile home park, club, restaurant, eating place, hotel, hospital, school, church, manufacturing establishment, and other places of business, either public or private.

“Recyclable material.” Means those solid wastes that are source separated from the waste stream for the purpose of recycling or reuse.

“Recycling.” Transforming or remanufacturing waste materials into usable or marketable material for use other than landfill disposal.

“Recycling container.” A stationary or portable container under City or customer ownership utilized for the collection of recyclable material and serviced mechanically or manually.

“Recycling drop-off box.” A drop-off box utilized for the collection of recyclable material only.

“Reload.” Additional material placed in a container after initial pickup.

“Residential customer.” An individual who physically occupies the subject dwelling unit and is directly responsible for payment of all public utilities serving the residential unit to which solid waste service is provided.

“Scavenging.” The unauthorized removal of materials from a public disposal area, solid waste collection container, recycling drop-off box, or any container used for the collection of recyclable material.

“Sludge.” A semi-solid substance consisting of settled sewage solids and/or other solids combined with varying amounts of water and dissolved materials generated from a wastewater treatment plant or other source.

“Small quantity generator (SQG) waste.” A waste defined in WAC 173-303 that exhibits the characteristics of a dangerous or extremely hazardous waste as defined by WAC 173-303, but is generated by a commercial entity in quantities of less than 220 pounds for dangerous waste, or 2.2 pounds for extremely hazardous waste.

“Solid waste.” All putrescible and nonputrescible solid or semi-solid waste, including, but not limited to, garbage, refuse, rubbish, ash, industrial waste, swill, demolition and construction waste, abandoned or junk vehicles or parts thereof, and discarded commodities, bulk waste, recyclable material, and unwanted vegetation or debris on publicly owned land or improved rights-of-way.

“Solid Waste Management.” The Solid Waste Management Division of the Environmental Services Department of the City of Tacoma.

“Special permit.” A permit issued by Solid Waste Management under TMC 12.09.070.

“Source separated.” The separation of different kinds of materials from the solid waste at the place where the waste originates.

“Swill.” All accumulation of animal, fruit, or vegetable matter, liquid or otherwise, intended to be used as feed for livestock, including, but not limited to, garbage waste from food service establishments or waste from wholesale/retail food processing facilities.

“TMC” means Tacoma Municipal Code.

“Treated wastes.” The collection, removal, or disposal of infectious waste or infectious waste which has been rendered noninfectious.

“Vector.” A living animal, insect, or arthropod that may transmit an infectious disease from one organism to another.

“WAC” means Washington Administrative Code.

“Yard waste.” Vegetation material generated as a result of normal maintenance of residential yards. These wastes include above-ground cuttings such as grass clippings, pruning cut limbs (up to 4 feet in length and 8 inches in diameter), and clean beauty bark, and food waste. Not included in yard waste are sod, dirt, rocks, and animal wastes.

“Yard waste container.” A container provided by Solid Waste Management. Plastic and biodegradable bags are not acceptable yard waste containers. For additional information, see Section 12.09.060.

(Ord. 28499 Ex. A; passed Apr. 10, 2018: Ord. 28393 Ex. A; passed Nov. 22, 2016: Ord. 28129 Ex. A; passed Feb. 12, 2012: Ord. 28093 Ex. F; passed Oct. 16, 2012: Ord. 28059 Ex. A; passed Mar. 27, 2012: Ord. 27555 § 1; passed Dec. 5, 2006: Ord. 27537 § 2; passed Oct. 24, 2006: Ord. 27286 § 1; passed Nov. 2, 2004: Ord. 27138 § 2; passed Sep. 9, 2003: Ord. 26887 § 1; passed Dec. 4, 2001: Ord. 26728 § 2; passed Nov. 7, 2000: Ord. 26339 § 1; passed Dec. 8, 1998: Ord. 26176 § 1; passed Dec. 16, 1997: Ord. 26072 § 2; passed May 27, 1997: Ord. 25583 § 1; passed Oct. 11, 1994: Ord. 25221 § 2; passed Dec. 8, 1992)

#### **12.09.040 General requirements.**

A. It shall be the customer’s responsibility to ensure that, prior to the arrival of the collection vehicle on the scheduled collection day, containers are placed curbside, or where a curb is not present, at streetside or alley, or such other location as may be designated or approved by Solid Waste Management. Solid Waste Management personnel shall not be required to negotiate steep ramps, stairs, or hazards, or to remove containers from wells or storage bins in the performance of their duties. Such location shall be easily accessible for collection. All containers must face in the proper direction with the lids completely closed with unobstructed access for collection. It shall be the responsibility of each customer to remove the container from street-side or alley on the same day as collection.

B. Carry service on the customer’s premises may be approved by Solid Waste Management on a case-by-case basis for customers who establish that it is impractical or infeasible to place containers in a location directly accessible to collection trucks from the street or alley and that access is available on the customer’s premises. The carry service distance shall not exceed 100 feet unless approved by Solid Waste Management. Carry service charges will apply to all carry service regardless of whether such service is approved in advance of service. Carry service customers are responsible for maintaining an accessible, unobstructed, paved pathway on ground level of the customer’s premises with acceptable grades and ramps to



allow for carry service to be provided. For carry service, the customer must control the customer premises or acquire and maintain right of access for the carry service to be provided by Solid Waste Management personnel.

C. Solid Waste Management shall not be responsible for solid waste collection if there is a violation of any part of this section or circumstances are beyond the control of the Solid Waste Management. Circumstances or violations include, but are not limited to, container overload, improperly loaded container, blocked access, container inaccessibility, or dangerous situations.

D. Any waste exceeding the rated capacity of the container shall be subject to an extra charge at applicable rates established herein. Overloading containers in a manner which is likely to: (i) cause damage to the collection vehicle or container; (ii) create a litter condition; or (iii) impede collection is prohibited.

E. Solid Waste Management may collect extra solid waste on or around automated containers. If additional solid waste is generated on the premises that cannot be accommodated by regularly scheduled service in the automated containers provided, the customer shall request and use additional automated containers or be subject to additional charges as set forth in this chapter. "Extra refuse" is any material placed for collection in addition to the regular collection service, which is within acceptable weight limits, is able to be reasonably handled by one person, and is placed within a five-foot radius of the container.

F. Automated collection within the City is mandatory in those areas designated by Solid Waste Management.

G. Any manure, offal, or other noxious material that, in the discretion of Solid Waste Management, has not been securely wrapped shall not be collected.

H. It shall be a violation hereof to place or deposit any solid waste whatsoever in or around a solid waste container owned or provided for the use of another customer without that customer's approval.

I. Solid Waste Management shall reserve the right to inspect any or all solid waste prior to and/or during disposal for compliance with local, state, or federal laws or regulations.

J. No person shall construct or allow the construction of a public or private well, as defined in WAC 173-160, between Center Street, Tyler Street, and South 56th Street and Leach Creek, except as allowed by WAC 173-160 and RCW 18.104.

K. Solid waste placed or deposited in the manner other than described in Section C or E above shall be considered improper disposal of solid waste. In such instances of improper disposal of solid waste, Solid Waste Management shall notify the property owner and/or current utility customer and request them to correct the condition within 48 hours by legally disposing of such waste. If the condition is not corrected after 48 hours, Solid Waste Management shall dispose of the solid waste and charge the property owner and/or current utility customer at the rate of \$100.00 per hour for such disposal, with a minimum fee of \$100.00.

L. It shall be the property owner's responsibility to assure that rights-of-way are unobstructed by overgrown vegetation that hinders the operation of the collection vehicle. Solid Waste Management shall notify the property owner, in writing, to remove the obstruction within 14 days. If notification or arrangements have not been made, Solid Waste Management shall remove any obstruction and charge the property owner for the actual cost of the removal. This cost will be billed to the property owner.

M. Solid Waste Management, or the City's contractor, may enter property to collect, remove, and dispose of solid waste and assess costs for such collection, removal, and disposal in accordance with the nuisance abatement process set forth in TMC 8.30.110.B. Any unpaid collection, removal, and disposal costs incurred by Solid Waste Management, under this subsection, may be collected in any lawful manner authorized for the collection of utility bills.

(Ord. 28499 Ex. A; passed Apr. 10, 2018: Ord. 28262 Ex. A; passed Dec. 9, 2014: Ord. 28129 Ex. A; passed Feb. 12, 2012: Ord. 27555 § 2; passed Dec. 5, 2006: Ord. 27537 § 3; passed Oct. 24, 2006: Ord. 27286 § 2; passed Nov. 2, 2004: Ord. 26887 § 2; passed Dec. 4, 2001: Ord. 26728 § 3; passed Nov. 7, 2000: Ord. 26339 § 2; passed Dec. 8, 1998: Ord. 26176 § 2; passed Dec. 16, 1997: Ord. 26072 § 3; passed May 27, 1997: Ord. 25583 § 2; passed Oct. 11, 1994: Ord. 25221 § 2; passed Dec. 8, 1992)

#### **12.09.050 Transportation.**

A. It shall be a misdemeanor for any person other than Solid Waste Management to transport solid waste generated within the City to destinations outside the City without the written approval of the Director. Solid waste transported within the City shall be tarped and secured as necessary to prevent a nuisance and/or littering. Transportation of solid waste shall comply with all ordinances of the City and all laws of the state of Washington, including but not limited to those set forth in Chapter 70.93 RCW, the Waste Reduction, Recycling, and Model Litter Control Act. The operator of a vehicle transporting solid waste to the public disposal area shall secure or cover the vehicle's waste in a manner that will prevent solid waste from spilling out of the vehicle. Vehicles may be exempt from this requirement if it is unlikely that waste will spill from the vehicle during

transportation. In the absence of an exemption, a fee, in addition to other landfill charges, may be assessed for vehicles arriving at the public disposal area without an adequate cover on the vehicle's waste or without the waste secured. The fee collected under this provision shall be \$5.00 per occurrence and will be considered a part of the disposal fee.

B. A vehicle transporting sand, dirt, and gravel in compliance with the provisions of RCW 46.61.655 shall not be required to secure or cover a load pursuant to this section.

(Ord. 28129 Ex. A; passed Feb. 12, 2012: Ord. 27537 § 4; passed Oct. 24, 2006: Ord. 26887 § 3; passed Dec. 4, 2001: Ord. 26728 § 4; passed Nov. 7, 2000: Ord. 25583 § 3; passed Oct. 11, 1994: Ord. 26072 § 4; passed May 27, 1997: Ord. 25583 § 3; passed Oct. 11, 1994: Ord. 25221 § 2; passed Dec. 8, 1992)

#### **12.09.060 Requirements for containers.**

A. Residential customers that receive solid waste collection services may request up to two 90-gallon yard waste containers from Solid Waste Management at no charge. Residential customers may request additional 90-gallon yard waste containers at an additional monthly rate as set forth in the Residential Barrels Rate Tables.

B. The 30-, 45-, 60-, 90-, and 300-gallon automated and semi-automated collection containers are the property of the City of Tacoma and provided exclusively by Solid Waste Management. These containers shall be used only for the collection and disposal of solid wastes by Solid Waste Management. The 30-, 45-, 60-, and 90-gallon automated and semi-automated collection containers, including contents, shall not exceed its rated capacity at the time of collection.

C. Bulk solid waste collection containers, i.e., front-load container, drop-off box, and compactor, may be used only upon prior approval of Solid Waste Management. Solid Waste Management reserves the right to refuse solid waste collection service if, in the opinion of Solid Waste Management, the access to or the dumping of these containers presents a hazard.

D. Customers may request one container or service change, per premise, per year. Additional requests for changes will be billed in addition to the monthly rate, as set forth in Section 12.09.110.

(Ord. 28262 Ex. A; passed Dec. 9, 2014: Ord. 28129 Ex. A; passed Feb. 12, 2012: Ord. 28000 Ex. A; passed Jun. 28, 2011: Ord. 27555 § 3; passed Dec. 5, 2006: Ord. 27537 § 5; passed Oct. 24, 2006: Ord. 27286 § 3; passed Nov. 2, 2004: Ord. 26887 § 4; passed Dec. 4, 2001: Ord. 26831 § 1; passed Jul. 17, 2001: Ord. 26728 § 5; passed Nov. 7, 2000: Ord. 26527 § 1; passed Nov. 16, 1999: Ord. 26339 § 3; passed Dec. 8, 1998: Ord. 26176 § 3; passed Dec. 16, 1997: Ord. 26072 § 5; passed May 27, 1997: Ord. 25221 § 2; passed Dec. 8, 1992)

#### **12.09.070 Special permits.**

A. A special permit from the Environmental Services Department shall be required for the collection, removal, processing, and disposal of solid and infectious waste, including recyclable materials from within the City limits, by anyone other than City personnel or by anything other than City equipment. Such collection, removal, processing, or disposal without a special permit is a violation of this chapter. The Director is authorized to approve or disapprove applications for special permits. The Director may prepare and require the use of such forms as deemed essential for administering the requirements of this section. Permittees shall comply with applicable state laws and City ordinances, and obtain all applicable City permits including, but not limited to, barricade permits.

B. A person denied a special permit or aggrieved by the issuance or revocation of a special permit may appeal the decision to the City's Hearing Examiner in accordance with TMC 12.09.250.

C. A special permit may be revoked by the Director, without prior notice, if the permittee fails to comply with this chapter or the terms and conditions of the special permit, including, but not limited to, annual reporting and inspection requirements. A special permit may be issued for a maximum duration of one year, and is renewable at the Director's discretion, subject to permittee complying with the terms of their special permit and this chapter. The Director may issue special permits for the following reasons:

1. For collecting and transporting source-separated recyclable materials from a recycling drop-off box, or from a commercial or industrial generator of recyclable materials to a processor of recyclable materials or end user of recyclable materials, or for the receipt and processing of recyclable materials. Recyclable materials loads shall not contain more than 10 percent non-recyclable materials by volume. Loads that exceed more than 10 percent of non-recyclable materials by volume shall be delivered to the City of Tacoma Landfill for management and disposal, unless Solid Waste Management authorizes disposal outside of Tacoma. The Director shall have the sole authority and discretion to determine when this requirement is met. However, exceptions to this requirement may be made if the applicant can demonstrate that the proposed activity is in the best interests of the City for meeting the recycling goals set forth in the Tacoma-Pierce County Solid Waste Management Plan. The granting of a permit for this activity shall in no way be construed to mean that the permit allows the permittee to haul solid wastes within the City in violation of TMC 12.09.020.

Any special permit issued for the collection and hauling of recyclable materials shall require the holder to submit an annual report to the Solid Waste Management Division Manager. This report may be a copy of the Annual Recycling Survey submitted to Pierce County Solid Waste or the Department of Ecology required by RCW 70.95. Failure to provide this report annually shall result in automatic cancellation of the permit.

2. For the separation, use or sale of swill; provided said material is transported outside the City limits.
3. To provide temporary drop-off box container service to specific Solid Waste Management customers in the event Solid Waste Management temporarily cannot provide the service.
4. For the collection, removal, and disposal of infectious waste as more specifically described in TMC 5.04. The permit shall not be effective and shall be deemed revoked if the permittee does not obtain permits required under TMC 5.04, and/or permits or approvals required by any other applicable federal, state, or local law or regulation. The collection, removal, or disposal of infectious waste or infectious waste which has been rendered noninfectious (hereinafter called "treated waste") in violation of any applicable law or regulation of the federal, state, county, or City government, or any other governmental entity having jurisdiction, shall be grounds for immediate revocation of any permit issued hereunder, even if such violation occurs outside the corporate limits of the City's condition of the special permit.

Any permittee, as a condition of the special permit, will be required to provide all information requested by the City pertaining to the manner in which all aspects of the collection, removal, and disposal of infectious waste or treated waste are being carried out by the permittee.

5. For the collection, removal, and disposal of any solid waste that is unacceptable for disposal in the City's public disposal area.
6. For the collection, removal, and disposal of any solid waste when the City determines that it is in the City's best interest for a non-City entity or person to collect, remove, or dispose of such waste. A permit of this nature may be issued to authorize one-time services such as hauling solid waste and shall require the permittee to report the origin of the material, the method of transportation, and the disposal location prior to disposal of the solid waste.
7. For a person or organization to haul solid waste generated as a result of activity at its premises under circumstances that render mandatory service infeasible or impracticable; provided, that the following conditions are met:
  - a. The person or organization is not in the solid waste hauling business, and owns or leases the vehicle hauling the solid waste;
  - b. The operator of the vehicle is an employee of the organization generating the waste. Contracting out, and/or hiring others for disposal services is a violation of TMC 12.09.020 and shall not be allowed; and
  - c. The waste, if acceptable, shall be disposed of at the City's public disposal area.
8. Exemptions may be granted for small quantity generators at the discretion of the Director.
9. Failure to comply with the terms of a special permit issued under this section shall be considered a violation of this chapter, and subject permittee to civil penalties under TMC 12.09.240, and revocation of their special permit.

(Ord. 28262 Ex. A; passed Dec. 9, 2014: Ord. 28129 Ex. A; passed Feb. 12, 2012: Ord. 28093 Ex. F; passed Oct. 16, 2012: Ord. 27537 § 6; passed Oct. 24, 2006: Ord. 27286 § 4; passed Nov. 2, 2004: Ord. 27004 § 1; passed Nov. 19, 2002: Ord. 26887 § 5; passed Dec. 4, 2001: Ord. 26339 § 4 Ord. 26728 § 6; passed Nov. 7, 2000:; passed Dec. 8, 1998: Ord. 26176 § 4; passed Dec. 16, 1997: Ord. 26072 § 6; passed May 27, 1997: Ord. 25221 § 2; passed Dec. 8, 1992)

#### **12.09.080 Assistance to elderly and/or disabled individuals.**

Elderly and/or disabled residents who cannot place their containers and have no other alternative for complying with the requirements of this chapter may notify Solid Waste Management for assistance in providing special collection service to such individuals.

(Ord. 26728 § 7; passed Nov. 7, 2000: Ord. 26072 § 7; passed May 27, 1997: Ord. 25221 § 2; passed Dec. 8, 1992)

#### **12.09.090 Rate reduction for low-income senior and low-income disabled individuals.**

Residential customers who qualify as low income senior or low income disabled under TMC 12.06.165 B shall be eligible for a 35 percent reduction from their regular solid waste charges. The determination of low income senior and low income disabled status shall be made as set forth in TMC 12.06.165 B. Individuals must submit an application documenting such determination for review and acceptance by the Director to qualify for this reduction. . The effective date for the rate reduction shall be the first day of the billing period in which the Director's acceptance is granted.

(Ord. 28703 Ex. A; passed Nov. 24, 2020: Ord. 27969 Ex. A; passed Feb. 1, 2011: Ord. 27555 § 4; passed Dec. 5, 2006: Ord. 27537 § 7; passed Oct. 24, 2006: Ord. 27286 § 5; passed Nov. 2, 2004: Ord. 27004 § 2; passed Nov. 19, 2002: Ord. 26728 § 8; passed Nov. 7, 2000: Ord. 26072 § 8; passed May 27, 1997: Ord. 25221 § 2; passed Dec. 8, 1992)

### **12.09.092 Authority to allow residential or commercial service.**

Where a single person or entity owns or controls a combination of multi-family dwelling units and dwelling units that are duplexes or single-family residences, all of which are located on contiguous properties and for which the person or entity pays for solid waste services, the person or entity may request the Director to have all dwelling units located on the contiguous properties treated as commercial or residential for the purposes of this chapter. A person or entity requesting the Director to designate properties as commercial or residential under this section must make a written request for an evaluation of their existing solid waste services to determine if they are eligible for reclassification to the commercial rate schedule or the residential rate schedule. This request shall be submitted to the Director and must include current account information (account number(s), requested service levels for garbage, recycling, and yard waste, and the proposed pick-up location for the service(s)).

A. The Director may designate the requested properties as either commercial or residential provided:

1. Only one account will be used for the service, and one person or entity will be responsible for the account and payment ("responsible customer").
2. The dwelling units are located on contiguous properties owned by or under the control of the responsible customer.
3. The Director determines that designating all requested properties as either residential or commercial will result in more efficient or safer collection or align the services with the environmental goals of the City.

B. If the Director approves of the request to provide residential services to all contiguous properties, the Director will determine how residential solid waste services will be delivered. The Director may designate any combination of shared or individual containers for garbage, recycling, and yard waste collection.

1. If a shared service (300 gallon barrel or Front Load Box) is provided for garbage, the responsible customer will be billed for individual container costs specified in TMC 12.09.110.A.1 commensurate with the size of the Container (300 gallon barrel or Front Load Box) and number of units.

2. If individual garbage containers are provided, the responsible customer will be billed using the applicable Residential Barrel rates specified in TMC 12.09.110.A.1.

3. All service charges and requirements of this chapter pertaining to residential services shall apply.

4. The residents in each unit approved for residential services will be designated as City of Tacoma residential Solid Waste Customers and be eligible for residential services as described in Sections 12.09.110, 12.09.130, and 12.09.140.

C. The decision to approve or deny a request under this section and the determination of how to deliver solid waste services is solely within the Director's discretion, and the Director's decision is final.

(Ord. 28262 Ex. A; passed Dec. 9, 2014)

### **12.09.095 Disposal rate reduction for qualifying nonprofit materials salvage/recycling corporation(s).**

A. A disposal rate reduction of 50 percent may be granted to qualified firms, upon application to and approval by the Director.

B. In order to qualify, an organization must comply with all of the following conditions:

1. Proof that the IRS recognizes the organization as one which is nonprofit and charitable;
2. Current articles of incorporation filed with the Washington Secretary of State showing that the primary charitable purpose of the organization is to provide aid to the poor and infirm;
3. A description of the organization's business operations showing that the organization's primary form of doing business is processing donated and abandoned goods for resale or reuse;
4. A description of recycling efforts undertaken to reduce the amount of unsalvageable material destined for disposal; and
5. A verification that all waste for which rate relief is sought is generated solely within the City and is from the organization's processing of abandoned or donated goods for resale or reuse. This verification may be requested by Solid Waste Management on a yearly basis. If verification is not provided within 30 days of a written request, the rate reduction will be revoked until such time as a valid verification is received.

