

STAFF REPORT

DATE: July 24, 2018

TO: Pierce County Planning Commission

FROM: Dana Larsen, Senior Planner, Sewer Division

BY: Kip Julin, Strategic Planning and Asset Manager, Sewer Division
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SUBJECT: The Planning Commission will review and consider proposed amendments to Title 13 of the Pierce County Code.

SUMMARY: This package includes revisions to the Pierce County Sewer Utility Administrative Regulations (Chapter 13.04), Industrial Pretreatment Regulations (Chapter 13.06), Latecomers Agreements for Public Sewer Facilities (Chapter 13.10) and Service Charges (Chapter 13.13).

NOTICE: Notice of the Planning Commission public meeting was published in the official County newspaper, the News Tribune on July 11, 2018.

SEPA: SEPA has been conducted pursuant to the State Environmental Policy Act, Pierce County Code Title 18D, and provisions of the Growth Management Act. The proposal is categorically exempt from environmental review under SEPA in accordance with WAC 197-11-800(19).

ATTACHMENTS:

- Attachment A** Summary Matrix of Proposed Amendments to Title 13, Sewer Code
- Attachment B** Proposed Amendments to Title 13, Sewer Code

STAFF RECOMMENDATION

The Sewer Division of Planning and Public Works (PPW) recommends the Pierce County Planning Commission make a recommendation to the County Council to adopt an Ordinance to approve the revisions to Title 13 of the Pierce County Code as noted in Attachment B. These amendments are consistent with, or not precluded by, the Growth Management Act, the Comprehensive Plan, and community plan policies.

BACKGROUND

The Sewer Division initiated an update to the Sewer Code in 2015. After the initial Planning Commission hearing on July 26, 2016, the proposal was placed on hold until the County completed a reorganization under new Executive leadership. The previously proposed amendments have remained the same. Since that time, some additional amendments have been added to achieve more efficient and effective business processes that enhance customer service in line with organizational initiatives for continuous improvement.

PROPOSED SEWER CODE AMENDMENTS

The Sewer Division is proposing revisions to the sewer regulations in Title 13 of the Pierce County Code to accomplish:

- Consistency with State laws and County adopted Ordinances already in effect;
- New procedures for process improvement and enhanced customer service; and
- Other minor departmental clarifications and wording edits consistent with the objectives of the Planning and Public Works Department.

To facilitate the Commission's review, a general description of each proposed amendment is included in the "Summary Matrix of Proposed Amendments to Title 13, Sewer Code" (Attachment A). In addition, all Sewer Code revisions are highlighted in gray or strikethroughs (Attachment B).

- The proposed amendments to Chapter 13.04 are necessary to address and clarify sewer fee and lien standards, violations and development review regulations, and eliminate or update minor inconsistencies and wording errors;
- The proposed amendments to Chapter 13.06 are necessary to revise industrial pretreatment requirements and correct minor errors;
- The proposed amendments to Chapter 13.10 are necessary to address and clarify latecomers agreement practices; and
- The proposed amendments to Chapter 13.13 are necessary to address and clarify sewer billing and collection practices.

STAKEHOLDER REVIEW

The Sewer Division collaborated with internal and external stakeholders representing the industry. Drafts of the proposed revisions have been provided to other County departments, the Tacoma-Pierce County Health Department, development representatives (Association of General Contractors, Master Builders Association of Pierce County, and Tacoma-Pierce County Association of Realtors), and jurisdictions within the County's sewer service area to solicit their input.

In addition to the newspaper noticing for this public hearing, a web page on the Sewer Code Update has been created on the County website, and Sewer staff provided a summary of the proposal at the MBA Legislative Strategy Committee meeting held on July 10th. Staff has not

yet received any feedback on the proposed revisions. Any written comments received will be forwarded to the Commission for its consideration.