C. The Director may require additional documentation if the Director has concerns as to the organization's tax status, primary charitable purpose, or primary form of doing business.

(Ord. 27537 § 8; passed Oct. 24, 2006: Ord. 27286 § 6; passed Nov. 2, 2004: Ord. 26339 § 5; passed Dec. 8, 1998: Ord. 26176 § 5; passed Dec. 16, 1997: Ord. 26072 § 9; passed May 27, 1997: Ord. 25221 § 2; passed Dec. 8, 1992)

### **12.09.100 Collection.**

Except as set forth in TMC 12.09.105, Solid Waste Management shall provide for the collection and disposal of all solid waste from all occupied residential premises within the City once every two weeks, and from all other occupied premises as often as required by Solid Waste Management. Solid Waste Management reserves the right to establish the appropriate level of service.

(Ord. 28262 Ex. A; passed Dec. 9, 2014: Ord. 28129 Ex. A; passed Feb. 12, 2012: Ord. 28000 Ex. A; passed Jun. 28, 2011: Ord. 26728 § 9; passed Nov. 7, 2000: Ord. 26072 § 10; passed May 27, 1997: Ord. 25221 § 2; passed Dec. 8, 1992)

### **12.09.105 Pilot Projects.**

The Director may alter the frequency of residential solid waste collection required under TMC 12.09.100 from time to time, in certain areas of the City, as part of a pilot project to evaluate more efficient and sustainable solid waste collection services.

(Ord. 28129 Ex. A; passed Feb. 12, 2012: Ord. 28000 Ex. A; passed Jun. 28, 2011)

### **12.09.110 Residential automated and semi-automated services.**

A. Minimum Monthly Service.

	Effective Years	
	2023	2024
Once every other week pick-up 30-gallon (supplied by City)	\$25.64	\$26.77

1. Collection personnel shall not be required to negotiate steep ramps or stairs or remove 30-, 45-, 60-, and 90-gallon containers from storage bins in the performance of their duties. Where 30-, 45-, 60-, and 90-gallon residential containers are accessible on ground level in the location designated by Solid Waste Management on the street or alley, within five feet of the curb, street, or alley where a Solid Waste Management collection vehicle can stop legally for collection and loading, the rate shall be:

2023 RATES EVERY OTHER WEEK PICKUP RESIDENTIAL BARRELS				
Residential Category	Monthly Rate	Additional Charge for Overload	Each Reload	Each additional yard waste container (after initial two)
<b>Regular Service</b>				
30 gallon	\$25.64	\$10.00	\$17.50	\$3.00
45 gallon	\$38.41	\$10.00	\$17.50	\$3.00
60 gallon	\$51.21	\$10.00	\$17.50	\$3.00
90 gallon	\$76.82	\$10.00	\$17.50	\$3.00
2-60 gallon	\$102.42	\$10.00	\$17.50	\$3.00
60 + 90 gallon	\$128.03	\$10.00	\$17.50	\$3.00
2-90 gallon	\$153.64	\$10.00	\$17.50	\$3.00

<b>2024 RATES EVERY OTHER WEEK PICKUP RESIDENTIAL BARRELS</b>				
<b>Residential Category</b>	<b>Monthly Rate</b>	<b>Additional Charge for Overload</b>	<b>Each Reload</b>	<b>Each additional yard waste container (after initial two)</b>
<b>Regular Service</b>				
30 gallon	\$26.77	\$10.00	\$17.50	\$3.00
45 gallon	\$40.11	\$10.00	\$17.50	\$3.00
60 gallon	\$53.47	\$10.00	\$17.50	\$3.00
90 gallon	\$80.21	\$10.00	\$17.50	\$3.00
2-60 gallon	\$106.94	\$10.00	\$17.50	\$3.00
60 + 90 gallon	\$133.68	\$10.00	\$17.50	\$3.00
2-90 gallon	\$160.42	\$10.00	\$17.50	\$3.00

2. Where residential containers and extra containers are accessible on ground level, but farther than five feet from the curb, street, or alley where a Solid Waste Management collection vehicle can stop legally for collection and loading, the following additional carry service charges, measured along the route taken for collection, shall apply to each container:

	<b>Garbage</b>	<b>Recycle &amp; Yard Waste</b>
Over 5 feet to 25 feet	\$4.45 per month	\$4.45 per month
Each additional 25 feet or portion thereof	\$5.55 per month	\$5.55 per month

Carry distances shall be measured along the route necessarily taken for collection.

The above rates apply to each and every can or container collected and loaded from a specific premises

3. An additional charge of \$5.55 per garbage, recycle, and yard waste container per month shall be added when containers are not reasonably accessible, regardless of carrying distance.

4. Residential 300-gallon containers shall initially be placed in position by Solid Waste Management to facilitate the collection operation. Once so placed into service, the containers shall not be removed or relocated by the customer. Each customer sharing a 300-gallon container shall pay a rate commensurate with the services received as determined by Solid Waste Management.

5. There will be no charge for initial delivery or change of containers supplied by Solid Waste Management for new customers. In addition, there will be no charge for delivery or change of containers for existing customers once per premise, per year. Additional deliveries of containers and changes in service due to customer request after the first delivery or change in any calendar year to a premise will be billed at \$30.00 per delivery. Replacement of containers damaged by the normal collection process are not subject to the \$30.00 container delivery or exchange fee.

6. a. A surcharge of \$2.32 per residential account per month shall be added to offset system program cost increases for processing and shipping for recyclable materials resulting from market conditions.<sup>1</sup>

B. If a residential automated collection container is not in place by 7:00 a.m. or is otherwise inaccessible the day of the regularly scheduled pickup and the customer requests that the collection vehicle return to the premises to collect the contents of the container, a return trip charge of \$17.50 may be assessed to the customer. Such charge shall be applied on a per-trip basis without consideration of the size or number of containers collected from the customer. For each additional nonscheduled pickup requested by the customer, a return fee of \$17.50 plus additional container fee may be assessed.

C. Any residential customer in possession of any City-owned container shall pay the cost of repair or replacement of any damaged container, if it is the determination of Solid Waste Management that such damage is the result of the negligence or abuse by the customer. The charge shall be the actual cost of repair or replacement as determined by the City and shall be added to the customer's utility bill.

D. No dwelling unit of a multi-family dwelling (triplex or larger) may receive individual residential solid waste service unless the subject unit is directly billed by the City for payment of all other public utilities servicing that unit, including electricity, water, surface water, and wastewater.

<sup>1</sup> Code Reviser's note: TMC 12.09.110.A.6.b (recycling education programming) sunset and was removed Dec. 31, 2023, per Ord. No. 28623.

E. Upon approval by Solid Waste Management, residential collection service may be stopped during temporary vacancy of the premises no more than twice per calendar year. Service shall not be discontinued for a period of less than two weeks. A charge of \$15.00 shall be added to the utility bill for each approved temporary stop-service order. Service shall resume no later than the date specified by the customer in the stop order. An alternative mailing address must be provided if requested by Solid Waste Management.

F. Use of an enclosure built for a container is subject to prior approval by Solid Waste Management and may be revoked upon inspection if not built as per originally approved.

G. Recycling or yard waste containers contaminated with garbage may be dumped as solid waste. When they are, the customer will be charged the “Each Additional Reload” fee identified in the rate table for that class and frequency of service. Recycling containers that are repeatedly contaminated with garbage may be removed at the discretion of Solid Waste Management. A \$30.00 service charge will be assessed for redelivery of each container.

H. Overload charges may be charged when the condition of the container meets the definition of “Overloaded” in TMC 12.09.030. Extra bags of garbage will be charged the “Applicable Charge for Overload.” If the overload condition, or number of extra bags requires the driver to reload and re-dump the container, the customer will be charged the “Each Reload” fee identified in the rate table for that class and frequency of service.

I. City of Tacoma solid waste ratepayers living in a single-family home or duplex may request two “Call-2 Haul” service appointments per year. No more than three large items, consisting of appliances, furniture, or items of a similar size and weight, and 15 bags or boxes of unusable household items will be picked up by Solid Waste Management at each Call-2 Haul service appointment. No additional charge to the ratepayer will be made for this service. A charge of \$10.00 may be assessed for late cancellations or if items are not set out by 7:00 a.m. on the scheduled date.

(Ord. 28849 Ex. A; passed Nov. 22, 2022: Ord. 28703 Ex. A; passed Nov. 24, 2020: Ord. 28623 Ex. A; passed Oct. 29, 2019: Ord. 28548 Ex. A; passed Nov. 20, 2018: Ord. 28499 Ex. A; passed Apr. 10, 2018: Ord. 28393 Ex. A; passed Nov. 22, 2016: Ord. 28262 Ex. A; passed Dec. 9, 2014: Ord. 28129 Ex. A; passed Feb. 12, 2012: Ord. 27969 Ex. A; passed Feb. 1, 2011: Ord. 27766 Ex. A; passed Dec. 9, 2008: Ord. 27662 Ex. A; passed Dec. 4, 2007: Ord. 27555 § 5; passed Dec. 5, 2006: Ord. 27537 § 9; passed Oct. 24, 2006: Ord. 27286 § 7; passed Nov. 2, 2004: Ord. 27138 § 3; passed Sep. 9, 2003: Ord. 27004 § 3; passed Nov. 19, 2002: Ord. 26887 § 6; passed Dec. 4, 2001: Ord. 26831 § 2; passed Jul. 17, 2001: Ord. 26728 § 10; passed Nov. 7, 2000: Ord. 26527 § 2; passed Nov. 16, 1999: Ord. 26339 § 6; passed Dec. 8, 1998: Ord. 26176 § 6; passed Dec. 16, 1997: Ord. 26072 § 11; passed May 27, 1997: Ord. 25842 § 1; passed Feb. 6, 1996: Ord. 25583 § 4; passed Oct. 11, 1994: Ord. 25404 § 1; passed Nov. 30, 1993: Ord. 25221 § 2; passed Dec. 8, 1992)

### **12.09.120 Commercial services.**

Solid Waste Management reserves the right to establish the appropriate level of service. No single unit of a multibusiness complex or building may receive individual container service of less than one cubic yard in capacity unless the subject unit is directly billed by the City for payment of all other public utilities servicing that unit, including electricity, water, surface water, and wastewater. Minimum monthly service for City-owned containers shall be one pickup per week, per month, per container, with the exception of drop-off boxes and compactors. Commercial rates for collection of solid waste shall be as follows:

#### **A. Commercial Barrels.**

	Effective Years	
	2023	2024
Minimum Monthly Service (20-Gallon):	\$33.64	\$35.66

2023 RATES COMMERCIAL BARRELS				
Commercial Category	Monthly Container Rent*	Monthly Rate (times pickups per week)	Each Additional Pickup	Overload Charge
Regular Service				
20 gallon	na	\$33.64	\$17.50	\$10.00
30 gallon	na	\$44.08	\$17.50	\$10.00
60 gallon	na	\$59.51	\$17.50	\$10.00
90 gallon	na	\$81.88	\$17.50	\$10.00
300 gallon	\$4.41	\$166.05	\$38.35	\$25.00
Temporary Service				
Commercial Category	Daily Container Rent*	Each Haul Container	Placement Fee	Overload Charge
20 gallon	na	\$15.00	na	\$10.00
30 gallon	na	\$15.00	na	\$10.00
60 gallon	na	\$15.00	na	\$10.00
90 gallon	na	\$15.00	na	\$10.00
300 gallon	\$1.00	\$38.35	\$15.00	\$25.00

\* Excluding Washington State Sales Tax

2024 RATES COMMERCIAL BARRELS				
Commercial Category	Monthly Container Rent*	Monthly Rate (times pickups per week)	Each Additional Pickup	Overload Charge
Regular Service				
20 gallon	na	\$35.66	\$17.50	\$10.00
30 gallon	na	\$46.73	\$17.50	\$10.00
60 gallon	na	\$59.51	\$17.50	\$10.00
90 gallon	na	\$81.88	\$17.50	\$10.00
300 gallon	\$4.41	\$166.05	\$38.35	\$25.00
Temporary Service				
Commercial Category	Daily Container Rent*	Each Haul Container	Placement Fee	Overload Charge
20 gallon	na	\$15.00	na	\$10.00
30 gallon	na	\$15.00	na	\$10.00
60 gallon	na	\$15.00	na	\$10.00
90 gallon	na	\$15.00	na	\$10.00
300 gallon	\$1.00	\$38.35	\$15.00	\$25.00

\* Excluding Washington State Sales Tax

B. If a commercial 20-, 30-, 60-, 90-, or 300-gallon container is not in place or is otherwise inaccessible at the time the collection vehicle arrives for regularly scheduled pickup and it is necessary for the collection vehicle to return to the premises at a later time to collect and load the contents of the container, a return trip charge of \$17.50 may be assessed to the customer. Regularly scheduled pickups will begin at 6:00 a.m. Such charge shall be applied on a per-trip basis, without consideration for



the size or number of containers collected from the customer. For each additional nonscheduled pickup requested by the customer, a return fee of \$17.50 plus additional container fee may be assessed.

C. An additional \$10.00 charge per haul for 300-gallon container for same day service.

D. Commercial container rates for noncompacted solid waste shall consist of a minimum monthly charge, which includes all scheduled weekly pickups within any given month. Additional pickups shall be at the request of the customer and shall be subject to the applicable service charge.

E. Collection personnel shall not be required to negotiate steep ramps or stairs or remove 20-, 30-, 60-, and 90-gallon containers from storage bins in the performance of their duties. Where 20-, 30-, 60-, and 90-gallon containers are accessible on ground level not in the location designated by Solid Waste Management, the following carry service charge shall apply to each container:

Over 5 feet to 25 feet	\$8.90 per month
Each additional 25 feet or portion thereof	\$11.10 per month

F. The following carry service charge shall apply per pick-up for each 300 gallon container (barrel).

Each 300-gallon container	\$27.00 per pick-up
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G. Commercial Bulk Noncompacted Container Rates.

1. City-owned, drop-off box – minimum charge of \$200.00 per month in addition to rent, if not hauled, provided, this charge will not be assessed to boxes used for the purposes of recycling.
2. City-owned, front-load container used on a temporary basis will be charged \$50.00 per month in addition to rent, if not hauled.
3. City-owned 20-, 30-, 60-, 90-, or 300-gallon container used on a temporary basis will be charged the 20-gallon commercial barrel monthly rate if not hauled.
4. Customer-owned container – minimum charge, if not hauled, will be the 20-gallon commercial barrel monthly rate.
5. An additional \$200.00 charge per haul for drop-off box for same day service.
6. An additional rental charge of \$9.00 per month or \$0.30 per day will be made for any container requiring a cover or extra-strength construction.
7. An additional \$25.00 charge per haul for front-load container for same day service.
8. The following carry service charge shall apply per pick-up for each front-load container (two- to four-cubic yard with casters).

Each front-load container	\$27.00 per pick-up
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9. An additional \$50.00 charge for each container relocation without a haul (dump).
10. An additional \$50.00 return charge will be billed to customers who have a scheduled haul for their compactor or DOB and the container was not made accessible for hauling when Solid Waste staff arrived.
11. An additional \$25.00 return charge will be billed to customers who have a scheduled haul for their front-load container and the container was not made accessible for hauling when Solid Waste staff arrived.
12. An additional \$10.00 may be charged for containers or compactors that require double-picking.

2023 RATES FRONT LOAD CONTAINERS				
Commercial Category	Monthly Container Rent*	Monthly Rate (times pickups per week)	Each Additional Pickup	Overload Charge
Regular Service				
2 Cubic yard	\$8.28	\$234.86	\$54.20	\$25.00
3 Cubic yard	\$9.45	\$297.00	\$68.54	\$30.00
4 Cubic yard	\$11.26	\$360.47	\$83.19	\$35.00
6 Cubic yard	\$14.70	\$485.30	\$111.99	\$40.00
8 Cubic yard	\$16.24	\$612.27	\$141.29	\$45.00
Temporary Service				
Commercial Category	Daily Container Rent*	Each Haul Container	Placement Fee	Overload Charge
2 Cubic yard	\$1.00	\$54.20	\$15.00	\$25.00
3 Cubic yard	\$1.00	\$68.54	\$15.00	\$30.00
4 Cubic yard	\$1.00	\$83.19	\$15.00	\$35.00
6 Cubic yard	\$1.00	\$111.99	\$15.00	\$40.00
8 Cubic yard	\$1.00	\$141.29	\$15.00	\$45.00

\* Excluding Washington State Sales Tax

2024 RATES FRONT LOAD CONTAINERS				
Commercial Category	Monthly Container Rent*	Monthly Rate (times pickups per week)	Each Additional Pickup	Overload Charge
Regular Service				
2 Cubic yard	\$8.62	\$239.56	\$55.28	\$25.00
3 Cubic yard	\$9.83	\$302.94	\$69.91	\$30.00
4 Cubic yard	\$11.72	\$367.68	\$84.85	\$35.00
6 Cubic yard	\$15.29	\$495.01	\$114.23	\$40.00
8 Cubic yard	\$16.89	\$624.52	\$144.12	\$45.00
Temporary Service				
Commercial Category	Daily Container Rent*	Each Haul Container	Placement Fee	Overload Charge
2 Cubic yard	\$1.00	\$55.28	\$15.00	\$25.00
3 Cubic yard	\$1.00	\$69.91	\$15.00	\$30.00
4 Cubic yard	\$1.00	\$84.85	\$15.00	\$35.00
6 Cubic yard	\$1.00	\$114.23	\$15.00	\$40.00
8 Cubic yard	\$1.00	\$144.12	\$15.00	\$45.00

\* Excluding Washington State Sales Tax

<b>2023 RATES DROP OFF BOX</b>			
<b>Commercial Category</b>	<b>Monthly Container Rent*</b>	<b>Each Haul per Container</b>	
<b>Regular Service</b>			
15 Cubic Yard	\$41.27	\$641.58	
20 Cubic Yard	\$45.04	\$733.48	
25 Cubic Yard	\$45.89	\$836.57	
30 Cubic Yard	\$48.86	\$948.34	
40 Cubic Yard	\$55.33	\$1,163.45	
<b>Temporary Service</b>			
	<b>Daily Container Rent*</b>	<b>Each Haul per Container</b>	<b>Placement Fee</b>
15 Cubic Yard	\$1.50	\$641.58	\$50.00
20 Cubic Yard	\$1.50	\$733.48	\$50.00
25 Cubic Yard	\$1.50	\$836.57	\$50.00
30 Cubic Yard	\$1.50	\$948.34	\$50.00
40 Cubic Yard	\$1.50	\$1,163.45	\$50.00

\* Excluding Washington State Sales Tax

<b>2024 RATES DROP OFF BOX</b>			
<b>Commercial Category</b>	<b>Monthly Container Rent*</b>	<b>Each Haul per Container</b>	
<b>Regular Service</b>			
15 Cubic Yard	\$42.93	\$654.42	
20 Cubic Yard	\$46.85	\$748.15	
25 Cubic Yard	\$47.73	\$853.31	
30 Cubic Yard	\$50.82	\$967.31	
40 Cubic Yard	\$57.55	\$1,186.72	
<b>Temporary Service</b>			
	<b>Daily Container Rent*</b>	<b>Each Haul per Container</b>	<b>Placement Fee</b>
15 Cubic Yard	\$1.50	\$654.42	\$50.00
20 Cubic Yard	\$1.50	\$748.15	\$50.00
25 Cubic Yard	\$1.50	\$853.31	\$50.00
30 Cubic Yard	\$1.50	\$967.31	\$50.00
40 Cubic Yard	\$1.50	\$1,186.72	\$50.00

\* Excluding Washington State Sales Tax

13. When the weight of the contents of a noncompacted drop-off box exceeds the applicable maximum weight for a truck to safely handle the load, the customer will be charged the commercial disposal tip fee rate for each ton and/or portion of a ton by which the contents exceed the maximum weight of 10 tons.

14. Uncontained loads that are determined to be “Dusty Loads” by Solid Waste Management are subject to rejection or assessment of additional processing fees.

15. Solid Waste Management reserves the right to collect advance payment for container placement and up to four months of charges for rental and service charges associated with the provision of temporary service. The City Treasurer may accept satisfactory securities or surety bond in lieu of cash payment. Such payment or security may be applied toward the payment of service charges whenever the same shall become due. Solid Waste Management reserves the right to require additional advance payment for subsequent service that may be requested by the customer.

H. Commercial Compactor Container Rates.

Commercial rates for collection and disposal of solid waste from customer-owned compactor containers shall be as follows:

1. Customer-owned containers will be charged the 20-gallon commercial barrel rate if no other solid waste service is provided by Solid Waste Management at the location during the month.

<b>2023 RATES FRONT LOAD COMPACTOR CONTAINER</b>	
<b>Commercial Category</b>	<b>Each Container Each Pickup</b>
<b>Regular Service</b>	
2 Cubic Yard	\$109.26
3 Cubic Yard	\$227.69
4 Cubic Yard	\$295.69
5 Cubic Yard	\$364.25

<b>2024 RATES FRONT LOAD COMPACTOR CONTAINER</b>	
<b>Commercial Category</b>	<b>Each Container Each Pickup</b>
<b>Regular Service</b>	
2 Cubic Yard	\$115.82
3 Cubic Yard	\$241.36
4 Cubic Yard	\$313.44
5 Cubic Yard	\$386.11

<b>2023 RATES DROP OFF BOX COMPACTOR</b>	
<b>Commercial Category</b>	<b>Each Container Each Pickup</b>
<b>Regular Service</b>	
10 Cubic Yard	\$781.49
12 Cubic Yard	\$1,203.59
15 Cubic Yard	\$1,511.49
16 Cubic Yard	\$1,582.37
17 Cubic Yard	\$1,665.76
18 Cubic Yard	\$1,744.03
20 Cubic Yard	\$1,898.75
24 Cubic Yard	\$2,211.86
25 Cubic Yard	\$2,289.44
26 Cubic Yard	\$2,371.72
27 Cubic Yard	\$2,442.21
30 Cubic Yard	\$2,683.60
33 Cubic Yard	\$2,925.05
34 Cubic Yard	\$3,008.68
40 Cubic Yard	\$3,466.05

<b>2024 RATES DROP OFF BOX COMPACTOR</b>	
<b>Commercial Category</b>	<b>Each Container Each Pickup</b>
<b>Regular Service</b>	
10 Cubic Yard	\$828.38
12 Cubic Yard	\$1,275.81
15 Cubic Yard	\$1,602.18
16 Cubic Yard	\$1,677.32
17 Cubic Yard	\$1,765.71
18 Cubic Yard	\$1,848.68
20 Cubic Yard	\$2,012.68
24 Cubic Yard	\$2,344.58
25 Cubic Yard	\$2,426.81
26 Cubic Yard	\$2,514.03
27 Cubic Yard	\$2,588.75
30 Cubic Yard	\$2,844.62
33 Cubic Yard	\$3,100.56
34 Cubic Yard	\$3,189.21
40 Cubic Yard	\$3,674.02

2. The service charge for other compactor container sizes that may become available shall be determined by Solid Waste Management.

3. When the weight of the contents of a compacted container exceeds the applicable maximum weight for a truck to safely handle the load, the customer will be charged the commercial disposal tip fee rate for each ton and/or portion of a ton by which the contents exceed the maximum weight of 10 tons.
4. Uncontained loads that are determined to be “Dusty Loads” by Solid Waste Management are subject to rejection or assessment of additional processing fees.
5. The following carry service charge shall apply per pick-up for front load compactor (not to exceed two cubic yards).

Each front-load compactor	\$27.00 per pick-up
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#### I. Recyclable Material Collection Fees.

If requested, Solid Waste Management may, at its option, agree to collect recyclable materials from commercial customers at the curb or premises. The fees for this service are typically lower than garbage collection service, but are subject to fluctuations in the value or cost of the recyclable material.

The Director is delegated the authority to assign and charge a rate for the collection of recyclable material from commercial customers. The Director shall assign such a rate in accordance with the following criteria and process:

1. The rate shall reflect the cost of service, to the extent reasonably possible, given the constantly fluctuating value and/or costs of recyclable material.
2. The rate shall include cost items related to the service including, but not limited to, labor and benefits, equipment, maintenance and operations of equipment and containers, processing fees, direct and indirect overhead charges, and other related costs. In addition, revenues received from the sales or marketing of the collected recyclable material and the collection service levels shall be included with the assigned rate.
3. The Director may adjust the assigned rate up to four times per year.
4. Solid Waste Management shall notify the affected parties a minimum of 45 days prior to implementing rate changes.

Application of the assigned rate shall be through the normal billing and invoicing process. In the event a customer cancels service covered under this policy and wishes to initiate similar service within one year’s time, a \$50.00 service charge may be applied to the restart of the service.

Due to potential cost savings of collecting all recyclables from an individual customer, the Director is further delegated the authority to negotiate a bundled rate with individual commercial customers for collection of all recyclable materials from that customer for an agreed period of time.

#### J. Recyclable Materials Bulk Container.

##### 1. Drop-off Box Recycling Service.

Container Placement	\$50.00
Haul Charge	\$50.00 per haul
Mileage Charge	\$5.50 per mile
Daily Rental Charge	\$1.50 per day (excluding Washington State sales tax)

Disposal costs shall be the responsibility of the customer. The customer shall arrange for an account at the recycling facility for billing disposal costs directly to the customer. In the event that the customer fails to make proper arrangements for an account at the recycling facility, Solid Waste Management may add the cost of recycling or disposal of the material to the customer’s hauling charges.

If the drop-off box is not hauled by the customer within 60 days, Solid Waste Management may remove and haul the drop-off box and charge the customer applicable transportation and disposal costs.

K. Containers shall not be longer than 22 feet, or larger than a 25 yard self-contained compactor, or a 30 cubic yard disconnect-type compactor without the prior written approval of Solid Waste Management.

L. It shall be the responsibility of any customer in possession of any City-owned bulk container to pay the cost of repair to, or replacement of any such container damaged while in his or her possession. The charge shall be the actual cost of repair or replacement as determined by the City and shall be added to the customer’s utility bill.

M. The service charge for other container sizes that may become available will be at a rate sufficient to recover the cost of providing the service.

N. In addition to the charges for commercial and residential rates set forth above, when unscheduled services are requested or required, Solid Waste Management shall charge for such services as set forth in this chapter.

O. The siting of a compactor's location shall be coordinated with and specifically approved by Solid Waste Management before installation. If a compactor is placed prior to Solid Waste Management's specific approval and Solid Waste Management deems the placement unacceptable, Solid Waste Management may elect to refuse service. The customer shall relocate and bear all costs incurred for the relocation of the compactor. Such customers shall, among other things, be required to hold the City harmless from any and all liability resulting from the improper placement and/or relocation of the compactor. Siting of the compactor and construction of any compactor enclosure shall be in conformance with all applicable City and state regulations.

P. It is the responsibility of the owner of a customer-owned container to keep the container maintained and serviceable, including all doors, lids, fork pockets, wheels, bail hooks, bottom rails, or any part of the container needed for dumping or hauling of the container. Solid Waste Management shall not be held liable for damage to privately owned containers. Solid Waste Management is not obligated to service improperly maintained containers. Customer-owned containers must also be kept graffiti free.

Q. An enclosure provided for a solid waste container shall be used only for the solid waste container. If items other than a solid waste container are placed in an enclosure, Solid Waste Management shall be held harmless for any and all loss or damage to such items, whether occasioned by Solid Waste Management's negligence or otherwise. It shall be the responsibility of the customer to keep the enclosure in an acceptable sanitary condition including the area in the vicinity of the enclosure.

R. If an enclosure is gated, the gates shall have the ability to be pinned in the open position. If gated, the gates shall have at least a 180-degree swing. When gates are in the open position, they shall not block or infringe on any traffic aisles.

1. Drop-off box enclosures shall have a minimum opening width of 12'0" and the depth must extend a minimum of 3'0" beyond the end of the container.

2. Front load box enclosures shall have a minimum opening width of 12'0" and a minimum depth of 10'0". If two front load box containers are placed, the enclosure shall allow for a minimum of a three-foot clearance between enclosure and front load box, as well as a two-foot clearance between each front load box.

3. Automated 300-gallon container enclosures shall have a minimum opening width of 10'0" and a minimum depth of 7'0". In addition, for two or more containers, a three-foot clearance between enclosure and barrels is required, as well as a two-foot clearance between each barrel.

4. All enclosures shall be designed so the solid waste collection vehicle that services the enclosed container can maneuver and safely service the container. A service charge of \$10.00 for 300-gallon containers and \$25.00 for front-load containers and drop-off box containers may be charged when Solid Waste Management is unable to service a commercial customer's container on the scheduled pickup and Solid Waste Management has to make a return trip to service the container. This charge may be applied if the container access is blocked, the gates to the enclosure are not in the open position, or Solid Waste Management is, for any reason, unable to service the container.

S. Construction of an enclosure for disposal containers shall not commence prior to plan approval by Solid Waste Management. Failure to obtain plan approval prior to construction may require alterations, relocation, or complete reconstruction of the enclosure at the owner's expense. Solid Waste Management may refuse to provide service to a customer who has enclosed a disposal container improperly.

T. City-owned recycling containers that are repeatedly contaminated with garbage may be removed at the discretion of Solid Waste Management. A \$30.00 service charge will be assessed for redelivery of each container.

U. All compactors which may contain liquids are to be equipped with a drain and a connection to the sanitary sewer. The connection to the sanitary sewer must meet the requirements of both Solid Waste Management and the City's Wastewater Management Division.

V. The Director is delegated the authority to assign a rate for the disposal of a particular opportunity fuel as long as the rate does not exceed \$90.00 per ton for disposal of "opportunity fuels," as that term is defined in TMC 12.09.030. If Solid Waste Management requires a purchase of a particular opportunity fuel, Solid Waste Management shall purchase said fuel pursuant to those procedures set forth in the Administrative Policies and Procedures Manual.

W. City of Tacoma Solid Waste Commercial customers may request "Call-2-Haul" service appointments. No more than three large items, consisting of appliances, furniture, or items of a similar size and weight, and 15 bags or boxes of unusable household items will be picked up by Solid Waste Management at each Call-2-Haul service appointment. A charge of \$75.00 will be charged for each commercial Call-2-Haul. A charge of \$10.00 may be assessed for late cancellations or if items are not

set out by 7:00 a.m. on the scheduled date.

(Ord. 28849 Ex. A; passed Nov. 22, 2022: Ord. 28703 Ex. A; passed Nov. 24, 2020: Ord. 28548 Ex. A; passed Nov. 20, 2018: Ord. 28499 Ex. A; passed Apr. 10, 2018: Ord. 28393 Ex. A; passed Nov. 22, 2016: Ord. 28262 Ex. A; passed Dec. 9, 2014: Ord. 28129 Ex. A; passed Feb. 12, 2012: Ord. 27969 Ex. A; passed Feb. 1, 2011: Ord. 27766 Ex. A; passed Dec. 9, 2008: Ord. 27662 Ex. A; passed Dec. 4, 2007: Ord. 27555 § 6; passed Dec. 5, 2006: Ord. 27537 § 10; passed Oct. 24, 2006: Ord. 27286 § 8; passed Nov. 2, 2004: Ord. 27177 § 1; passed Dec. 16, 2003: Ord. 27138 § 4; passed Sep. 9, 2003: Ord. 27004 § 4; passed Nov. 19, 2002: Ord. 26921 § 1; passed Jan. 15, 2002: Ord. 26887 § 7; passed Dec. 4, 2001: Ord. 26728 § 11; passed Nov. 7, 2000: Ord. 26527 § 3; passed Nov. 16, 1999: Ord. 26339 § 7; passed Dec. 8, 1998: Ord. 26176 § 7; passed Dec. 16, 1997: Ord. 26072 § 12; passed May 27, 1997: Ord. 25842 § 2; passed Feb. 6, 1996: Ord. 25583 § 5; passed Oct. 11, 1994: Ord. 25437 § 1; passed Feb. 8, 1994: Ord. 25404 § 2; passed Nov. 30, 1993: Ord. 25259 § 1; passed Feb. 2, 1993: Ord. 25221 § 2; passed Dec. 8, 1992)

### **12.09.130 Use of Recovery and Transfer Center Facility (disposal site) – General.**

Use of disposal site and applicable rates are defined below. Disposal rates are based on the categories described in Section A below. City utility billing information may be verified by the scale house customer information system. No person shall use the City's public disposal site except under the following terms and conditions.

#### **A. Disposal Categories.**

All customers using the disposal site will be charged the specified rate in one of the following categories. The rate will be determined at the scale house. Each customer shall provide proper documentation to qualify for the City residential rate.

##### **1. City Residential Rate.**

The following individuals shall be eligible for the City residential rate as specified below.

- a. The owner-occupant or tenant of a single family home, duplex, townhouse, or condominium located within the City of Tacoma may dispose of solid waste and yard waste from said property at City residential rates with proof of residency as outlined in Section B below.
- b. The owner of residential property located within the City of Tacoma may dispose of solid waste and yard waste from said property at City residential rates in Section B, but only if they provide proof that they personally pay all City electrical, water, solid waste, wastewater, and surface water utility services at such property.
- c. A tenant in a multi-family dwelling (triplex or larger) located within the City of Tacoma may dispose of solid waste generated from within their living unit at City residential rates with proof of City residency as outlined in section B below. Construction and demolition waste, yard waste, and large appliances will be charged at the City commercial rate.

##### **2. City Commercial Rate.**

Any City-located business, industry, and mobile home park; organization, either public or private, profit or non-profit; multi-family dwellings (triplex or larger); or person hauling for a second party will be charged the City commercial rate for all solid waste and yard waste.

##### **3. Outside City Rates.**

Any person who cannot provide proof of City residency as set forth below, or the proof required under subsection 1.b., above, shall be charged the outside City rates for all solid waste and yard waste.

#### **B. Proof of City Residency.**

To be eligible for the City residential rate, the customer must reside in a single-family, duplex, or multi-family housing unit within the City as described in subsections 1.a, or 1.c of Section A above, and provide one of the following forms of proper documentation as proof of City residency:

1. Current Washington State driver's license or Washington State identification card showing a City address which receives City residential solid waste service in the bearer's name; or
2. Any form of picture identification along with a current City utility bill showing an address that receives residential solid waste service in the bearer's name; or
3. Any form of picture identification along with a piece of current mail (such as a credit card or bank statement) not over 30 days old, in the bearer's name and addressed to a residence which receives City residential solid waste service. To provide equitable service to City residential rate customers, Solid Waste Management may exercise discretion in making exceptions to the Proof of City Residency requirements, provided it is reasonable to believe the customer is a City resident.



**C. Fraudulent Use of the Public Disposal Area.**

No person may dispose of waste at the City's public disposal area under fraudulent circumstances.

**D. Scavenging.**

All materials delivered to and disposed of at the City's public disposal area are the property of the City. No person shall scavenge, separate, collect, or remove such material unless permitted in writing to do so by Solid Waste Management.

**E. Unlawful Entry.**

It is unlawful for any person to enter or use the City's public disposal area, except during the hours designated for public use.

**F. Size of Material.**

Material brought to the City's public disposal area must conform to certain size restrictions based on equipment limitations. Any material exceeding these dimensions may be subject to a special handling fee and/or approval by the Landfill Supervisor. Specific size restrictions for lumber, construction and demolition debris, tree branches, and railroad ties and large beams shall be as follows:

**1. Lumber:**

No longer than 8 feet in length. Wood with a cross-section 6 inches by 6 inches or larger must be cut to 4-foot lengths. Construction and demolition debris such as sections of walls can be no larger than 4 feet by 8 feet.

**2. Tree Branches:** No longer than 4 feet in length and 8 inches in diameter.**3. Railroad Ties/Large Beams (6 inches by 6 inches):** No longer than 4 feet.

The Division Manager for Solid Waste, or his or her designee, may adjust any material size requirements based on operational needs and equipment limitations.

**G. Safety.**

Persons shall not act in an unsafe or disruptive manner while at the Landfill. Children under 12 years of age shall remain in their vehicle at all times. Drivers shall obey the posted speed limit and signage. Any person who violates the provisions of this subsection may be refused service.

(Ord. 28262 Ex. A; passed Dec. 9, 2014; Ord. 28129 Ex. A; passed Feb. 12, 2012; Ord. 27555 § 7; passed Dec. 5, 2006; Ord. 27537 § 11; passed Oct. 24, 2006; Ord. 27286 § 9; passed Nov. 2, 2002; Ord. 26728 § 12; passed Nov. 7, 2000; Ord. 26339 § 8; passed Dec. 8, 1998; Ord. 26176 § 8; passed Dec. 16, 1997; Ord. 26072 § 13; passed May 27, 1997; Ord. 25583 § 6; passed Oct. 11, 1994; Ord. 25221 § 2; passed Dec. 8, 1992)<sup>2</sup>

**12.09.140 Disposal rates.**

All rates are based on 100-pound increments. (Any fraction of 100 pounds will be billed as 100 pounds.)

**1. Solid waste generated within a private resident's home or yard, not including material from:**

<b>Pounds per load</b>	<b>Within City of Tacoma</b>		<b>Outside City of Tacoma</b>	
	<b>2023</b>	<b>2024</b>	<b>2023</b>	<b>2024</b>
0 - 400	\$20.00	\$20.00	\$8.50 per 100 pounds - minimum charge \$40.00	\$8.50 per 100 pounds - minimum charge 40.00
Disposals of more than 400 pounds	\$7.25 per each 100 pounds exceeding the initial 400-pound load	\$7.25 per each 100 pounds exceeding the initial 400-pound load	\$8.50 per each 100 pounds exceeding the initial 400-pound load	\$8.50 per each 100 pounds exceeding the initial 400-pound load

To qualify for these disposal rates, City residents must present proper documentation in a form that satisfies the requirements of TMC 12.09.130.

2. There shall be no charge for City residential yard waste that is properly prepared and sorted and hauled to the City's public disposal area by the homeowner. This shall apply only to loads consisting of 100 percent yard waste (vegetation). To qualify

<sup>2</sup> Code reviser's note: Ord. 25583 contained two sections numbered 6. The other is codified at Section 12.09.140.

for this service at no charge, the customer must present at the time of disposal documentation that satisfies the requirements of TMC 12.09.130.B.

3. All material, except Item 1 above:

Pounds per load	
2023	2024
\$8.50 per 100 pounds; minimum charge of \$40.00	\$8.50 per 100 pounds; minimum charge of \$40.00

4. Material from nonprofit corporations qualifying under Section 12.09.140.B:

Pounds per load	
2023	2024
\$4.25 per 100 pounds; minimum charge of \$40.00	\$4.25 per 100 pounds; minimum charge of \$40.00

5. Special handling:

a. A minimum special handling fee of \$100.00 will be charged per load, plus tonnage charges, unless otherwise specified.

b. Other special handling fees shall be applied as follows:

Material from:

	Within City of Tacoma	Outside City of Tacoma
Asbestos	\$20.00 minimum plus \$150.00 per ton	Not accepted
(Refer to Section 12.09.200, Disposal of asbestos-containing material)		
Appliances with compressors	\$20 each plus tonnage	\$40 each plus tonnage
Tires –		
Passenger Cars and light trucks	\$3.25 each plus tonnage	\$6.75 each plus tonnage
On rims	\$6.75 each plus tonnage	\$13.00 each plus tonnage
Larger than 10:00 x 20	\$16.50 each plus tonnage	\$33.00 each plus tonnage
No large tires accepted on rims		
Car seats	\$3.25 each plus tonnage	\$6.75 each plus tonnage
Large furniture	\$11.00 for the first 4 pieces, plus \$11.00 for each additional, plus tonnage	\$40.00 for the first 4 pieces, plus \$11.00 for each additional, plus tonnage
Special handling fees shall not be limited to the items specified above.		

c. All of the above rates are based on one-half hour unloading time. When unloading time exceeds one-half hour, an additional fee of \$12.25 for each additional one-half hour or part thereof will be assessed. Time shall be determined by the automated scale system.

d. Any vehicle still being unloaded past closing time may be assessed an additional fee.

e. Every person with waste material that requires special handling shall pay such additional fees as will fairly compensate Solid Waste Management for any added expense of properly disposing of such materials, unless otherwise specified. Loads that are determined to be “Dusty Loads” by Solid Waste Management are subject to rejection or assessment of additional special handling fees. Appliances that have Freon compressors removed will still be charged the special handling fee.

6. Service Charge. A customer who is unable to pay for disposal at the time of disposal at the Tacoma Landfill shall be charged for that disposal along with an additional service charge of \$10.00.

A. Disposal Area Open Accounts.

Solid Waste Management may establish open accounts for the benefit of regular customers licensed to do business in the State of Washington and utilizing the City’s public disposal area for disposal of solid waste. Eligibility for open accounts will be determined based on frequency of use, amount of material requiring disposal, and evidence of a satisfactory credit history.

Such open accounts will be subject to a set-up fee of \$25.00 for each disposal account card issued, said fee to be collected at the time the account is established. Solid Waste Management reserves the right to approve or disapprove the establishment and maintenance of open accounts. Solid Waste Management may restrict use of the public disposal area to any customer with a delinquent City public disposal area account until the delinquent balance is paid in full.

Disposal account cards issued to customers shall remain the property of Solid Waste Management. Lost or stolen cards shall be immediately reported in writing to Solid Waste Management. Customers are liable for all charges on lost or stolen cards until written notification is received by Solid Waste Management. There will be a fee of \$25.00 charged to replace each card lost, stolen, or damaged. Cards which fail as a result of normal wear will be replaced at no expense to the customer.

B. A qualifying nonprofit materials salvage/recycling corporation, upon application and approval, may be granted a reduced disposal rate for material hauled in accordance with TMC 12.09.070, and under the following conditions:

1. All waste must have been generated from within the City.
2. Only those wastes generated from the operation of the corporation within the City will be eligible for the reduced disposal fee. All other wastes shall be subject to the applicable rate set forth herein.
3. The waste cannot contain any putrescible materials.
4. The waste must not contain any hazardous materials and must be in accordance with guidelines as to what is normally acceptable by Solid Waste Management.
5. The waste cannot contain any recyclable materials.

C. If the City Council finds that a neighborhood has a blighted condition caused by excessive refuse and/or solid waste and that such a condition is detrimental to the public health and welfare, the City Council may adjust the solid waste rates to fund appropriate programs to remediate such conditions. An example of an appropriate program is a qualifying City neighborhood group conducting a cleanup campaign approved by Solid Waste Management.

A qualifying neighborhood group may be granted disposal privileges at the Tacoma Landfill at no charge, or disposal privileges in a solid waste container supplied by Solid Waste Management at no charge, for material complying with the following conditions:

1. All waste must have been generated from within the City and collected pursuant to the cleanup campaign of the neighborhood group.
2. The waste cannot contain any putrescible materials.
3. The waste must not contain any hazardous materials and must be in accordance with the guidelines as to what is normally acceptable by Solid Waste Management.
4. The waste cannot contain any recyclable materials.
5. The aforementioned disposal privilege may be revoked at any time.<sup>3</sup>

(Ord. 28849 Ex. A; passed Nov. 22, 2022: Ord. 28703 Ex. A; passed Nov. 24, 2020: Ord. 28548 Ex. A; passed Nov. 20, 2018: Ord. 28393 Ex. A; passed Nov. 22, 2016: Ord. 28262 Ex. A; passed Dec. 9, 2014: Ord. 28129 Ex. A; passed Feb. 12, 2012: Ord. 27766 Ex. A; passed Dec. 9, 2008: Ord. 27555 § 8; passed Dec. 5, 2006: Ord. 27537 § 12; passed Oct. 24, 2006: Ord. 27286 § 10; passed Nov. 2, 2004: Ord. 27004 § 5; passed Nov. 19, 2002: Ord. 26887 § 8; passed Dec. 4, 2001: Ord. 26728 § 13; passed Nov. 7, 2000: Ord. 26339 § 9; passed Dec. 8, 1998: Ord. 26176 § 9; passed Dec. 16, 1997: Ord. 26072 § 14; passed May 27, 1997: Ord. 25842 § 3; passed Feb. 6, 1996: Ord. 25583 § 6; passed Oct. 11, 1994: Ord. 25437 § 2; passed Feb. 8, 1994: Ord. 25404 § 3; passed Nov. 30, 1993: Ord. 25259 § 2; passed Feb. 2, 1993: Ord. 25221 § 2; passed Dec. 8, 1992)

#### **12.09.150 *Repealed by Ordinance 26339. Commercial service – Cash payment/deposit – Service charge.***

(Ord. 26339 § 10; passed Dec. 8, 1998: Ord. 26072 § 15; passed May 27, 1997: Ord. 25221 § 2; passed Dec. 8, 1992)

#### **12.09.160 Billing periods, payments and collections.**

A. All bills for Solid Waste Management services, as set forth herein, shall be rendered monthly or bimonthly as determined by the City Manager. The utility bill shall become due and payable at the office of the City Treasurer, or such other places as

<sup>3</sup> Code reviser's note: Ord. 25583 contained two sections numbered 6. The other is codified at Section 12.09.130.

approved by the City Treasurer, within 15 days from the date an invoice is issued per TMC 12.01.030 and shall become delinquent thereafter.