**PCC Title 13
Administrative Sewer Code Update
Summary Matrix**

CHAPTER 13.04 ADMINISTRATIVE REGULATIONS		
CODE SECTION	DESCRIPTION OF AMENDMENT	PURPOSE
13.04 and 13.06 (Definitions)	Revised definitions: New User, Industrial Wastes, Structure, Public Sewer System, WWTP Superintendent, and Manager Removed references to the Utility where appropriate Clean up minor typos and errors	Clarification and consistency with current division organization, policies, and standards of RCW 35.91.015.
13.04.040 (Development Review)	Added language regarding expiration date of application and ability to apply for extension.	Revise provision to allow applicants to apply for a maximum of two extensions up to 180-day after expiration of original application.
13.04.045 (Pretreatment Requirements)	Removed language requiring an insignificant industrial user to apply for a pretreatment review.	Revise the provision to eliminate pretreatment review process for insignificant industrial users.
13.04.055 (Sewer Service Permits and Sewer Line Extension Permits)	Added language regarding expiration date of application and ability to apply for extension.	Revise provision to allow applicants to apply for a maximum of two extensions up to 180-day after expiration of original application.
13.04.060 (Construction of Sewer Facilities)	Added language to allow owners of mobile home parks to perform the connection and/or disconnection (capping) of a mobile home with the proper permits. Added language to allow the connection of multiple connections to one stub.	Revise the provision requiring a licensed contractor for the process and improve customer service by providing flexibility with this permitting standard. Streamline development review process for sewer construction, and reduce unnecessary burdens on the development community.
13.04.070 (Connection Charges and Assessments)	Added language to revise the timing of payment for latecomer connection charges. All latecomer charges for residential and commercial development shall be paid prior to sewer line extension or prior to sewer service permit issuance whichever comes first.	To ensure latecomer charges are collected earlier in the development process to ensure developers receive payment for improvements prior to latecomers agreements expiring.
13.04.085 (Connection Charge - Rates)	Removed the word basin	For clarification and consistency with other sections of the Sewer Code
13.04.090 (Payment Provisions and Delinquencies) and 13.04.095 (Fees)	Switched the subsections to better address legal authority to collect and lien for connection charge delinquencies. Added language to reference PCC 2.05.040 for all sewer permitting fees.	For consistency with Pierce County Ordinance 2017-68s, in which all sewer permitting fees were relocated to PCC Chapter 2.05.040. The Sewer Division also clarified authority to lien for connection charge delinquencies, but not for permit fees, violations, time & materials charges, or other charges pursuant to RCW law.
13.04.100 (Violations and Penalties)	Added language regarding fees and charges for non-compliance cases, including emergency responses and certain sewer code enforcement activities.	To clarify the charges and process associated with Sewer Code violations in support of the Sewer Division Enforcement Program under development.

PCC Title 13
Administrative Sewer Code Update
Summary Matrix

CHAPTER 13.10 LATECOMERS AGREEMENTS FOR PUBLIC SEWER FACILITIES		
CODE SECTION	DESCRIPTION OF AMENDMENT	PURPOSE
13.10.010 (Purpose)	Removed "at the County's sole discretion" where appropriate throughout (13.10.010, 13.10.050, 13.10.060, 13.10.070). New law removes County's discretion to enter into a latecomers agreement and mandates the County must contract at the desire of the owner.	To implement State Statutory ESHB 1717, Chapter 243 legislation that: A jurisdiction <u>must</u> contract with the owner of real estate for the construction or improvement of sewer facilities that the owner elects to install at the owner's expense.
13.10.030 (Eligibility for Latecomers Agreements)	Added language to clarify sewer facilities must be located within the County's sewer service area and within the County limits.	To implement State Statutory ESHB 1717, Chapter 243 legislation that: Sewer facilities must only be located within the County's sewer service area and within the County limits.
13.10.040 (Proposals for Latecomers Agreements)	Added language to clarify timing of proposal for latecomers agreement.	To implement State Statutory ESHB 1717, Chapter 243 legislation that: An applicant must submit request for a latecomer agreement prior to approval of the sewer plans by the County
13.10.050 (Latecomers Agreement - General Terms)	Added language to change and improve general terms for latecomers agreements. - Increased term of agreements from 15 years to 20 years - Required updated contact information every two years during the term of the agreement.	To implement State Statutory ESHB 1717, Chapter 243 legislation that: A jurisdiction must provide for the pro rata reimbursement to the owner for 20 years and a provision requiring submittal of property owner contact information every two years.
13.10.060 (Processing of Latecomers Agreement)	Revised subsection F to extend the amount of time a developer has to provide construction costs from 30 days to 120 calendar days	To implement State Statutory ESHB 1717, Chapter 243 legislation that: To increase the amount of time an applicant has to provide the total cost of the water or sewer facility to the County to use as basis for determining reimbursement.