The charge for service furnished for any portion of a billing period shall be prorated on the flat rate set forth herein.

B. Any invoice that becomes delinquent shall be subject to a late payment fee as set forth in TMC 12.01.030. Upon delinquency, all charges and penalties immediately become a lien against the premises served. Such lien may be foreclosed upon in accordance with and pursuant to, the provisions of RCW 35.21.130, 35.21.140, and 35.21.150. In addition to such foreclosure, a customer whose combined utility account is delinquent may also be subject to having City water service shut off at the premises to which the solid waste services were furnished. In the event that the City files or releases a lien with the County Auditor, a processing fee will be added to the delinquent amounts owed equivalent to the current fees charged by the County Auditor for filing or releasing a lien. The processing fee will be allocated to Solid Waste Management Funds and for City tax purposes recorded as revenue.

C. It shall be the customer's and the property owner's responsibility to increase, reduce, or terminate Solid Waste Management service when necessary. Solid Waste Management assumes no responsibility for charges accrued due to the failure of a customer to notify Solid Waste Management of a change of service or occupancy.

D. A service fee of \$20.00 shall be made to the disposal charges for any returned check, (i.e., nonsufficient funds, stopped payment, or closed accounts).

(Ord. 28262 Ex. A; passed Dec. 9, 2014: Ord. 28160 Ex. A; passed July 9, 2013; Ord. 28129 Ex. A; passed Feb. 12, 2012: Ord. 27969 Ex. A; passed Feb. 1, 2011: Ord. 27961 Ex. A; passed Dec. 14, 2010: Ord. 27766 Ex. A; passed Dec. 9, 2008: Ord. 27537 § 13; passed Oct. 24, 2006: Ord. 26887 § 9; passed Dec. 4, 2001: Ord. 26728 § 14; passed Nov. 7, 2000: Ord. 26072 § 16; passed May 27, 1997: Ord. 25221 § 2; passed Dec. 8, 1992)

#### **12.09.170 Disposal area automated scale system cards.**

A. Each disposal customer entering the Solid Waste Management public disposal area shall be issued or have in his/her possession an Automated Scale System card. Such card shall be used to determine appropriate charges. In the event a card is lost, a fee of \$25.00 will be charged for the card, and the disposal fee will be calculated based on the Gross Vehicle Capacity less the outbound tare at prevailing disposal rates.

B. Any card damaged (rendered unreadable) while in the possession of a customer shall result in the assessment of a \$25.00 fee in addition to any disposal charge.

(Ord. 28129 Ex. A; passed Feb. 12, 2012: Ord. 27555 § 9; passed Dec. 5, 2006: Ord. 27537 § 14; passed Oct. 24, 2006: Ord. 26728 § 15; passed Nov. 7, 2000: Ord. 26072 § 17; passed May 27, 1997: Ord. 25221 § 2; passed Dec. 8, 1992)

#### **12.09.180 State tax.**

Solid Waste Management rates provided in this chapter are inclusive of the refuse collection tax imposed on each person using solid waste collection services, which is required to be collected by the City of Tacoma and remitted to the state of Washington pursuant to Chapter 282 of the Session Laws of 1986.

(Ord. 27555 § 10; passed Dec. 5, 2006: Ord. 27138 § 5; passed Sep. 9, 2003: Ord. 27004 § 6; passed Nov. 19, 2002: Ord. 26728 § 6; passed Nov. 7, 2000: Ord. 26072 § 18; passed May 27, 1997: Ord. 25221 § 2; passed Dec. 8, 1992)

#### **12.09.190 Prohibited material.**

A. Solid Waste Management may inspect business premises for the purpose of evaluating waste generated and disposal practices. These inspections will be during normal working hours and will be carried out in such a manner as to minimize disruption of the businesses' activities. Environmental Services Department employees will inspect business waste generated and disposal practices for the purpose of determining compliance with this section. Failure of a business to comply with a request for inspection will be deemed a violation and may, at the discretion of the Director, result in revocation of solid waste disposal privileges at the City's public disposal area.

B. No toxic, extremely hazardous, dangerous/ hazardous, or liquid waste as defined now or hereafter amended in WAC 173-303 shall be deposited in any solid waste container, or other container intended for transportation to the City Landfill, or other disposal site operated by the City, or operated by a person under contract with the City to provide such service. Toxic, extremely hazardous, dangerous/hazardous, or liquid waste, as defined now or hereafter amended in WAC 173-303, shall not be deposited at the City Landfill unless such waste is accepted for disposal by the City's Household Hazardous Waste Facility. Additionally, no toxic, extremely hazardous, dangerous/hazardous, or liquid waste, as defined now or hereafter amended in WAC 173-303, shall be deposited at any other disposal site operated by the City, or operated by a person under contract with

the City to provide such service. Generators, small quantity generators, contractors, or other persons shall not commingle and/or deposit toxic, extremely hazardous, dangerous/hazardous, or non-petroleum liquid waste, as defined now or hereafter amended in WAC 173-303, with used oil and dispose of such waste into a City-owned used oil collection tank. Unlawful disposal of toxic, extremely hazardous, dangerous/hazardous, or liquid waste, as defined now or hereafter amended in WAC 173-303, is prohibited at the City's Household Hazardous Waste Facility.

C. No extremely hazardous, dangerous/hazardous, or liquid waste as defined now or hereafter amended in WAC 173-303 and normally found in the home (household hazardous waste) shall be deposited in any solid waste container intended for transport to a public disposal area.

1. Empty pesticide containers will be accepted, provided they are prepared for disposal in accordance with the Washington State Department of Agriculture's guidelines. Empty oil-base and latex paint containers will be accepted, provided the residue is thoroughly dried.

D. No container used to store a liquid, dangerous/hazardous waste, or toxic material will be accepted for disposal unless emptied and prepared in accordance with Solid Waste Management's guidelines. Only open-top drums or containers will be accepted for disposal. Fuel tanks must be cleaned and perforated before they will be accepted. No compressed gas or air tanks will be accepted for disposal, with the exception of propane tanks which are five gallons or less in capacity. Persons disposing of propane tanks which are five gallons or less in capacity shall notify the City's public disposal area personnel prior to disposing of such tanks.

E. Unusual Quantities.

Solid Waste Management reserves the right to reject large quantities of material at the public disposal area not normally generated as a waste of a household or business. Such material includes, but is not limited to, demolition waste, dirt, rocks, concrete, etc.

F. No infectious waste shall be placed in any container or any public disposal area, unless said wastes are handled and treated in accordance with Chapter 5.04 of the Tacoma Municipal Code and an applicable special permit has been obtained from the Director.

G. No rocks, dirt, or tires are to be placed in containers for disposal.

H. Yard waste shall be separated from solid waste and placed in a separate container for disposal at the City's public disposal area.

I. No hot ashes and/or material capable of causing ignition or spontaneous combustion shall be placed in any solid waste container, vehicle, or the City's public disposal area.

J. No bulk wastes shall be placed in automated collection containers other than drop-off boxes and front-load containers.

K. No used motor oil or other automotive fluids shall be placed, drained, spilled, and/or released in any solid waste container. Used motor oil will be accepted at the City's public disposal area only for the purposes of recycling.

L. Solid Waste Management reserves the right to prohibit or to place disposal restrictions upon any waste that may adversely affect landfill, resource recovery, or transfer facility operations. This shall also extend to any item that may pose a risk to the health or safety of landfill employees or customers.

1. Disposal restrictions that may be implemented shall include, but are not limited to, item size restrictions, quantity restrictions, recyclability, special preparation requirements, and solid waste source documentation requirements.

M. In the event that prohibited material is deposited in a Solid Waste Management container or other container at the disposal site, the person or persons responsible for such disposal activity shall, at their own cost, be responsible for properly cleaning up, decontaminating, remediating, and properly disposing of such prohibited waste. For the purpose of this paragraph, the phrase "properly cleaning up, decontaminating, remediating, and properly disposing of such prohibited waste" means conducting such work in accordance with all applicable local, state, and federal laws and regulations governing such work. If the party responsible for disposing of prohibited waste refuses to comply with this section, and the Solid Waste Management Division cleans up, decontaminates, or remediates, and properly disposes of such prohibited waste, then the Solid Waste Management Division shall charge the responsible party for the direct and indirect costs of such action.

(Ord. 28262 Ex. A; passed Dec. 9, 2014: Ord. 28129 Ex. A; passed Feb. 12, 2012: Ord. 28093 Ex. F; passed Oct. 16, 2012: Ord. 27537 § 15; passed Oct. 24, 2006: Ord. 27286 § 11; passed Nov. 2, 2004: Ord. 26887 § 10; passed Dec. 4, 2001: Ord. 26728 § 17; passed Nov. 7, 2000: Ord. 26339 § 11; passed Dec. 8, 1998: Ord. 26176 § 10; passed Dec. 16, 1997: Ord. 26072 § 19; passed May 27, 1997: Ord. 25583 § 7; passed Oct. 11, 1994: Ord. 25259 § 3; passed Feb. 2, 1993: Ord. 25221 § 2; passed Dec. 8, 1992)

### **12.09.200 Disposal of asbestos-containing material.**

The City shall accept asbestos-containing material under the following conditions:

- A. The asbestos-containing material must be generated from within the limits of the City. Documentation of the source of the asbestos-containing material shall be required.
  - B. The asbestos-containing material shall be prepared in a manner approved by Solid Waste Management;
  - C. Disposal of asbestos-containing material shall be restricted to days and times of the week determined by Solid Waste Management policy. Weather and landfill conditions may also dictate whether disposal will be permitted.
  - D. The Landfill Supervisor or his/her designated representative shall be notified a minimum of 24 hours in advance of bringing the material to the site, and the notification shall include the estimated quantity to be landfilled.
  - E. All local, state, and federal regulatory agency requirements relative to asbestos-containing material handling and disposal shall be met.
  - F. Solid Waste Management reserves the right to prohibit the disposal of asbestos-containing material at any time.
- (Ord. 28262 Ex. A; passed Dec. 9, 2014; Ord. 28129 Ex. A; passed Feb. 12, 2012; Ord. 27286 § 12; passed Nov. 2, 2004; Ord. 26887 § 11; passed Dec. 4, 2001; Ord. 26728 § 18; passed Nov. 7, 2000; Ord. 26072 § 20; passed May 27, 1997; Ord. 25221 § 2; passed Dec. 8, 1992)

### **12.09.210 Recycling – General.**

- A. The City reserves the right to, and may at its discretion, require the separation of recyclable material, including food and yard waste or other component parts of solid waste, or may require the deposit thereof in separate cans or receptacles, and may prescribe the method of collection and reuse.
- B. It is the intent of the City to promote and encourage the recycling of materials and to achieve and maintain a 50 percent recycling goal.
- C. Recyclable material is considered to be solid waste for the purposes of this chapter. It shall be unlawful for any person other than Solid Waste Management to engage in the business or activity of removing, collecting, salvaging, or destroying any recyclable material, as defined elsewhere in this chapter, that has been set out for collection by Solid Waste Management or has been deposited into a permitted recycling drop-off container or center, either private or public, except by special permit issued under TMC 12.09.070.
  - 1. No person may divert to personal or commercial use any recyclable material placed in a container as part of a recycling program without the consent of the generator of such recyclable material or Solid Waste Management.
- D. Recyclable material becomes the property of the City at the moment the material is set out at the curb for collection by Solid Waste Management or at the moment it is deposited into Solid Waste Management-owned recycling containers.
- E. Recyclable materials shall mean the materials described in TMC 12.09.030.
- F. It shall be unlawful for any person to place any material in or around a recycling container other than the recycling material intended for that container.
- G. The Director is authorized and directed to establish and promulgate reasonable regulations, including, but not limited to, regulations governing the permitting of recycling activities and the establishment of standards and conditions for recycling containers and centers. The manner, day, location, and time for the collection of recyclable material, including yard and food waste, shall be designated by Solid Waste Management.
- H. Nothing in this chapter shall abridge the right of any commercial or industrial generation of recyclable materials to give or sell their recyclable material and/or yard and food waste to a lawfully operated recycler, or the right of any person to give or sell their yard and food waste to any lawfully operated composting program.
- I. It is unlawful to collect, haul, or convey recyclables, including yard and food waste, from any premises in the City, other than from one's own premises or place of business, without a special permit issued under TMC 12.09.070.
- J. It shall be the responsibility of the customer to separate and keep separated from other solid waste any yard and food waste placed at the curb for pickup by Solid Waste Management. Solid Waste management shall not be held responsible for failure to collect the yard and food waste if there is a violation of any part of this chapter or if circumstances are beyond the control of Solid Waste Management. It is also the responsibility of the customer to keep any yard and food waste separated for disposal into the designated areas at Solid Waste Management's public disposal area.

K. All new multi-family residences and new commercial developments shall provide adequate and conveniently located space to store and dispose of recyclable materials and solid waste. These spaces must be in compliance with the Building Code as adopted by the City and any applicable zoning codes.

(Ord. 28262 Ex. A; passed Dec. 9, 2014: Ord. 28129 Ex. A; passed Feb. 12, 2012: Ord. 27537 § 16; passed Oct. 24, 2006: Ord. 27286 § 13; passed Nov. 2, 2004: Ord. 26887 § 12; passed Dec. 4, 2001: Ord. 26728 § 19; passed Nov. 7, 2000: Ord. 26339 § 12; passed Dec. 8, 1998: Ord. 26072 § 21, passed May 27, 1997: Ord. 25221 § 2; passed Dec. 8, 1992)

#### **12.09.215 Bring Your Own Bag. *Preempted by RCW 70A.530.***

Code Reviser's note: Chapter 12.09.215 was preempted per Revised Code of Washington 70A.530, effective January 1, 2021 (70A.530.050 RCW, ESSB 5323, Chapter 138, Laws of 2020. Prior to this preemption, enforcement of the City's Bring Your Own Bag ordinance was suspended per Ordinance No. 28664.

(Ord. 28664; passed March 24, 2020: Ord. 28367 Ex. A; passed Jul. 12, 2016)

#### **12.09.220 Enforcement.**

Officers or employees of the Solid Waste Management Division of the Environmental Services Department designated by the Director are authorized to enforce the provisions of this chapter.

(Ord. 28093 Ex. F; passed Oct. 16, 2012: Ord. 26728 § 20; passed Nov. 7, 2000: Ord. 26339 § 13; passed Dec. 8, 1998: Ord. 26072 § 22, passed May 27, 1997: Ord. 25221 § 2; passed Dec. 8, 1992)

#### **12.09.230 Violations – Penalties.**

Any person, firm, or corporation willfully violating any of the provisions of this chapter set forth in Subsections A and B below shall be guilty of a misdemeanor, and on conviction thereof shall be punished by a fine in any sum not exceeding \$1,000.00, or by imprisonment for a period not exceeding 90 days, or by both such fine and imprisonment. Each day's violation of the provisions of this chapter may be deemed a separate offense.

A. TMC 12.09.040.J, TMC 12.09.050.A, TMC 12.09.070.A, TMC 12.09.130.C, TMC 12.09.130.E, TMC 12.09.190.B, TMC 12.09.190.C, TMC 12.09.190.K, TMC 12.09.200.A, TMC 12.09.200B, TMC 12.09.210.C, TMC 12.09.210.F, and TMC 12.09.210.I; and

B. Any other violation specified in this chapter as a misdemeanor.

(Ord. 28262 Ex. A; passed Dec. 9, 2014: Ord. 28129 Ex. A; passed Feb. 12, 2012: Ord. 27537 § 17, passed Oct. 24, 2006: Ord. 26072 § 23, passed May 27, 1997: Ord. 25221 § 2; passed Dec. 8, 1992)

#### **12.09.240 Notice of violation – Civil penalties.**

The Director may impose civil penalties to any person that violates the provisions of this chapter. Civil penalties shall be in an amount up to \$1,000.00 for each violation. Each and every violation shall be a separate and distinct offense, and in the case of a continuing violation, each day's continuance shall be a separate and distinct violation. Failure to take corrective action as specified in a corrective action order issued by the Director under TMC 12.09 may subject the recipient to a civil penalty in an amount not to exceed \$1,000 for each day of continued noncompliance.

##### **A. Notice of Violation.**

Upon the Director's determination that a civil violation has occurred, or is occurring, he or she is authorized to issue and serve upon the person a Notice of Violation(s), which notice shall describe the time, date, place, and circumstances of each violation noted. The Notice of Violation may also include a civil penalty for each violation, and an order requiring corrective action to be taken. The Notice of Violation shall be served upon the person to whom it is directed by mailing a copy to such person at the person's last known address, postage prepaid, by certified mail with return receipt requested, or by first-class mail. Proof of service shall be established by the date and signature of the addressee on the certified mail "return receipt" form, or upon the third day following the date upon which the Notice of Violation was placed in the mail, unless the third day falls on a Saturday, Sunday, or legal holiday, in which event service shall be deemed complete on the end of the next day which is neither Saturday, Sunday, or a legal holiday. If the person to whom the Notice of Violation is directed cannot, after due diligence, be personally served within Pierce County, and if an address for mailed service cannot, after due diligence, be ascertained, then notice shall be served by posting a copy of the notice of civil violation conspicuously on the property or structure where the violation occurred, or is occurring. In this circumstance, proof of service shall be made by a written declaration under penalty of perjury executed by the person effecting the service, declaring the time and date of service, the

manner by which the service was made, and if service is made by posting, then the facts showing that due diligence was used in attempting to serve the person personally or by mail.

**B. Payment.**

Person(s) shall pay the civil penalty and take the corrective action described in the Notice of Violation, or shall make arrangements to pay and take corrective actions, which arrangements and plan of corrective actions shall be approved by the Director. Payment shall be made, or a plan for payment and corrective action satisfactory to the Director shall be made and completed not later than 30 days after service upon the person of the Notice of Violation.

**C. Appeal.**

A person may, in the alternative, within 30 days of or receiving a Notice of Violation, file a Notice of Appeal with the City of Tacoma Hearing Examiner and request a hearing. The Notice of Appeal shall stay all further action on the Notice of Violation and accumulation of interest upon civil penalties therein pending final decision by the Hearing Examiner on the appeal; provided, however, that nothing herein shall be taken to limit the authority of the Director to take such action or to make such directives as are reasonable in the circumstances to stop or prevent an ongoing or threatened violation. The date of receipt of a Notice of Violation shall be established according to the proof of service requirements set forth above in TMC 12.09.240.A.

**D. Revocation of Service.**

In the event a person shall fail to make arrangements for corrective actions or to pay civil penalties, as required herein, and shall not have appealed as herein provided within the time allowed, then the Director shall order such person's service immediately suspended and take such action as is necessary to ensure that the person complies with the provisions of this section, including but not limited to denying access of the person to the Solid Waste facilities. All such measures shall remain in effect until the violator has complied with the provisions of this section.

**E. Hearing Examiner's Authority.**

Upon an appeal brought to the Hearing Examiner by a Notice of Appeal of a person charged with a violation, the Hearing Examiner shall set the matter for hearing and shall determine whether the violation has occurred. The Hearing Examiner shall conduct a hearing in the Notice of Violation pursuant to the requirements of TMC 1.23, and the City of Tacoma Office of Hearing Examiner Rules of Procedure. The person to whom the notice of civil violation was directed shall have the right to file a written answer to the charge. The person to whom the notice of civil violation was directed shall have the right to appear at the hearing represented by legal counsel, and may participate as a party. The Director may appear in proceedings under this chapter, and may, but need not, be represented by the City Attorney. Each party may call and cross-examine witnesses and be fully heard. The burden of proof in such appeal shall be governed by TMC 1.23.070.

F. The determination of the Director as to the need for the required corrective action shall be accorded substantial weight by the Hearing Examiner in determining the reasonableness of the required corrective action. The Hearing Examiner may call witnesses on the Hearing Examiner's own motion, and compel the production of books, records, papers, and such other evidence needed by the parties. To that end, the Hearing Examiner may issue subpoenas and subpoenas duces tecum at the request of any party. All testimony shall be given under oath administered by the Hearing Examiner.

**1. Decision of the Hearing Examiner.**

Pursuant to Chapter 1.23 TMC, the Hearing Examiner shall make and fully record in the Hearing Examiner's permanent records, findings of fact, conclusions of law, and an order of disposition. The Hearing Examiner shall determine whether the City has established that a violation has occurred and whether the required corrective action is reasonable. The Hearing Examiner's order shall affirm, vacate, or modify the City's decisions regarding the alleged violation and/or the required corrective action, with or without written conditions. The Hearing Examiner shall issue an order to the person responsible for the notice of civil violation which contains the following information:

- a. The decision regarding the alleged violation including findings of fact and conclusions based thereon in support of the decision;
- b. The required corrective action;
- c. The date and time by which the corrective action must be completed; and
- d. The civil penalties assessed.

**2. Assessment of Civil Penalties.**

Civil penalties assessed by the Director shall be in accordance with the provisions of this section. Civil penalties shall be reasonably calculated to achieve compliance with and deter violations of Chapter 12.09 of the Tacoma Municipal Code.

In reviewing the civil penalty assessment of the Director, the Hearing Examiner shall consider the following factors:



- a. Whether the person against whom the notice of civil violation was issued responded to staff attempts to contact that person, and whether the person against whom the notice of civil violation was issued cooperated with efforts to correct the violation;
- b. Whether the person against whom the notice of civil violation was issued failed to appear at the hearing;
- c. Whether the violation was a repeat violation;
- d. Whether the person against whom the notice of civil violation was issued showed due diligence and/or substantial progress in correcting the violation;
- e. Whether a genuine code interpretation issue exists; and
- f. Any other relevant factors.

**3. Notice of Decision.**

The Hearing Examiner shall mail a copy of the decision to the appellant and to the Director.

4. Failure of a person to comply with the Hearing Examiner's decision, or make arrangements for compliance satisfactory to the Director, within 15 days of the date of the Hearing Examiner's decision shall result in termination of violator's permit, and the Director shall thereupon order termination of service forthwith, which service shall not be resumed until the Hearing Examiner's order has been complied with.

**5. Appeal to Municipal Court.**

If the Hearing Examiner orders any person to pay a civil penalty, that person may appeal, in the form of a trial de novo, to the Tacoma Municipal Court.

a. The Tacoma Municipal Court shall hear the case according to the Civil Rules for Courts of Limited Jurisdiction and applicable local rules of the Court.

b. Appeal shall be taken by filing in the Tacoma Municipal Court a Notice of Appeal within 14 days of the Hearing Examiner's order. The person filing the appeal shall also, within the same 14 days, serve a copy of the notice of appeal on the Hearing Examiner, the Director, the City Attorney, and shall file an acknowledgment or affidavit of service in the Tacoma Municipal Court.

**6. Nonexclusive Remedy.**

The provision for civil penalties is not exclusive, and civil penalties may be used together with other remedies that may exist in law or equity, except that no act or omission that is defined as a crime by Washington or federal law shall incur a civil penalty.

(Ord. 28262 Ex. A; passed Dec. 9, 2014; Ord. 28129 Ex. A; passed Feb. 12, 2012; Ord. 27537 § 18, passed Oct. 24, 2006; Ord. 27286 § 14, passed Nov. 2, 2004; Ord. 27004 § 7, passed Nov. 19, 2002; Ord. 26072 § 24, passed May 27, 1997; Ord. 25583 §8; passed Oct. 11, 1994; Ord. 25221 § 2; passed Dec. 8, 1992)

**12.09.250 Appeals of special permits.**

Any person wishing to appeal issuance, denial, or revocation of a special permit shall file a written appeal with the Hearing Examiner and request a hearing within 30 days of receipt of the written denial or revocation of the special permit. The date of receipt shall be established in accordance with the proof of service requirements set forth in TMC 12.09.240.A. The Hearing Examiner shall conduct a hearing in such appeal pursuant to the requirements of TMC 1.23 and the City of Tacoma Office of Hearing Examiner Rules of Procedure for Hearing. The burden of proof in such hearings shall be governed by TMC 1.23.070.C.

(Ord. 28262 Ex. A; passed Dec. 9, 2014)



## CHAPTER 12.10

### WATER – REGULATIONS AND RATES

#### Sections:

- 12.10.010 Rules established.
- 12.10.020 Definitions.
- 12.10.030 Water service inside/outside City limits.
- 12.10.035 Ability to supply water within City limits.
- 12.10.040 Application for service.
- 12.10.045 Services and meters.
- 12.10.050 Establishment of service account and request for turn-on.
- 12.10.060 Billing.
- 12.10.110 Turn-on and/or - Unauthorized use.
- 12.10.115 Turn-off, turn-on - Responsibility and liability.
- 12.10.120 Turn-off, turn-on - Condemned buildings.
- 12.10.125 Damage of water service installation.
- 12.10.130 Termination of service.
- 12.10.150 Interruption of service.
- 12.10.170 Ownership of water mains and appurtenances.
- 12.10.180 Operation of private water systems.
- 12.10.200 Private contract charges.
- 12.10.220 Cross connections.
- 12.10.250 Water service construction charges.
- 12.10.275 Property-side (private) in public rights-of-way.
- 12.10.300 Fire hydrant installation and relocation.
- 12.10.301 Fire hydrant services fee.
- 12.10.302 System capacity flow testing.
- 12.10.303 *Repealed.*
- 12.10.305 Fire hydrant use (non-fire fighting).
- 12.10.310 System development charge (“SDC”).
- 12.10.315 Water main charge.
- 12.10.350 Premises not abutting a permanent water main.
- 12.10.400 Rates - Inside and outside City limits.
- 12.10.485 City not liable for damages.
- 12.10.490 Protection of public health.
- 12.10.495 South Tacoma Groundwater Protection.
- 12.10.500 Waivers - By Superintendent.
- 12.10.505 Customer service policies - Additional rules and regulations.
- 12.10.515 Violations - Penalties - Enforcement.
- 12.10.520 Severability.
- 12.10.525 Interference with and/or damage to City water system.

#### **12.10.010 Rules established.**

This chapter is established for the regulation of water utility service by the municipal water supply system of the City of Tacoma.

(Ord. 26048 § 1; passed Mar. 25, 1997)

#### **12.10.020 Definitions.**

For purposes of this chapter, the following words or phrases shall have the meaning set forth herein below:

“Actual cost” or “cost” of any work performed for any person or other agency or City department by the Division includes the direct cost of all labor plus fringe benefits, the direct cost of all materials plus materials overhead, the direct cost of equipment used in connection with the work, all other direct costs incurred in connection with the work, plus administrative and supervisory cost.

“Accessory dwelling unit” refers to a second subordinate dwelling added to a single-family dwelling on a single parcel of property with provisions for independent cooking, living, sanitation, and sleeping.

“Assessable unit of frontage” is defined as set forth in Chapter 35.44 of the Revised Code of Washington (or as amended).

“Authorized deposit waiver” means an approved option for residential and commercial customers to waive paying a deposit, which is normally required for electric, water, and/or commercial solid waste customers who do not meet the established criteria, as defined in the Tacoma Public Utilities Customer Service Policies. Waiver options are available for home or property owners; customers who are purchasing the property and/or home; and customers who are renting, leasing, or leasing with an option to purchase the property.

“Board” means the Public Utility Board of the Department of Public Utilities of the City of Tacoma.

“CCF” means 100 cubic feet of water (one unit or approximately 748 gallons).

“City” means the City of Tacoma.

“Commercial service” means water service to a business or businesses engaged in the manufacture and/or sale of a commodity or commodities, or the rendering of a service, including hotels, motels, hospitals, and schools.

“Contract business partner” refers to the person or persons who have sole financial responsibility with the City.

“Council” means the City Council of the City of Tacoma.

“County” means the county in which service is being provided.

“Cross connection” is any actual or potential physical connection between a public water system or the consumer’s water system and any source of non-potable liquid, solid, or gas that could contaminate the potable water supply by backflow.

“Customer” means all persons obtaining water service from the Division.

“Customer Service Policies” means the Customer Service Policies for the Division, as may be amended.

“Director” means the Director of the Department of Public Utilities of the City of Tacoma.

“Division” means the Water Division of the Department of Public Utilities of the City of Tacoma, and may also include the Department of Public Utilities.

“Fraud” means any act to deceive or defraud the Division including, but not limited to, false identity, failure to provide verifiable identification or obtaining water service and not making appropriate payments for said service.

“Frontage” refers to “frontage of property served” and shall mean the front footage of property to be served, or the short buildable side (50 LF minimum) abutting the water main. For properties not abutting the main, it shall mean the shortest buildable side (50 LF minimum).

“Industrial service” means water service to a business enterprise engaged in the manufacture of products, materials, equipment, machinery, and supplies on a substantial or major scale.

“Multiple dwelling units” means residential duplexes, triplexes, fourplexes, apartment buildings, condominiums, mobile home parks, trailer courts, or similar types of multiple dwelling unit arrangements on one parcel of land.

“Parks and irrigation service” means water service to a public park or irrigation customer with seasonal use for recreational, landscaping, and horticultural purposes or other similar uses. Irrigation shall include outdoor residential and commercial sprinkler services.

“Person” means all persons and all private and public entities, including districts, cities, towns, counties, and political subdivisions of the state, Native American tribes, partnerships, and corporations, whether acting by themselves or by a servant, agent, or employee. The singular number shall be held and construed to include the plural and the masculine pronoun to include the feminine.

“Premises” means public or private property, home, building, apartment house, condominium, trailer court, mobile home park, a group of adjacent buildings utilized under one ownership on one parcel of property and under a single control with respect to use of water and responsibility for payment therefor.

“Regular working hours” means 8:00 a.m. to 5:00 p.m., Monday through Friday, excluding City holidays.

“Residential service” means water service to a single-family or multi-family dwelling using water for domestic use, or a single-family dwelling permitted to operate a business on the same premises.

“Service installation” means all piping and fittings from the main to and including the water meter assembly. All piping beyond the meter assembly is the customer's responsibility and is not considered a part of the service installation.

“Superintendent” means the Superintendent of the Water Division of the Department of Public Utilities of the City of Tacoma.

“System” means all water source, supply, and quality facilities, transmission pipelines and storage facilities, pumping plants, distribution mains and appurtenances, vehicles, and materials storage facilities.

“Tampering” means to alter, hinder, or obstruct the operation or maintenance of any water facility(ies) and/or their appurtenance(s), or failure to take reasonable care when operating any water facility(ies) and/or their appurtenance(s).

“Temporary water service” means water service obtained from a water main not abutting the parcel served or from a transmission or supply pipeline, or any main 2” or less in diameter.

“Treasurer” means the City Treasurer of the City of Tacoma.

(Ord. 28413 Ex. A; passed Mar. 21, 2017; Ord. 27570 § 1; passed Dec. 19, 2006; Ord. 27522 § 1; passed Aug. 29, 2006; Ord. 27299 § 1; passed Dec. 7, 2004; Ord. 26800 § 1; passed Apr. 10, 2001; Ord. 26048 § 1; passed Mar. 25, 1997)

#### **12.10.030 Water service inside/outside City limits.**

These regulations are applicable to the Division and its customers both inside and outside the City limits, except as provided in Section 12.10.400 (Rates - Inside and outside City limits), or as otherwise specifically delineated.

(Ord. 26048 § 1; passed Mar. 25, 1997)

#### **12.10.035 Ability to supply water within City limits.**

All persons wishing to construct any residential premises within the City limits shall be supplied with residential service by the Division subject to the provisions of this chapter and pursuant to RCW 19.27.097.

(Ord. 26048 § 1; passed Mar. 25, 1997)

#### **12.10.040 Application for service.**

Applications for water service, hydrant permits, and work to be performed by the Division's staff shall be made at the Division's Permit Counter in the Public Utilities Administration Building or at such other place or places as the Superintendent may designate, by the owner or authorized agent. The application, when approved by the Division, shall constitute a contract whereby the applicant agrees as a condition of water service to comply with this chapter and the rules and regulations of the Division referred to in this chapter or as the same may be revised or amended by the Division from time to time.

(Ord. 27522 § 2; passed Aug. 29, 2006; Ord. 26048 § 1; passed Mar. 25, 1997)

#### **12.10.045 Services and meters.**

Each premises shall be served water by a Division-installed, separate water service and meter.

The Superintendent shall have the right to refuse or discontinue water service in any situation where it is discovered that applicable codes or City standards have not been satisfied.

Each new water service connection shall require payment of the water service construction charge in accordance with Section 12.10.250 and system development charge in accordance with Section 12.10.310. Premises that have not contributed to the cost of a permanent distribution water main shall also pay the applicable water main charge in accordance with Section 12.10.315 or 12.10.350.

(Ord. 26800 § 2; passed Apr. 10, 2001; Ord. 26048 § 1; passed Mar. 25, 1997)

#### **12.10.050 Establishment of service account and request for turn-on.**

A turn-on charge, as set forth in Chapter 12.01 of this code, will establish a service account.

The customer shall be responsible for all charges on the account. The account shall remain active and accrue charges until the customer notifies the Department's Customer Service Section to close or turn off the meter or account, unless the account is delinquent. Water surcharge accounts and fire service accounts cannot be closed without Water Division authorization.

The person establishing a water service account shall be required to make a cash deposit or meet one of the authorized deposit waiver options with the City Treasurer as set under Utility Board resolution. Such deposit may be applied upon delinquent bills owed the City Division and shall be applied to that portion first incurred. A change in the amount of the deposit or security may be required of any customer who changes his or her status of service. The acceptance of a cash deposit or security by the City shall not constitute a bar to the enforcement of the City's lien or termination rights.

(Ord. 28413 Ex. A; passed Mar. 21, 2017; Ord. 27522 § 3; passed Aug. 29, 2006; Ord. 26800 § 3; passed Apr. 10, 2001: Ord. 26048 § 1; passed Mar. 25, 1997)

**12.10.060 Billing.**

The Director shall cause a bill to be rendered to each customer for water services rendered during the preceding period. The utility bill shall become due and payable at the City Treasurer's office or at such other places designated by the Director, within 15 days from the date an invoice is issued per TMC 12.01.030 and shall become delinquent thereafter. The Water Division shall compute any amounts due under TMC 12.10 by carrying the computation to the third decimal place and rounding to a whole cent using a method that rounds up to the next cent whenever the third decimal place is greater than four. Any invoice that becomes delinquent shall be subject to a late payment fee as set forth in TMC 12.01.030.

(Ord. 28160 Ex. A; passed July 9, 2013; Ord. 28133 Ex. A; passed Feb. 26, 2013; Ord. 27778 Ex. A; passed Jan. 6, 2009; Ord. 27522 § 4; passed Aug. 29, 2006; Ord. 26800 § 4; passed Apr. 10, 2001: Ord. 26048 § 1; passed Mar. 25, 1997)

**12.10.110 Turn-on and/or Unauthorized use.**

A. If water service, with an established service account, is turned off by the Division for cause and later the water service to said premises is turned on without Division approval, upon discovery, a penalty of \$100 shall be assessed and said water service may be disconnected by the Division at the water main in the street.

B. Unauthorized use of a physically disconnected water service and/or tampering with any division appurtenance (except for fire hydrants which are covered in Section 12.10.305) may result in, a penalty of \$500 being assessed. If unauthorized use or tampering involves a physically disconnected water service and/or meter then said service may be disconnected by the Division at the water main in the street. Penalty is in addition to any fees for repair of damages as noted in Section 12.10.125.

Water service will not be reconnected in either subsection A or subsection B above until: (1) payment for all water consumed to date and the monthly meter charges as established or estimated by the division are made to the City; (2) the Division costs incurred related to disconnecting and reconnecting the service pipe are paid; and (3) the Division costs incurred related to repairing customer-caused damages are paid per Section 12.10.125.

(Ord. 28689 Ex. A; passed Sept. 1, 2020; Ord. 27778 Ex. A; passed Jan. 6, 2009; Ord. 27570 § 2; passed Dec. 19, 2006; Ord. 27522 § 5; passed Aug. 29, 2006; Ord. 26800 § 5; passed Apr. 10, 2001: Ord. 26048 § 1; passed Mar. 25, 1997)

**12.10.115 Turn-off, turn-on – Responsibility and liability.**

The City shall not be liable for any damage to any person or property that may result from the turn-off or turn-on of the water service or from the service being left on when the premises may be unoccupied.

By requesting water service from the City, the customer assumes the responsibility for the flow and use of the water on his or her premises. Therefore, if water is desired to be turned off during remodeling, periods of freezing, or for other reasons, the customer agrees to turn off the water at the valve on his or her premises and the Division's turn-off valve shall not be relied upon for said purposes.

A customer's unpaid water service charges, penalties, and any cost to repair customer-caused damages to the water meter and appurtenances shall be paid at the time of application for turn-on, or a satisfactory arrangement for payment made with the City before water service to the premises is turned on.

(Ord. 26800 § 6; passed Apr. 10, 2001: Ord. 26048 § 1; passed Mar. 25, 1997)

**12.10.120 Turn-off, turn-on – condemned buildings.**

Whenever a premises supplied with water has been found by the appropriate authorities to be unsafe, dangerous to human life or unfit for human habitation, and notice of such finding has been received by the Division from said authorities, the Superintendent shall cause the domestic water service to such premises to be turned off. Water service to such premises shall not be restored until the owner and/or agent has secured a release or clearance from said authorities.

(Ord. 27570 § 3; passed Dec. 19, 2006: Ord. 26048 § 1; passed Mar. 25, 1997: Ord. 26048 § 1; passed Mar. 25, 1997)

**12.10.125 Damage of water service installation or Division facilities.**

The contract business partner will be liable to the Division for damages to the water service installation and any damages that are caused directly or indirectly as a result of its actions.

The cost to repair damages shall be paid prior to reconnection as set forth below:

	Effective 1/19/2009
1" Meter & smaller	\$200
1-1/2" Meter & larger	Actual Cost (Time & Material)
Other than Meters (i.e. hydrant, main, blowoff)	Actual Cost (Time & Material )

(Ord. 27778 Ex. A; passed Jan. 6, 2009; Ord. 27570 § 4; passed Dec. 19, 2006: Ord. 27522 § 6; passed Aug. 29, 2006)

#### **12.10.130 Termination of service.**

Delinquency and nonpayment of one or more water service charges or customer-caused damage to the water meter and appurtenances shall be sufficient cause for termination of service by turning off the water service or reducing the flow of water to the premises. Water service shall not be turned on again until all costs incurred by the Division, plus charges and penalties are paid, or satisfactory arrangements for payment of delinquent charges and penalties has been made with the Division.

In accordance with Section 12.10.495, the Superintendent may discontinue water service to a customer determined to be in violation of the applicable provisions of the South Tacoma Groundwater Protection District (TMC 13.09).

Upon discovery of fraud, water service shall be terminated immediately and shall not be restored until the matter is resolved satisfactory to the Superintendent, or his or her designee.

All charges for water or water service shall be the personal obligation of the customer applying for or signing for and/or receiving such service and, in addition thereto, the City shall have all the lien rights granted by state laws against the premises where such service is furnished. The Superintendent shall have the absolute authority, except as limited by said state laws, to refuse to furnish service to, to discontinue service to, or to refuse to resume service to any applicant or customer on account of the failure to pay delinquent bills owing the City by such person, whether such bills cover service at the premises sought to be served or other locations.

In addition to the other authority in this chapter (or other laws) to discontinue water service or reduce flow to a customer, the Superintendent, or his or her designee, is hereby authorized to discontinue or reduce flow to a customer's premises when the customer fails to make a cash deposit or meet one of the authorized deposit waiver options with the City Treasurer as approved by Utility Board resolution.

Except as set forth in TMC 12.10.130 and 12.10.150, termination of water service to a premises shall not occur until:

1. The City has provided or attempted to provide the customer reasonable notice of the intent to terminate water service; and
2. The customer has been offered the opportunity of a hearing before a hearing officer, with the exception of Health Department directed orders which are undisputable.

Reasonable notice may be accomplished by mailing such notice to the customer using the United States Postal Service.

(Ord. 27570 § 5; passed Dec. 19, 2006: Ord. 27522 § 7; passed Aug. 29, 2006: Ord. 27299 § 2; passed Dec. 7, 2004: Ord. 27024 § 1; passed Dec. 10, 2002: Ord. 26800 § 7; passed Apr. 10, 2001: Ord. 26048 § 1; passed Mar. 25, 1997)

#### **12.10.150 Interruption of service.**

A. In case of emergency, risk of damage to property, either public or private, or whenever public health, safety, or equitable distribution or conservation due to water shortage demands, the Director or Superintendent may authorize the Division to change, reduce or limit the time for, or temporarily discontinue the use of water for any or all customers. The water service may also be temporarily interrupted during the time necessary for purposes of making repairs, extensions, or doing other necessary work on the system. Before so requiring the changing, reducing, limiting or temporary discontinuance of the use of water, the Division will attempt to notify, insofar as practicable, all water customers affected. The City shall not be responsible for any damage resulting from any interruption, change, or failure of the water supply.

B. The Public Utility Board is authorized to approve, adopt, and/or amend a Water Shortage Response Plan ("Plan") applicable to all classes of customers, which Plan is consistent with the standards in this section. Any person who violates the adopted Plan or directives issued pursuant to the Plan, including a wholesale customer who fails to adopt similar use limitations, shall be subject to immediate reduction or discontinuance of service by the Division without notice or a hearing opportunity. All Water Shortage Response Plans previously adopted by the Public Utility Board are hereby approved and ratified.

(Ord. 27522 § 8; passed Aug. 29, 2006: Ord. 27299 § 3; passed Dec. 7, 2004: Ord. 26800 § 7; passed Apr. 10, 2001: Ord. 26048 § 1; passed Mar. 25, 1997)

#### **12.10.170 Ownership of water mains and appurtenances.**

The Division shall own, operate, and maintain all Division approved and accepted water mains and related appurtenances in established city, county, and state rights-of-way or other utility rights-of-way, including recorded easements. Any person responsible for the construction of such mains and related appurtenances shall transfer ownership to the Division upon final acceptance. No one may operate, remove, change, or connect to any part thereof without the approval of the Division.

(Ord. 27778 Ex. A; passed Jan. 6, 2009; Ord. 27522 § 9; passed Aug. 29, 2006: Ord. 27299 § 4; passed Dec. 7, 2004: Ord. 26800 § 8; passed Apr. 10, 2001: Ord. 26048 § 1; passed Mar. 25, 1997)

#### **12.10.180 Satellite system management.**

The Division may operate and maintain private distribution mains and other water system components outside of its service area in conjunction with its own facilities, provided an approved agreement has been entered into between the Division and the owners of such mains and components.

(Ord. 26800 § 9; passed Apr. 10, 2001: Ord. 26048 § 1; passed Mar. 25, 1997)

#### **12.10.200 Private contract charges.**

Extension of a permanent water main may be constructed by private contract. The developer of the privately financed project will be responsible for all costs and expenses incurred by the Division for preparation of plans and specifications, construction inspection, testing, flushing, sampling of the mains, and other related work necessary to complete the new water main construction to Division standards and specifications. The engineering charge for the preparation of plans and specifications will be estimated by the Division and will include all applicable permit fees. The developer will be required to pay a deposit in the amount of the estimated cost and sign an agreement acknowledging that they are responsible to pay all actual time and materials costs associated with the project. The actual costs for the work will be billed against the developer's deposit. Should the actual costs for engineering the project exceed the deposit amount; the developer will be required to pay the balance prior to receiving the plans and specifications. Prior to construction, a second deposit in the estimated amount for construction inspection, testing, sampling and hydrant painting will be due to the Division. Upon completion of the project, the developer will either be refunded the unused amount of the deposit or billed for the cost overrun. Included in the deposits described above is a \$50 per fire hydrant in the project for painting.

The developer will be responsible for protecting Division facilities, including yokes and boxes, until final acceptance by the Division. After final acceptance of the project, the responsibility for the stub, yoke, box, and meter will belong to each property owner who will be charged accordingly for any damage.

(Ord. 27778 Ex. A; passed Jan. 6, 2009; Ord. 27522 § 10; passed Aug. 29, 2006: Ord. 27024 § 2; passed Dec. 10, 2002: Ord. 26048 § 1; passed Mar. 25, 1997)

#### **12.10.220 Cross connections.**

The installation or maintenance of any uncontrolled cross connection that may endanger the quality of the public water supply of the City is prohibited. Any such cross connection now existing or hereafter installed is hereby declared unlawful and shall be abated immediately. The control and/or elimination of cross connections shall be in accordance with the applicable sections of the Washington Administrative Code ("WAC") the Tacoma Municipal Code, and the Policies and/or procedures approved by the Division. Failure to comply with Division cross connection control requirements may result in a penalty of \$100 per occurrence, installation of an approved backflow prevention assembly at the water meter at the expense of the customer, and/or termination of water service. For purposes of this section, an occurrence is defined as failure to install, test, repair, and/or replace a required backflow prevention assembly upon written notification by the Division. Responsibility for backflow assembly testing and payment of all penalties and/or fees are the responsibility of the customer receiving the water service per the Division's utility account billing information. These penalties are intended for remedial purposes.

1. Application of civil penalties may be repeated until compliance is achieved up to a maximum of five penalties.
2. The Customer shall be given written notification by the Division:
  - a. Prepared and sent by first-class mail to the Person receiving the water service per the Division's utility account billing information; or
  - b. Personally served upon the Person receiving the water service per the Division's utility account billing information; or



c. Posting of the written notice on the Parcel in a conspicuous manner which is likely to be discovered.

3. The Customer shall be given a minimum of 14 calendar days to respond or comply with Division requirements prior to each penalty.

The Division will assign a test due date for each backflow prevention assembly and will make every effort to provide notice to the customer of the testing due date. Annual backflow assembly testing will be required by the Division established due date regardless of the actual date previous tests were performed.

(Ord. 28413 Ex. A; passed Mar. 21, 2017; Ord. 27778 Ex. A; passed Jan. 6, 2009; Ord. 27522 § 11; passed Aug. 29, 2006; Ord. 26800 § 11; passed Apr. 10, 2001; Ord. 26048 § 1; passed Mar. 25, 1997)

#### **12.10.250 Water service construction charges.**

All water service installations shall be constructed by the Division. For all service installations, the owner or applicant shall pay in advance the fixed charge or a deposit in the amount of the Division's estimated cost for the proposed work. For all estimated work the requestor will be required to sign a time and materials agreement noting their acceptance of the responsibility to pay the actual charges. The amount charged for work performed on an estimated basis will be actual costs to the Division. If the actual cost is less than the estimated cost, the customer will be refunded the difference. Should the cost of the installation exceed the deposit amount, the additional amount will be billed to the customer that signed the time and materials agreement accepting the responsibility for actual charges. Failure to pay charges may result in, but not be limited to, termination of water service.

All required City, county, state, and/or other permits and fees are in addition to the charges listed below.

A. Water service construction charges on existing mains shall be as set forth below. In extraordinary circumstances where the Division determines that the fixed charges are not adequate to cover the actual costs, the water service construction charge will be based upon actual costs to the Division, including overhead and taxes.

<b>Water Service Construction Charges on Existing Mains</b>					
<b>Type of Service</b>	<b>Effective Dates</b>				
	<b>1/1/2020</b>	<b>1/1/2021</b>	<b>1/1/2022</b>	<b>1/1/2023</b>	<b>1/1/2024</b>
3/4" Service with 5/8" Meter	\$3,250	\$3,350	\$3,450	\$3,550	\$3,660
1" Service with 5/8" Meter	\$3,600	\$3,800	\$4,010	\$4,230	\$4,460
1" Service with 3/4" Meter	\$3,675	\$3,900	\$4,140	\$4,400	\$4,670
1" Service with 1" Meter	\$3,825	\$4,040	\$4,270	\$4,510	\$4,760
Meter Exchange from 5/8" to 3/4"	\$700	\$720	\$740	\$760	\$790
Meter Exchange from 5/8" to 1"	\$700	\$720	\$740	\$760	\$790
Meter Exchange from 3/4" to 5/8"	\$325	\$330	\$340	\$360	\$370
Meter Exchange from 3/4" to 1"	\$700	\$720	\$740	\$760	\$790
Meter Exchange from 1" to 5/8"	\$200	\$210	\$210	\$220	\$230
Meter Exchange from 1" to 3/4"	\$200	\$210	\$210	\$220	\$230

Service construction charges for services larger than 1-inch will be estimated based upon actual costs to the Division, including overhead.

All services and meters applied for shall be installed within two years of the application. Those customers who have not requested their water service and meter be installed within the two-year period will be required to pay the difference in all current charges and the charges paid at time of application, including the system development charge ("SDC").

Where a service stub was previously installed at the option of the Division, activation of that service shall require payment of all current fees and charges including service construction charge in effect at the time of application for service.

#### **B. Installation of Services and Meters on New Mains.**

The standard for residential domestic service is the installation of 3/4-inch services and 5/8-inch meters. Larger service and meter sizes may be provided if requested by the customer and the Division approves the request, or if the Division determines larger service and/or meter is necessary. The developer requesting services and meters for use other than domestic service for residential will be required to provide additional information on the proposed use. Plan review will be required to determine sizing requirements. For stubs, installation occurs after successful samples and pressure tests. For meter installations, system development charges will also apply.

Installation of Services and Meters on New Mains					
Type of Installation	Effective Dates				
	1/1/2020	1/1/2021	1/1/2022	1/1/2023	1/1/2024
3/4" Service Stub	\$925	\$950	\$980	\$1,010	\$1,040
1" Service Stub	\$975	\$1,000	\$1,030	\$1,070	\$1,100
5/8" Meter Only	\$200	\$210	\$210	\$220	\$230
3/4" Meter Only	\$350	\$410	\$480	\$560	\$660
1" Meter Only	\$500	\$520	\$530	\$550	\$560
5/8" Meter, Yoke & Box	\$475	\$490	\$500	\$520	\$530
3/4" Meter, Yoke & Box	\$675	\$720	\$780	\$830	\$890
1" Meter, Yoke & Box	\$1,200	\$1,240	\$1,280	\$1,320	\$1,360

(Ord. 28643 Ex. A; passed Dec. 17, 2019; Ord. 27778 Ex. A; passed Jan. 6, 2009; Ord. 27570 § 6; passed Dec. 19, 2006: Ord. 27522 § 12; passed Aug. 29, 2006: Ord. 27299 § 5; passed Dec. 7, 2004: Ord. 27024 § 5; passed Dec. 10, 2002: Ord. 26800 § 12; passed Apr. 10, 2001: Ord. 26048 § 1; passed Mar. 25, 1997)

### **12.10.275 Property-side (private) in public rights-of-way.**

A. When a customer requests a service and meter installation for a property not abutting a water main and the public entity having jurisdiction over the right-of-way does not allow privately owned water lines in the right-of-way then the customer must obtain easements from the adjacent property owners for installation of their property side pipe. Recorded copies of said easements must be provided to the Division before installation of the requested service and meter can occur.

Where a public entity requires that a customer's existing property-side (private) pipes be removed from public rights-of-way, the following four options are available to the customer:

1. The customer may arrange for a private contractor to install a new water main in the right-of-way using the private contract process noted in Section 12.10.200. The main would be designed by the Division and installed by the contractor, at the expense of the customer. Following the construction of the water main in the right-of-way, the customer's service and meter will be transferred to the new main at no charge.
2. The customer may organize with adjacent property owners to form a Local Improvement District ("LID") to install a new water main in the right-of-way. The design and construction process is similar to Option 1 above, but the project is financed and repaid over time through the Division, through the LID process.
3. The customer may obtain easements from adjacent property owners to allow relocation of its property-side (private) pipes out of the right-of-way into the easement obtained. In this option, the customer must provide verification to the Division that the easement has been recorded prior to the installation of the service and meter.
4. The Customer may arrange for the Division to design and install the necessary water main and appurtenances using the time and materials process. The Division will estimate all costs associated with design and construction of the proposed water main and appurtenances and the customer will be required to make a deposit in the estimated amount. If the final costs are more than the estimate the customer will be required to pay the balance, if the costs are less the difference will be refunded.

(Ord. 27778 Ex. A; passed Jan. 6, 2009; Ord. 27570 § 7; passed Dec. 19, 2006: Ord. 27522 § 13; passed Aug. 29, 2006)

### **12.10.300 Fire hydrant installation and relocation.**

Fire hydrant installation and/or relocation shall be performed by the Division at the customer's expense. A deposit shall be paid to the Division in the amount of the Division's estimate of the cost to install or relocate a fire hydrant. If the actual cost is less than the estimated cost, the customer will be refunded the difference. Should the cost of installation exceed the deposit amount, the customer will be billed the additional amount.

All costs to acquire the necessary City, county, state, and/or other permits to accomplish the installation or relocation are in addition to the above costs.

(Ord. 27522 § 14; passed Aug. 29, 2006: Ord. 27299 § 6; passed Dec. 7, 2004: Ord. 27024 § 4; passed Dec. 10, 2002: Ord. 26800 § 13; passed Apr. 10, 2001: Ord. 26048 § 1; passed Mar. 25, 1997)

**12.10.301 Fire hydrant services fee.**

Pursuant to Chapter 70.315 of the Revised Code of Washington, the Water Division will charge and collect all costs associated with providing fire hydrant services from the customers, “Residential Service,” “Commercial and Industrial – General Service,” and “Commercial and Industrial – Large Volume Service” rate categories, following the rate schedules below:

Hydrant Service Fee					
Inside City of Tacoma		Outside City of Tacoma		City of University Place	
Rate Effective Dates					
1/1/2023	1/1/2024	1/1/2023	1/1/2024	1/1/2023	1/1/2024
\$2.94	\$3.02	\$3.79	\$3.83	\$4.07	\$4.12

The customer portion of the fire hydrant service fee shall be calculated on a monthly basis, included in the Ready to Serve charge, invoiced and collected pursuant to the applicable customer service policies.

(Ord. 28912 Ex. A; passed Nov. 28, 2023 (ratified and reconfirmed by Ord. 28935; passed Jan. 16, 2024); Ord. 28848 Ex. A; passed Nov. 22, 2022; Ord. 28736 Ex. A-1; passed Mar. 2, 2021; Ord. 28711 Ex. A; passed Nov. 24, 2020; Ord. 28554 Ex. A; passed Nov. 20, 2018; Ord. 28413 Ex. A; passed Mar. 21, 2017; Ord. 28286 Ex. A; passed Mar. 17, 2015; Ord. 28133 Ex. A; passed Feb. 26, 2013; Ord. 27970 Ex. A; passed Feb. 1, 2011)

**12.10.302 System capacity flow testing.**

To determine the capacity of a water system at a particular location for the purpose of a supply for automatic fire sprinkler systems or for other reasons, the Division can conduct a fire flow test using two (2) or more fire hydrants. The fire flow test shall be conducted by the Division upon request and after payment of a fee in the amount of \$350. The fee shall cover the cost of performing the flow test and any necessary system cleanup created by the increased water velocities during the test.

(Ord. 27778 Ex. A; passed Jan. 6, 2009; Ord. 27522 § 15; passed Aug. 29, 2006)

**12.10.303 Repealed by Ordinance No. 28554. Franchise hydrant service fee.**

(Ord. 28554 Ex. A; passed Nov. 20, 2018; Ord. 28490 Ex. A, passed Feb. 13, 2018; Ord. 28413 Ex. A; passed Mar. 21, 2017; Ord. 28286 Ex. A; passed Mar. 17, 2015; Ord. 28133 Ex. A; passed Feb. 26, 2013)

**12.10.305 Fire hydrant use (non-fire fighting).**

When water service is supplied through the use of a fire hydrant, other than for fire fighting, the proposed use must be disclosed and a permit must be obtained from the Division authorizing the hydrant use. A charge for all costs associated with hydrant and water usage shall be collected by the Division. A fire hydrant meter or a water service and meter may be required under certain circumstances as determined by the Division.

The use of the Division’s hydrant without a current permit, using a restricted hydrant or failing to conform to the Division’s hydrant operating procedures will result in a penalty of \$1,000 in addition to all other hydrant use charges. Refusal to pay the penalties and charges may be cause for the Division to refuse future hydrant use by the violator and/or discontinue service to the benefited premises.

Persons using a fire hydrant will be responsible for all damages to Division facilities and/or other private facilities that may result from the use of said hydrant. If the person refuses to pay the cost for all damages associated with fire hydrant use, the Division may refuse future service to the customer and/or discontinue water service to the benefited premises.

Applications for fire hydrant use for periods greater than six consecutive months for the purpose of supplying water to a business may require the business to purchase a water service connection of adequate size to accommodate the proposed water usage as determined by the Division. Water service construction charges, SDC, and main charges shall be as specified in TMC 12.10.250, 12.10.310, and 12.10.315.

Fire hydrant use permits in Category 1 and 2 are good for a maximum of one year or until the backflow protection documentation expires, whichever comes first. Upon expiration a new permit application will be required and a new permit fee is due. Hydrant Permit charges will be as follows:

## HYDRANT USE CATEGORY AND FEE SCHEDULE

Category	Fee
<b>Category #1</b> ** Fixed (Single) Site Construction Project	Permit Fee \$100 Meter Deposit for Hydrant \$1,000* Permittee is required to submit meter reads on a monthly basis. Monthly Water Use Charge at the Inside/Outside Commercial Rate plus the Ready to Serve Charge for a 2-Inch Meter Penalty for Unauthorized Use \$1,000
<p>*Deposit to be refunded by the Division after return of the meter and appurtenances. All costs for hydrant and/or meter repairs/replacement caused by improper operation or theft of said equipment shall be deducted from the deposit. Refund of deposit will be initiated after payment of closing/final water bill. Costs exceeding the deposit amount will be billed to customer.</p> <p>** Subcontractor would be allowed to use same permit as general contractor provided subcontractor meets all cross-connection requirements and name is disclosed at issuance of permit.</p>	
<b>Category #2</b> *Multiple-Site Hydrant Use (Approved Hydrant Locations)	Permit Fee \$100 Monthly Water Use Charge at the Inside/Outside Commercial Rate (based on estimated consumption**) plus the Ready to Serve Charge for a 2-inch Meter Penalty for Unauthorized Use \$1,000
<p>*Subcontractor would be allowed to use same permit as general contractor provided subcontractor meets all cross-connection requirements and name disclosed at issuance of permit.</p> <p>**Both general and subcontractors are required to submit a monthly log sheet of estimated water consumption per truck</p>	
<b>Category #3</b>	
Short-Term (one day and minimal) Use	\$50 per truck per day* Penalty for Unauthorized Use \$1,000
*Approved hydrant only	

A Division-approved backflow protection assembly shall be installed by the person requesting the use of a fire hydrant. The assembly shall be accompanied by a current backflow assembly test report. The test report shall remain on the site for the duration of the hydrant use. The Division reserves the right to terminate any hydrant permit at any time for security and/or water quality control reasons.

(Ord. 27778 Ex. A; passed Jan. 6, 2009; Ord. 27522 § 16; passed Aug. 29, 2006; Ord. 27299 § 7; passed Dec. 7, 2004; Ord. 27024 § 5; passed Dec. 10, 2002)

**12.10.310 System development charge (“SDC”).**

A. A system development charge (“SDC”) shall be levied for each new water service connection to the City water system, for a service upgrade requiring a larger meter, or for any existing service with 3-inch and larger meters that exceeds 150 percent of their highest maximum annual daily average water use. The SDC fee is based on an equitable share of the cost of the entire existing water system and future facilities necessary to accommodate projected growth. This fee is established pursuant to RCW 35.92.025, the City Charter, and this chapter. SDCs are considered contributions for or in aid to construction, and shall be accounted for accordingly. Customer water consumption amounts on and after May 9, 1999, the original effective date of Ordinance No. 26408, will be examined to determine whether additional SDC amount is owed to the Department.

B. For retail meters 5/8-inch through 2-inches, the charge will be based on customer class and meter size.

System Development Charges – 2” Meter Size or Smaller				
Meter Size (Inches)	Residential		Commercial & Other	
	Inside City	Outside City	Inside City	Outside City
	Effective Date			
	1/1/2020	1/1/2020	1/1/2020	1/1/2020
5/8	\$809	\$970	\$1,061	\$1,273
3/4	\$1,213	\$1,456	\$1,592	\$1,910
1	\$2,022	\$2,426	\$2,653	\$3,183
1.5	\$4,043	\$4,852	\$5,306	\$6,367
2	\$6,469	\$7,763	\$8,489	\$10,187

The SDC for a multiple family dwelling unit arrangement to be served by a single meter shall be calculated by taking the number of units in the premise and multiplying by 60 percent of the SDC for a single-family dwelling (5/8-inch meter). If said premise chooses in the future to separately meter each premise the additional 40 percent of the SDC for a single-family dwelling (5/8-inch meter) shall be due and payable at the time of application for services.

For meters 3-inches and larger, estimates of anticipated average day and peak day water use will be determined by the Division. Peak day is defined as the maximum 24-hour use during summer months of June through, and including, September.

System Development Charges – 3” Meter Size or Larger		
Cost per Gallon	Inside City of Tacoma	Outside City of Tacoma
	Effective Date	
	1/1/2020	1/1/2020
Average Day	\$2.09	\$2.51
Peak Day	\$2.09	\$2.51

The SDC will be the sum of the average day use multiplied by the average day cost/gallon, and the peak day use minus average day use multiplied by the peak day cost/gallon.

As of April 23, 2001, the SDC paid for meters 3-inches and larger will be adjusted annually based on actual usage. If usage is greater than 110 percent of the anticipated average or peak day use during a 12-month period of time, an additional SDC will be charged, using the same methodology for calculating average day and peak day water use and multiplying by the respective SDC cost per gallon in effect at the time of adjustment. This requirement for an additional SDC may be waived upon satisfactory demonstration by the customer that the increased water use was temporary in nature and will return to the originally anticipated level.

#### C. SDC Exemptions:

1. New water service connections dedicated exclusively for fire protection purposes shall be exempt from payment of the SDC. The conversion of a dedicated fire service to a service for use other than exclusively for fire protection shall require the payment of the SDC as provided for in subsection B above.
2. The Division requires that all new single family dwelling residential combination domestic/fire sprinkler service and meters be served by a 1-inch service and 3/4-inch meter. If a larger size meter is required for fire protection the customer must install separate fire service and domestic services. The customer is required to pay all fees to construct said 1-inch service and 3/4-inch meter and all applicable main charges. When such use is documented through the plan review process, the SDC for a 5/8-inch meter will apply. The monthly customer charge will be at the standard charge for a 3/4-inch meter as set forth in TMC 12.10.400.
3. If a residential customer has an existing 3/4-inch x 5/8-inch service and meter an exchange to a 3/4-inch meter will be allowed if the customer's fire protection engineer determines it will provide adequate flow. All applicable fees will apply. If flow tests after the meter exchange show inadequate flow the customer will be required to pay the additional fees to retire the 3/4" service and install a new 1" service. Residential customers requesting an upgrade to an existing meter to a 3/4-inch meter for a combination domestic/fire sprinkler service will be exempt from payment of the additional SDC when such use is approved through the plan review process. The monthly customer charge will be at the standard charge for a 3/4-inch meter as set forth in TMC 12.10.400.

4. Customers who are requesting a separate water service connection and are being provided with water service by way of another Division customer (i.e., multi-premises connection), shall be exempt from payment of the SDC if:

Billing record exists showing multi-premise rate for each premise on meter.

All premises served by meter of record were constructed prior to October 7, 1991.

**D. Existing Facilities:**

1. Multiple dwelling unit arrangements currently being served by a single meter shall be exempt from payment of the SDC when changing to separate water service connections for each unit if the original meter was installed prior to October 7, 1991. If the existing meter was installed after October 7, 1991, the customer will be required to pay the 40 percent differential for each individual meter installed as noted in B above.

**E. Credit policy for retail customers previously or currently metered:**

1. When a request or requirement for a larger meter is made, an SDC credit for the existing meter will be made. The credit for meters up to 2-inches will be the current published SDC amount using the rate in place prior to the requested or required up-sizing. For meters 3-inches and larger, the credit would be calculated based on 150 percent of the highest maximum annual daily average water use derived from billing records. If billing records are not available for a specific meter, the SDC credit calculation will be based on a system-wide use data for that size meter.

2. For situations where meters 3-inches or larger exist and water use will increase, but no change in the meter is required, an SDC will not be required unless the projected use is more than 150 percent of historical use. If the projected use exceeds the 150 percent historical use quantity, an SDC will be calculated for the quantity of water in excess of the 150 percent figure. Prior written commitments to deliver a specific quantity of water, if greater than 150 percent of historical use, will be honored.

3. Credit shall be given for inactive or previously removed meters that can be verified by Division records. The credit will be determined as stated in subsection E.1 above.

Multiple dwelling unit arrangements – Credit for existing multiple dwelling unit meters shall be calculated at 60 percent of the applicable 5/8-inch meter rate per unit and applied to the required SDC if previously served by a single meter.

4. Credits as computed will be subtracted from the determined SDC amount. If an available credit exceeds the SDC amount, the balance shall remain with the parcel previously receiving water service. No refunds shall be allowed for the amount of this credit.

5. All SDC credits are non-transferable unless parcels are combined to facilitate redevelopment.

6. This section is not applicable to the Pulp Mill's existing services.

**F. For wholesale meters, as sized by the Division, the SDC will be determined based on the customer's anticipated water use.**

1. Estimates of anticipated average day use and peak day water use will be submitted to and approved by the Division. Peak day is defined as the maximum 24-hour use during summer months of June through, and including, September. The average and peak day SDC costs are determined by the charges set forth in the Outside City of Tacoma column of the System Development Charges table for 3" meter size or larger of this section.

The SDC will be the sum of the average day use multiplied by the average day cost/gallon and the peak day use minus average day multiplied by the peak day cost/gallon.

The SDC, as of the effective date of this ordinance, will be adjusted annually based on actual usage. If usage is greater than 110 percent of the anticipated average or peak day use during a 12-month period of time, an additional SDC may be charged using the same methodology for calculating average day and peak day water use and multiplying by the respective SDC cost per gallon in effect at the time of adjustment. This requirement for an additional SDC may be waived upon satisfactory demonstration by the customer that the increased water use was temporary in nature and that water use will return to the originally anticipated level.

2. For situations where an existing wholesale customer is increasing its purchase of water, SDC credit for existing service will be based on either maximum historic use or prior written commitments to deliver a specific quantity of water, whichever is greater.

G. SDCs for meters 2-inches and smaller are payable in full at the time the meter installation is requested. Time payments will be allowed for SDCs for meters 3-inches and larger, for up to ten years, at the discretion of the customer, as follows:

1. When a down payment of 20 percent or more is initially paid, the Division will accept annual payments, with interest, on the unpaid balance calculated using the then current prime rate of interest less 2 percent.

2. When a down payment of at least 10 percent, but less than 20 percent, is initially paid, the Division will accept annual payments, with interest, on the unpaid balance calculated using the then current prime rate of interest.

3. The time payment agreements shall provide that this obligation constitutes a lien on the benefited premises and that the City has the right to terminate water service for any nonpayment of the amounts due on the outstanding balance. In addition, unless the customer is a financially stable public entity, the customer shall be required to provide security such as a financial guarantee bond to guarantee payment of the SDC or make incremental prepayments of the SDC plus interest on the balance of the outstanding total amount of the SDC.

H. Rate Adder to Recover Capital Costs Not Covered by the SDC. In addition to paying the SDC set forth in this section, a customer who proposes to use water for a new or enlarged power plant, and who does not use best available water conservation technology (BAWCT), shall be required to pay, in addition to the applicable water rate, an adder to such rate in accordance with the Division's Customer Service Policy for New Power Plants. The adder shall be calculated to recover over a period of 20 years a portion of the capital costs that are not covered by the SDC for such customer. This present value of the adder (spread over 20 years) will be equivalent to an SDC on that portion of the customer's water consumption that is in excess of the amount of water the customer would have consumed had BAWCT been used. Said customers shall also be required to enter into a water service agreement with the Division, and such agreement shall be submitted to the Public Utility Board for approval.

(Ord. 28643 Ex. A; passed Dec. 17, 2019: Ord. 28413 Ex. A; passed Mar. 21, 2017: Ord. 28286 Ex. A; passed Mar. 17, 2015: Ord. 27778 Ex. A; passed Jan. 6, 2009; Ord. 27570 § 8; passed Dec. 19, 2006: Ord. 27522 § 17; passed Aug. 29, 2006: Ord. 27299 § 8; passed Dec. 7, 2004: Ord. 27024 § 6; passed Dec. 10, 2002: Ord. 26872 § 1; passed Nov. 6, 2001: Ord. 26800 § 14; passed Apr. 10, 2001: Ord. 26408 § 1; passed Apr. 27, 1999: Ord. 26048 § 1; passed Mar. 25, 1997)

### **12.10.315 Water main charge.**

Where all or a portion of the premises to be served has not been previously assessed or contributed its share towards the cost of installing a permanent distribution main to serve such premises, or the property does not abut a distribution water main, water service shall be provided upon payment of a water main charge as provided for in this section, in addition to a water service construction charge, in accordance with TMC 12.10.250 and the SDC in accordance with TMC 12.10.310.

If the main is a temporary main and is not acceptable for meeting the water requirements of the customer, the service will be installed and connected to the nearest water main that is acceptable in accordance with TMC 12.10.350, Water main charge - Premises not abutting a water main. If the temporary main is a supply or transmission pipeline, the water service will be installed in accordance with the Customer Service Policies (Direct Service From Supply and Transmission Pipelines).

Credit shall be given for the portion of the property which has been previously assessed or has contributed its share toward the cost of installing a permanent water main. Water main charge shall be based on the frontage of the property served, as determined by the Division, in accordance with the following schedule and subject to the following terms and conditions:

#### **A. Residential Service.**

The water main charge shall be based on the frontage of the property served. The minimum charge shall be based on 50 front feet and the maximum charge on 100 front feet.

<b>Commencing 1/1/2007</b>
\$50/per front foot

#### **B. Commercial Service.**

Where the property is zoned for the same, the water main charge shall be based on the entire frontage of the property served. The minimum charge shall be based on 50 front feet.

<b>Commencing 1/1/2007</b>
\$50/per front foot

#### **C. Industrial Service.**

Where the property is zoned for the same, the water main charge shall be based on the entire frontage of the property served. The minimum charge shall be based on 50 front feet.

<b>Commencing 1/1/2007</b>
\$55/per front foot

D. Water main charges for services abutting a permanent main shall be considered revenue of the Division.

The water main charge herein above provided for shall be credited to and considered as a benefit to the specific property served by said connection. Said property so benefited shall be described and recorded as a part of the Division's permanent records pertaining thereto.

(Ord. 27778 Ex. A; passed Jan. 6, 2009; Ord. 27522 § 18; passed Aug. 29, 2006: Ord. 27299 § 9; passed Dec. 7, 2004: Ord. 26800 § 14; passed Apr. 10, 2001: Ord. 26048 § 1; passed Mar. 25, 1997)

### **12.10.350 Premises not abutting a permanent water main.**

Where the premises to be served is not abutting a permanent water main (as described in the Customer Services Policies) and said premises owner has not previously paid a water main charge, the water service connection will be constructed by the Division to the nearest available temporary or permanent water main that is acceptable for meeting the water requirements of the customer upon application and payment of a temporary water main charge as provided for in TMC 12.10.315 in addition to a service construction charge, in accordance with TMC 12.10.250 and the SDC in accordance with TMC 12.10.310. The water main charge shall be paid to the Division in accordance with and subject to the same terms and conditions as detailed in TMC 12.10.315 above.

All water main charges received where no main abuts subject parcel shall be deposited by the City in the Water Main Deposit Fund and shall be credited to and considered as a benefit to the specific property served by said connection. The property so benefited shall be legally described and recorded as part of the Division's permanent records pertaining thereto.

When a public road is improved or resurfaced by a person where there is currently no water main or said public road has a temporary water main as defined in the Customer Service Policies, it shall be the person's responsibility to extend the water main/system to the extent of the road improvements or to a point that meets the approval of the Division. Said water main/system may be extended using the private contract process, TMC 12.10.200, or by the LID process as set forth in RCW 35.44, and Division standards.

If a permanent water main exists or is being constructed between the existing service and the specific benefited property, said service may be relocated to the permanent main at a point closer to the benefited property at no charge, provided the owner reroutes its property-side water pipe between the new meter location and the property.

Upon the installation of permanent mains, the main charge collected by the City shall be applied toward the payment for said mains for the benefit of the properties in accordance with Division records. The temporary water service will be relocated by the Division to the permanent main abutting the benefited property at no charge. The owner must reroute its property-side water pipe between the new meter location and the property and make the connection. If the property owner does not agree to relocate its property-side water pipe at the time of main installation and requests a service relocation at a later date, the work will be done at the expense of the property owner.

(Ord. 27522 § 19; passed Aug. 29, 2006: Ord. 27299 § 10; passed Dec. 7, 2004: Ord. 26800 § 15; passed Apr. 10, 2001: Ord. 26048 § 1; passed Mar. 25, 1997)

### **12.10.400 Rates – Inside and outside City limits.**

The standard charge for water supplied inside and outside the City for residential, and commercial/industrial use shall consist of a customer charge, also termed a "monthly ready to serve charge," based on the meter size together with the rate for the quantity of water used, and public fire protection fees, where applicable. The standard charge for wholesale shall consist of a monthly ready to serve charge based on contracted peak capacity together with a rate for the quantity of water used.

For water supplied to a single premises which contains multiple dwelling units, i.e., two or more houses under the same ownership, duplexes, apartment buildings, condominiums, mobile home parks, trailer courts, industrial buildings, etc., the monthly charges will be the same as indicated above.

When water is being supplied to an existing multiple premises, i.e., two or more separate premises being served by one service and meter, the "monthly ready to serve charge" will be based on either the existing meter size or on a 5/8-inch meter size for each premises served, whichever is the greater charge.

When more than one service supplies a premises, the consumption of water for each meter shall be computed separately.



## A. Standard charges:

1. The monthly ready to serve charge shall be calculated on a monthly basis, invoiced, and collected pursuant to the applicable customer service policies in accordance with the following schedule for residential, commercial/industrial, and commercial/industrial large volume.

Residential, Commercial & Large Volume - Ready to Serve Charge						
Meter Size (Inches)	Inside City of Tacoma		Outside City of Tacoma		City of University Place	
	Rate Effective Dates					
	1/1/2023	1/1/2024	1/1/2023	1/1/2024	1/1/2023	1/1/2024
5/8	\$26.68	\$28.95	\$32.28	\$34.94	\$34.67	\$37.53
3/4	\$38.55	\$41.92	\$46.52	\$50.51	\$49.97	\$54.24
1	\$62.29	\$67.84	\$75.01	\$81.62	\$80.57	\$87.66
1.5	\$121.64	\$132.65	\$146.23	\$159.38	\$157.06	\$171.19
2	\$192.86	\$210.42	\$231.69	\$252.70	\$248.86	\$271.44
3	\$359.04	\$391.89	\$431.11	\$470.47	\$463.05	\$505.33
4	\$596.44	\$651.14	\$715.99	\$781.57	\$769.04	\$839.49
6	\$1,189.94	\$1,299.25	\$1,428.19	\$1,559.30	\$1,534.02	\$1,674.84
8	\$1,902.14	\$2,076.98	\$2,282.83	\$2,492.58	\$2,451.99	\$2,677.29
10	\$2,733.04	\$2,984.34	\$3,279.91	\$3,581.41	\$3,522.95	\$3,846.80
12	\$4,009.07	\$4,377.79	\$4,811.15	\$5,253.55	\$5,167.65	\$5,642.84

The monthly ready to serve charge shall be in accordance with the following schedule for parks and irrigation.

Parks & Irrigation - Ready to Serve Charge						
Meter Size (Inches)	Inside City of Tacoma		Outside City of Tacoma		City of University Place	
	Rate Effective Dates					
	1/1/2023	1/1/2024	1/1/2023	1/1/2024	1/1/2023	1/1/2024
All	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00

The monthly ready to serve charge shall be in accordance with a wholesale customer's contracted peak capacity in MGD times the monthly rate.

<b>Wholesale – Ready to Serve Charge</b>		
Range in MGD (million gallons per day)	Rate Effective Dates	
	1/1/2023	1/1/2024
For each MGD of contracted peak capacity	\$2,741.53	\$2,993.75

2. The schedule of rates for water used shall be as follows and billed to the nearest CCF (100 cubic feet or approximately 748 gallons):

Residential Service						
Range in CCF (100 cubic feet)	Inside City of Tacoma		Outside City of Tacoma		City of University Place	
	Rate Effective Dates					
	1/1/2023	1/1/2024	1/1/2023	1/1/2024	1/1/2023	1/1/2024
For each CCF of water consumption during the winter months of October through and including May	\$2.327	\$2.575	\$2.792	\$3.089	\$2.999	\$3.318
For the first five CCF of water consumption per month during the summer months of June through and including September	\$2.327	\$2.575	\$2.792	\$3.089	\$2.999	\$3.318
For each CCF of water consumption over five CCF during the summer months of June through and including September	\$2.909	\$3.218	\$3.490	\$3.862	\$3.749	\$4.148

Commercial and Industrial - General Service						
Range in CCF (100 cubic feet)	Inside City of Tacoma		Outside City of Tacoma		City of University Place	
	Rate Effective Dates					
	1/1/2023	1/1/2024	1/1/2023	1/1/2024	1/1/2023	1/1/2024
For each CCF of water consumption	\$2.430	\$2.606	\$2.916	\$3.127	\$3.132	\$3.359

Commercial and Industrial - Large Volume Service *						
Range in CCF (100 cubic feet)	Inside City of Tacoma		Outside City of Tacoma		City of University Place	
	Rate Effective Dates					
	1/1/2023	1/1/2024	1/1/2023	1/1/2024	1/1/2023	1/1/2024
For each CCF of water consumption	\$1.890	\$2.027	\$2.268	\$2.432	\$2.436	\$2.612
* Customers may qualify for this rate based on an established consumption history greater than 65,000 CCF annually.						

Parks and Irrigation Service						
Range in CCF (100 cubic feet)	Inside City of Tacoma		Outside City of Tacoma		City of University Place	
	Rate Effective Dates					
	1/1/2023	1/1/2024	1/1/2023	1/1/2024	1/1/2023	1/1/2024
For each CCF of water consumption	\$4.844	\$5.322	\$5.813	\$6.387	\$6.244	\$6.861

#### B. Wholesale Service.

Wholesale water service may be provided to community water systems that are in compliance with state Department of Health regulations. All wholesale water agreements are subject to Tacoma Public Utility Board approval. Any customer purchasing wholesale water must adopt or commit, in writing, to a water conservation and water shortage response program substantially equivalent to the Division's program as a condition of service.

#### 1. Water Rates.

A wholesale water service customer with contractual agreement from Tacoma Water may choose either a rate schedule below with a corresponding ready to serve charge as described in Section A1 for an outside city customer or a market-based price set by Tacoma Water staff based on an analysis of the wholesale system and their supply alternatives. All wholesale contractual agreements with market-based pricing shall be approved by the Tacoma Public Utility Board and Tacoma City Council.

a. Constant Use Customer:

<b>Wholesale Constant Use Customer</b>		
Range in CCF (100 cubic feet)	Rate Effective Dates	
	<b>1/1/2023</b>	<b>1/1/2024</b>
Per CCF for winter months (October - May)	\$1.370	\$1.446
Per CCF for summer months (June - September)	\$1.713	\$1.807

This option may be considered by those customers using water on a year-round basis where their average summer day use divided by their average winter day use results in a summer/winter use ratio of 2.5 or less.

b. Summer Season, Peaking:

<b>Wholesale Summer Season, Peaking</b>		
Range in CCF (100 cubic feet)	Rate Effective Dates	
	<b>1/1/2023</b>	<b>1/1/2024</b>
For each CCF of water consumption	\$2.569	\$2.711

This option will be used for those customers using relatively large amounts of water in the summer months and little or no water in winter months. The ratio of average summer day use divided by average winter day use shall be greater than 2.5.

For purposes of these rates, summer-use months are defined as June through September and winter-use months are October through May.

Existing customers will be classified into one of the two rate schedules upon annual review of their usage patterns. New customers will select a rate based upon anticipated use. This selection will be subject to revision if usage is not consistent with the above options after a six-month period.

2. Additional Water.

Additional or new water may be provided by the City to a wholesale customer conditioned upon satisfying the following:

- a. For every new customer of the wholesale customer that is provided with water from City's surplus supply, the wholesale customer shall remit to the City (on a monthly basis or by other arrangement as agreed to by the Superintendent) the appropriate SDC for said customer based on meter size in accordance with TMC 12.10.310.
- b. That, in lieu of satisfying subsection A above, in the event the wholesale customer is in a water deficient status or later becomes water deficient as determined by the Superintendent in consultation with wholesale customer, then the Superintendent shall establish a SDC equivalent for said wholesale customer. This SDC equivalent shall not be less than what the total "retail customer equivalent" would have been for the total deficiency.
- c. That the City and wholesale customer shall enter into a letter agreement setting forth the above requirements and committing the wholesale customer to remit the SDC payment to City. The wholesale customer may be required to provide City with periodic reports, certified to be accurate, detailing pertinent data.

C. Emergency Intertie Service.

Requests for one-way and two-way emergency intertie service between the City and another purveyor will be considered.

The Superintendent may enter into specific agreements, specifying the terms under which water will be furnished or accepted by the Division. Water furnished to a purveyor through an emergency intertie service will be billed as a wholesale service with a ready to serve charge and rate for water used. Billing will be at the constant use rate for up to 30 days. If use exceeds 30 days the Superintendent will have the discretion to change the constant use rate to the summer season peaking rate. Said agreement shall provide that neither party shall be liable for failure to deliver water to the other at any time.

D. Fire Protection Service.

When a customer does not receive domestic water from the Division and requests a fire service from the Division the appropriate regular domestic service rates shall apply as detailed above. In addition all regular construction fees, main charges

and SDC shall apply. Where City water is used for domestic purposes, such customers are entitled to a separate fire service at the regular fire service rate, payable monthly as follows:

Fire Protection Service - Ready to Serve Charge							
Meter Size (Inches)	Inside City of Tacoma		Outside City of Tacoma		City of University Place		Maximum Allowable Monthly Water Usage for Testing and Leakage, CCF
	Rate Effective Dates						
	1/1/2023	1/1/2024	1/1/2023	1/1/2024	1/1/2023	1/1/2024	
2	\$29.99	\$31.70	\$35.99	\$38.04	\$38.65	\$40.86	2.99
3	\$43.68	\$46.17	\$52.42	\$55.40	\$56.30	\$59.50	2.99
4	\$72.97	\$77.13	\$87.56	\$92.56	\$94.05	\$99.41	2.99
6	\$163.68	\$173.02	\$196.42	\$207.63	\$210.97	\$223.01	2.99
8	\$291.38	\$308.00	\$349.66	\$369.60	\$375.57	\$396.98	2.99
10	\$455.75	\$481.74	\$546.90	\$578.09	\$587.43	\$620.93	2.99
12	\$728.97	\$770.54	\$874.76	\$924.65	\$939.58	\$993.16	2.99

Where such fire service is provided, the monthly rate shall include usage of up to a maximum of 2.99 units of water per month. The 2.99 units of allowable water use is for incidental water use for monthly leakage and system testing and is the maximum amount allowed in a single month. In any month where the total consumption is in excess of the amount shown above, the rate for water consumed shall be as noted below.

Fire Protection Service						
Range in CCF (100 cubic feet)	Inside City of Tacoma		Outside City of Tacoma		City of University Place	
	Rate Effective Dates					
	1/1/2023	1/1/2024	1/1/2023	1/1/2024	1/1/2023	1/1/2024
For each CCF of water consumption	\$3.960	\$4.158	\$4.752	\$4.990	\$5.104	\$5.359

If the Water use in excess of the maximum monthly allowable amount was used in extinguishing fires of incendiary or accidental origin and the customer at the location where the use occurs gives written notice to the Division within ten days from the time of such fire the customer shall pay only for actual water used at the rate noted above. If the Division is not notified the Division will conclude that water is being used for purposes other than extinguishing fires and charge the additional fee noted below of 12 times the monthly rate.

Whenever water from the Division is available on a premise through a service being charged the rate for fire protection only and is used for purposes other than extinguishing fires of incendiary or accidental origin including ongoing leakage of the fire service line and the amount of water used is in excess of the amount shown in the table above, 12 times the ready to serve charge for the specific service in question shall be the monthly minimum charge and the charge for water consumed shall be as noted in the "Fire Protection Service – Rate per CCF" table above. Waivers may be granted from the assessment of the 12 times the ready to serve charge for leaks or other accidental use upon written request with all supporting documentation but the charge for water consumed shall not be waived.

Nonpayment of invoices related to the construction of or monthly use of a fire service will result in the service being turned off and notification of the appropriate fire official who may then disallow occupancy of the premise.

Unauthorized use of water through a detector check meter more than once per calendar year may be cause for installation of a turbine meter assembly, UL/FM approval for fire service assemblies at the expense of the customer. Within the City of Tacoma, whenever water is used for purposes other than extinguishing fires, the amount of water used may be subject to the appropriate sanitary sewer charge as defined in TMC 12.08, in addition to the rates noted above and assessment of the 12 times the ready to serve charge.

Should the unauthorized use continue, including leakage in excess of the maximum amount of water allowed, the service will be considered as other than standby fire protection and be billed in accordance with the type of use pursuant to this section,

and shall be subject to payment of the applicable SDC pursuant to TMC 12.10.310. Refusal to pay for the installation of the fire line meter and/or the SDC shall result in termination of service pursuant to TMC 12.10.130.

When a customer desires a fire service for the protection of a premises and the domestic water for said premises is provided from another source, the applicable single-family residential, multi-family residential, or commercial/industrial rates shall apply for the requested fire protection service inside and outside the City, respectively. When any outlet for fire protection purposes is installed on a residential, commercial or industrial service, no rebate will be allowed for water used for extinguishing a fire.

#### E. The Pulp Mill Contract.

The rates, terms, and conditions in the contract between the City and WestRock CP, LLC (“Pulp Mill”) and all future assignee to the contract are applicable, except as modified by this section. For a nominated contract demand, the water rate will be based on a monthly distribution charge and the daily supply charge. If the monthly water use exceeds 103% of the contract demand or the daily water use exceeds 109% of the contract demand, an excess water usage charge will be applied. The excess water usage charge will be either the daily excess water use charge or the monthly excess water use charge, whichever is greater.

1. Water use within the range of contract demand plus 3 percent: The charge will consist of a monthly distribution charge and daily supply charge per ccf metered as stated below.
2. Daily water use greater than one hundred and nine percent (109%) of the contract demand: The charge will consist of a monthly distribution charge, daily supply charge, plus a Daily Excess Water Usage Charge (based upon the commercial and industrial-large volume rate) for water metered daily in excess of the contract demand plus 9 percent as stated below.
3. Monthly water use greater than one hundred and three percent (103%) of the contract demand: The charge will consist of a monthly distribution charge, daily supply charge, plus a Monthly Excess Water Usage Charge (based on the commercial and industrial-large volume rate) for water metered during a month in excess of the contract demand plus 3 percent, as stated in the following table.

<b>Pulp Mill</b>		
Billing Components	<b>1/1/2023</b>	<b>1/1/2024</b>
Distribution Charge per Month	\$90,825.36	\$99,181.29
Supply Charge/CCF	\$0.8409940	\$0.9183655
Daily or Monthly Excess Water Usage Charge (Commercial and Industrial - Large Volume Rate) per CCF	\$1.890	\$2.027

4. The Superintendent is hereby authorized to execute a contract with the Pulp Mill to provide additional terms and conditions of service and other provisions consistent with this ordinance.

#### F. Meter Tests.

If a customer has informed the Division that its water consumption has been above its normal billing consumption and verification discovers no leaks on the customer facilities, the customer may request that the Division test the meter. If the test discloses the meter is accurate within the American Water Works Association (“AWWA”) specifications, the customer will be billed for the test and their water bill will not be adjusted. If the test discloses the meter is not accurate within the AWWA specifications and the inaccuracy is the cause of the recorded high consumption, the customer’s water bill will be adjusted and credit given for the excessive consumption and the customer will not be billed for the test. The charge for testing meters shall be added to the customer’s bill as follows:

<b>Meter Size</b>	<b>Cost</b>
1-inch and smaller	\$75.00
>1-inch	*Estimated Cost

\* The customer shall pay a deposit in the amount of the Division’s estimated cost.

If the actual cost differs from the estimated cost, the customer will be refunded or billed the difference.

The Division will not test meters owned by others.

#### G. Low Pressure or Low Flow Concerns.

The customer may request the Division to conduct a flow and pressure test on the service to its premises. If the cause of the problem is found to be located on the property side of the meter yoke outlet, the customer will be invoiced for a fee of \$25. If

the test discloses that the low flow and/or pressure is caused by Division facilities, the Division will attempt to correct the problem and the customer will not be charged.

#### H. Low-income Senior and/or Low-income Disabled Residential Rate Discount.

Residential customers who qualify as low-income senior or low-income disabled shall be eligible for a 35 percent reduction from the regular residential water rates. The determination of low-income senior and low-income disabled shall be made as set forth in TMC 12.06.165 for City Light Division (d.b.a. "Tacoma Power") customers. Customers must submit an application for review and acceptance by the authorized administering agency to qualify for this reduction. For the water rate discount, there is no requirement that a customer be a Tacoma Power customer or submit to an energy audit.

#### I. Water System Acquisition.

A water system may be acquired by the City under an agreement between the water system owner(s) and the City with Board and City Council approval. When all or a portion of the acquired system requires upgrading equal to Division standards, the agreement shall provide for funds to achieve compliance with said standards. Under the agreement, a surcharge may be levied by the City for a period of time or an LID may be formed in accordance with RCW Title 35. The surcharge shall be an additional charge equivalent to the Ready to Serve charge per month times a multiplier. The current surcharge areas include:

Former Water System	
Andrain	Total Monthly Charge equal to the Ready to Serve charge per month until paid in full.
Curran Road	Total Monthly Charge equal to the Ready to Serve charge per month until paid in full.

(Ord. 28912 Ex. A; passed Nov. 28, 2023 (ratified and reconfirmed by Ord. 28935; passed Jan. 16, 2024); Ord. 28848 Ex. A; passed Nov. 22, 2022; Ord. 28736 Ex. A-1; passed Mar. 2, 2021; Ord. 28711 Ex. A; passed Nov. 24, 2020; Ord. 28643 Ex. A; passed Dec. 17, 2019; Ord. 28554 Ex. A; passed Nov. 20, 2018; Ord. 28490 Ex. A; passed Feb. 13, 2018; Ord. 28423 Ex. A; passed Apr. 11, 2017; Ord. 28413 Ex. A; passed Mar. 21, 2017; Ord. 28305 Ex. A; passed Jul. 14, 2015; Ord. 28286 Ex. A; passed Mar. 17, 2015; Ord. 28133 Ex. A; passed Feb. 26, 2013; Ord. 27971 Ex. A; passed Feb. 8, 2011; Ord. 27970 Ex. A; passed Feb. 1, 2011; Ord. 27778 Ex. A; passed Jan. 6, 2009; Ord. 27570 § 9; passed Dec. 19, 2006; Ord. 27522 § 20; passed Aug. 29, 2006; Ord. 27299 § 11; passed Dec. 7, 2004; Ord. 27137 § 2; passed Sep. 9, 2003; Ord. 27076 § 1; passed Apr. 8, 2003; Ord. 27024 § 7; passed Dec. 10, 2002; Ord. 26872 § 2; passed Nov. 6, 2001; Ord. 26800 § 16; passed Apr. 10, 2001; Ord. 26409 § 1; passed Apr. 27, 1999; Ord. 26048 § 1; passed Mar. 25, 1997)

### 12.10.485 City not liable for damages.

The Division reserves the right to require any customer to install as a condition of water service a pressure reducing valve, backflow prevention assembly, pressure relief valve or similar devices at any location where the Superintendent determines a need to protect the Division's facilities, water quality or customer's service.

The City shall not be liable for damages and allowances will not be made for loss of production, sales or service in case of: (1) water pressure variations, (2) revisions to pressure within the system, (3) operation of the City's source of water supply or means of distribution fails or is curtailed, suspended, interrupted or interfered with, or (4) for any cause reasonably beyond the Division's control. Pressure variations, equipment failure, failure to supply, curtailment, suspension, interruption or interference shall not constitute a breach of contract on the part of the City, or in any way affect any liability for payment for water made available or for money due on or before the date of such occurrence. The customer shall notify the Division as soon as possible in the event of unusual occurrences. The Division reserves the right to make system modifications as deemed necessary for the operation and maintenance of the system.

When water service is turned on or left on at the request of the customer, or the Division discontinues service for "nonpayment" or "no contract," the Division shall not be liable for damages incurred to the premises because of such actions.

If a water meter or other Division pipes and equipment is located on the customer's premises, as a condition of water service the customer agrees not to make claim against nor sue the City for any damages due to water leakage and shall hold the City harmless from any and all claims and litigation which allege damages resulting from water leakage occurring at such meter, pipes, and equipment.

The responsibility for customer facilities installed by the Division for the benefit of the customer shall be that of the owner of the premises served and the City shall not be liable for any part of the cost nor for any damage resulting from its use.

(Ord. 27778 Ex. A; passed Jan. 6, 2009; Ord. 26048 § 1; passed Mar. 25, 1997)

**12.10.490 Protection of public health.**

The Superintendent may arrange for a periodic inspection of the water system in coordination with the appropriate State Director of Health. The Superintendent shall from time to time promulgate, publish and enforce such rules and standards deemed necessary by the Division to protect the municipal potable water supply from pollution. Copies of such rules and standards, and amendments thereto, shall be placed on file with the Clerk of the Public Utility Board.

(Ord. 27299 § 12; passed Dec. 7, 2004; Ord. 26048 § 1; passed Mar. 25, 1997)

**12.10.495 South Tacoma Groundwater Protection.**

Upon receipt of written request and documentation from the Director of the Tacoma-Pierce County Health Department, or his or her designee, that a customer is in violation of the requirements of TMC 13.09, the Superintendent may order water service to be discontinued.

(Ord. 27522 § 21; passed Aug. 29, 2006)

**12.10.500 Waivers – By Superintendent.**

The Superintendent is authorized to grant minor waivers to specific requirements contained in this chapter. The Superintendent may grant a minor waiver upon Division initiation or upon a clear demonstration by the applicant that such waiver will not be in conflict with the intent and spirit of this chapter.

(Ord. 26048 § 1; passed Mar. 25, 1997.)

**12.10.505 Customer service policies – Additional rules and regulations.**

The Superintendent, with the approval of the Director, may promulgate and enforce Customer Service Policies and related additional rules and standards as may be deemed appropriate to implement this chapter, to encourage conservation and the efficient use of water, and for further clarification of service.

Legal criminal enforcement shall be vested in the Police Department of the City, and all prosecutions for violations hereof shall originate in the Municipal Court of the City of Tacoma. The penalties provided herein are in addition to any civil remedy provided at law.

(Ord. 27522 § 22; passed Aug. 29, 2006; Ord. 27299 § 13; passed Dec. 7, 2004; Ord. 26048 § 1; passed Mar. 25, 1997)

**12.10.515 Violations – Penalties – Enforcement.**

Any person violating any of the provisions relating to the rate schedules, general provisions, and customer service policies governing the sale of water shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine in any sum not exceeding \$1,000.00, or imprisonment for a period not to exceed one year, or both; and, in addition to the penalty herein above provided, the service to the premises of any person found guilty of violating these provisions shall be discontinued. The person violating same shall be liable for all damages resulting and for all water used by reason of such violation.

Legal criminal enforcement shall be vested in the Police Department of the City and all prosecutions for violations hereof shall originate in the Municipal Court of the City of Tacoma. The penalties provided herein are in addition to any civil remedy provided by law.

(Ord. 26800 § 17; passed Apr. 10, 2001; Ord. 26048 § 1; passed Mar. 25, 1997)

**12.10.520 Severability.**

If any clause, sentence, paragraph, subdivision, section or part of the provisions relating to the rate schedules, general provisions and customer service policies governing the sale of water shall for any reason be adjudged to be invalid, such judgment shall not affect, impair, or invalidate the remainder of this chapter.

(Ord. 26048 § 1; passed Mar. 25, 1997)

**12.10.525 Interference with and/or damage to City water system.**

Any person causing damage to any property belonging to the Division shall be liable to the Division for any and all damages resulting either directly or indirectly therefrom.

It shall be unlawful for any person to willfully disturb, break, deface, damage or trespass upon any property belonging to or connected with the water system of the Division in any manner whatsoever.

It shall be unlawful for any person to build, store, maintain or keep any goods, merchandise, materials or rubbish that will interfere with the access to or operation and maintenance of any water facilities, or any of their appurtenances.

(Ord. 27299 § 14; passed Dec. 7, 2004: Ord. 26048 § 1; passed Mar. 25, 1997)



**CHAPTER 12.11  
EXPIRED**

**EMERGENCY CURTAILMENT OF ELECTRIC ENERGY**

*Expired July 1, 2010*

(Ord. 26796 § 1; passed Apr. 3, 2001)

**CHAPTER 12.12**

**REPEALED**

**TRANSIT SYSTEM – RATES, FARES AND CHARGES**

*Repealed by Ord. 28362*

(Repealed by Ord. 28362 Ex. A; passed Jun. 7, 2016: Ord. 21732 §§ 1, 2, 3, 4; passed Jun. 5, 1979: Ord. 21686 § 1; passed Apr. 24, 1979: Ord. 21580 § 1; passed Jan. 2, 1979: Ord. 21378 § 1; passed Jun. 13, 1978: Ord. 21350 § 1; passed May 9, 1978: Ord. 20551 §§ 1, 2; passed Sept. 18, 1975: Ord. 20454 § 1; passed Jun. 17, 1975: Ord. 20434 §§ 1, 2; passed May 20, 1975: Ord. 20090 § 1; passed Apr. 2, 1974: Ord. 19123 § 1; passed May 26, 1970: Ord. 19122 § 1; passed Jun. 16, 1970: Ord. 19013 § 1; passed Jan. 20, 1970: Ord. 19009 § 1; passed Jan. 13, 1970: Ord. 18975 § 1; passed Nov. 25, 1969: Ord. 18932 § 1; passed Sept. 23, 1969: Ord. 18874 § 1; passed Jul. 8, 1969: Ord. 18388 § 1; passed Sept. 20, 1967: Ord. 18194 § 1; passed Dec. 20, 1966: Ord. 17679 § 1; passed Sept. 8, 1964: Ord. 17629 § 1; passed Jun. 23, 1964: Ord. 17425 § 1; passed Aug. 27, 1963: Ord. 17424 § 1; passed Aug. 27, 1963: Ord. 17423 § 2; passed Aug. 27, 1963)

**CHAPTER 12.13**  
**CLICK! NETWORK CABLE TV PRODUCTS**

## Sections:

- 12.13.010 Click! Network Cable TV products – inside the City of Tacoma.  
 12.13.015 Click! Network Cable TV products and services – outside the City of Tacoma.  
 12.13.020 Click! Network Cable TV additional sports channels for businesses.  
 12.13.030 Broadband services and internet service providers.  
 12.13.040 Applicable taxes and franchise fees.  
 12.13.050 Promotional pricing.

**12.13.010 Click! Network Cable TV products – inside the City of Tacoma.**

<b>Click! Cable TV Products</b>	<b>Recurring Monthly Price</b>
Broadcast--Includes broadcast, local, and PEG channels	\$21.62
Standard--Includes a large variety of satellite, broadcast, basic, local channels, and PEG	\$65.87

<b>Click! Special Products</b>	<b>Recurring Monthly Price</b>
Premium Channels (e.g., HBO, Showtime, Cinemax, Starz, commercial digital music, and others)	\$2.00 – \$29.95
Pay-per-View VOD Movies, Events, and Specials (e.g., NBA and NHL package subscriptions)	\$.99 – \$300.00
Set-top Receivers, Adjunct Equipment	\$0.00 – \$19.99
Low-income/Disabled and Senior Discount (Must meet Tacoma Power customer requirements for eligibility)	20% discount on Broadcast or Standard service
Cable TV Guide (Paper Magazine; subject to annual 5% adjustment for mailing costs)	\$4.99

<b>Bulk Rates for Apartment Complexes</b>	<b>Recurring Monthly Price</b>
1 – 25 Units (full retail rate)	Broadcast \$21.62
	Standard \$65.87
26 – 150 Units (5% discount on broadcast; 10% discount on standard)	Broadcast \$20.54
	Standard \$59.28
151 – 300 Units (5% discount on broadcast; 15% discount on standard)	Broadcast \$20.54
	Standard \$55.99
300 Units and Above (5% discount on broadcast; 20% discount on standard)	Broadcast \$20.54
	Standard \$52.70

Other Fees	Non-recurring Price
Hourly Service Charge	\$40.00
Connect – Install new wiring	\$50.00
Connect – Using existing wiring	\$40.00
Install Additional Outlet	\$20.00
Unreturned Remote Control	\$10.00
Nonstandard Installation	Hourly service charge plus materials
Unreturned Rented Equipment	\$50.00 – 600.00
Miscellaneous Adjunct Equipment	\$ 5.00 – 150.00
Late Payment Charges	\$ 6.99
Credit Card Misuse Fee	\$20.00
Miscellaneous Customer Premise Visit (VCR connection, late payment pick-up fee, install A/B switch, and nonpayment reconnection fee)	Hourly service charge
Returned Item Fee (NSF check)	\$20.00
Nonpayment Reactivation Fee (Equipment Reauthorization)	\$ 1.99

(Ord. 28553 Ex. A; passed Nov. 20, 2018; Ord. 28408 Ex. A; passed Jan. 31, 2017; Ord. 28223 Ex. A; passed May 20, 2014; Ord. 28153 Ex. A; passed June 11, 2013; Ord. 28098 Ex. A; passed Nov. 13, 2012; Ord. 28049 Ex. A; passed Feb. 14, 2012; Ord. 27843 Ex. A,B; passed Nov. 3, 2009; Ord. 27717 Ex. A; passed Jun. 17, 2008; Ord. 27331 § 1; passed Mar. 22, 2005; Ord. 27059 § 1; passed Mar. 18, 2003; Ord. 27007 § 2; passed Nov. 19, 2002)

#### 12.13.015 Click! Network Cable TV products and services – outside the City of Tacoma.

Click! Cable TV Products	Recurring Monthly Price
Broadcast – Includes broadcast, local, and PEG channels	\$23.38
Standard – Includes a large variety of satellite, broadcast, local channels, and PEG	\$68.50

Click! Special Products	Recurring Monthly Price
Premium Channels (e.g., HBO, Showtime, Cinemax, Starz, commercial digital music, and others)	\$2.00 - 29.95
Pay-per-View VOD Movies, Events, and Specials (e.g., NBA and NHL package subscriptions)	\$.99 - 300.00
Set-top Receivers, Adjunct Equipment	\$0.00 - 19.99
Low-income/Disabled and Senior Discount (Must meet Tacoma Power customer requirements for eligibility)	20% discount on Broadcast or Standard service
Cable TV Guide (Paper Magazine; subject to annual 5% adjustment for mailing costs)	\$4.99

<b>Bulk Rates for Apartment Complexes</b>	<b>Recurring Monthly Price</b>	
1 – 25 Units (full retail rate)	Broadcast	\$23.38
	Standard	\$68.50
26 - 150 Units (5% discount on broadcast; 10% discount on standard)	Broadcast	\$22.21
	Standard	\$61.65
151 - 300 Units (5% discount on broadcast; 15% discount on standard)	Broadcast	\$22.21
	Standard	\$58.23
300 Units and Above (5% discount on broadcast; 20% discount on standard)	Broadcast	\$20.23
	Standard	\$49.91
<b>Other Fees</b>	<b>Non-recurring Monthly Price</b>	
Hourly Service Charge	\$40.00	
Connect--Install new wiring	\$50.00	
Connect--Using existing wiring	\$40.00	
Install Additional Outlet	\$20.00	
Unreturned Remote Control	\$10.00	
Nonstandard Installation	Hourly service charge plus materials	
Unreturned Rented Equipment	\$50.00 - 600.00	
Miscellaneous Adjunct Equipment	\$ 5.00 - 50.00	
Late Payment Charges	\$ 6.99	
Credit Card Misuse Fee	\$20.00	
Miscellaneous Customer Premise Visit (VCR connection, late payment pick-up fee, install A/B switch, and nonpayment reconnection fee)	Hourly service charge	
Returned Item Fee (NSF check)	\$20.00	
Nonpayment Reactivation Fee (Equipment Reauthorization)	\$ 1.99	

(Ord. 28553 Ex. A; passed Nov. 20, 2018; Ord. 28408 Ex. A; passed Jan. 31, 2017; Ord. 28223 Ex. A; passed May 20, 2014; Ord. 28153 Ex. A; passed June 11, 2013; Ord. 28098 Ex. A; passed Nov. 13, 2012; Ord. 28049 Ex. A; passed Feb. 14, 2012; Ord. 27843 Ex. A,B; passed Nov. 3, 2009; Ord. 27717 Ex. A; passed Jun. 17, 2008; Ord. 27331 § 2; passed Mar. 22, 2005; Ord. 27059 § 2; passed Mar. 18, 2003)

#### **12.13.020 Click! Network Cable TV additional sports channels for businesses.**

<b>ROOT Sports Pricing Scale (for businesses)</b>	
<b>Estimated Viewing Area</b>	<b>Price</b>
0 – 50 Patrons	\$ 46.88
51 – 100 Patrons	\$ 62.50
101 – 150 Patrons	\$ 93.75
151 – 200 Patrons	\$125.00
200+ Patrons	\$156.00
Non-Hospitality Business	\$ 12.00
<b>Big Ten Sports Channel (for businesses)</b>	
Commercial Big Ten	\$ 8.50

(Ord. 28553 Ex. A; passed Nov. 20, 2018: Ord. 28049 Ex. A; passed Feb. 14, 2012: Ord. 27331 § 3; passed Mar. 22, 2005: Ord. 27007 § 2; passed Nov. 19, 2002)

### 12.13.030 Broadband services and internet service providers.

Products	Monthly Rate Range	Monthly Variable Rate <sup>1</sup>	Monthly HUB Fee <sup>2</sup>	Engineering NRC <sup>3</sup>	HUB NRC <sup>4</sup>	Labor & Materials <sup>5</sup>
Click! ISP Advantage	\$5 – \$150	TBD	TBD	N/A	N/A	TBD
Click! Net 1	\$25 – \$1,200	TBD	TBD	TBD	TBD	TBD
Click! Net 3	\$125 – \$4,500	TBD	TBD	TBD	TBD	TBD
Click! Net OC3	\$2,170 – \$4,500	TBD	TBD	TBD	TBD	TBD
Click! Net OC12	\$3,100 – \$12,000	TBD	TBD	TBD	TBD	TBD
Click! Net OC48	\$10,000 – \$30,000	TBD	TBD	TBD	TBD	TBD
Click! Net 1 Includes an Internet DS1 Product – Click! Net 3 Includes an Internet DS3 Product – Click! Net OC3 Includes a 100 Base-T						
<sup>1</sup> Actual pass-through carrier fees with a 10% administration fee.						
<sup>2</sup> Actual monthly Hub cost for maintaining connection.						
<sup>3</sup> Actual costs to engineer the job.						
<sup>4</sup> Actual cost to terminate the circuit(s) in the Hub.						
<sup>5</sup> Actual costs for current labor rates and materials. A 10% handling fee will apply to the materials.						

(Ord. 27007 § 2; passed Nov. 19, 2002)

### 12.13.040 Applicable taxes and franchise fees.

The cable television prices and charges set forth in this chapter shall be subject to all applicable taxes and franchise fees.

(Ord. 27007 § 2; passed Nov. 19, 2002)

### 12.13.050 Promotional pricing.

Click! staff may offer promotional pricing to attract new customers in a manner consistent in amount and duration with the practices of its industry peers and market competitors.

(Ord. 28408 Ex. A; passed Jan. 31, 2017)