**PCC Title 13
Administrative Sewer Code Update
Summary Matrix**

CHAPTER 13.13 SERVICE CHARGES		
CODE SECTION	DESCRIPTION OF AMENDMENT	PURPOSE
13.13.10 (Definitions and Acronyms)	Added and defined Accessory Dwelling Unit (ADU) and revised Multi-Family Residential Class to include ADUs.	To ensure ADUs are defined for purposes of billing properties accurately.
13.13.015 (Commencement of Charges)	Added language clarifying timing of billing commencement	To codify that billing begins at occupancy or no more than 120 days from final inspection or approval of side sewer permit, whichever is sooner.
13.13.045 (Lien Provisions)	Added new section and language regarding unrecorded sewerage liens being effective for up to one year after delinquent charges.	To implement RCW revisions 35.67.210; 35.67.215; 35.67.290 for consistency with new provisions for unrecorded liens up to one year after payment delinquency
13.13.050 (Adjustment of Billings)	Added language to clarify reporting a billing error within 90-days. Added the term credit in addition to refund.	To clarify the customer has a window in which to report a billing error and that Sewer Billing also issues credits (not just refunds) on subsequent bills.
13.13.055 (Meters - Commercial Units)	Added new section and language addressing billing adjustments for water leaks.	To codify the requirements and procedures for water leak adjustments.
13.13.060 (Uncontaminated Wastewater Adjustments)	Added new language to require customers who enter into a sewer service submetering agreement to provide monthly submetered readings.	To codify language in the submetering contract for enforcement program.
13.13.065 (Taxes, Fees, and Surcharges on Services)	Removed provision for submitting annual report summarizing taxes, fees, and surcharges.	Removed because the report is no longer desired by leadership. The information is available and provided as requested.
13.13.070 (Customer Classes)	Added new section and language addressing billing customer classification for residential units being used for business activity.	To codify the classification used for billing purposes in these type of cases.
13.13.085 (Rates and Charges)	Add new section and language addressing the availability of reduced rates for low-income seniors and disabled persons.	To codify low income senior / disabled sewer rate discount as approved and implemented per Pierce County Ordinance 2013-68s.

Only those portions of Title 13 that are proposed to be amended are shown. Remainder of text, maps, tables and/or figures is unchanged.

**Title 13
Sewer Code**

Chapters:

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

Chapter 13.04
SEWER UTILITY ADMINISTRATIVE REGULATIONS

Sections:

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

13.04.010 Definitions.

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

"Department" means the Pierce County Planning and Public Works Department or in the future, that department of Pierce County responsible for the administration of the public sewer facilities owned by Pierce County.

"Director" means the individual designated by Pierce County as the Director of the Pierce County Planning and Public Works Department or designee.

"Industrial Wastes" means ~~the liquids, solids, or other wastes resulting from any process of industry, or from the development of any natural resource~~ means any liquid, solid, or gaseous substance or combination thereof, resulting from any process of industry, manufacturing, commercial food processing, business, trade or research, including development, recovering, or processing of natural resources.

"Manager" means the ~~Wastewater Utility Manager~~ manager of the Sewer Division of Pierce County Planning and Public Works Department or designee.

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

"Structure" means ~~anything constructed, erected or placed, the use of which requires location or attachment to something having location on the ground, and shall, in addition, include but not be limited to, trailers, mobile homes and house trailers, but shall not include fences and retaining walls.~~ a combination of materials constructed and erected on or under the ground or attached to something having location on or under the ground, including but not limited to, trailers, mobile homes and house trailers, but shall not include residential fences, retaining walls, and similar improvements of a minor character.

13.04.020 Administration.

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

13.04.030 Required Use of Public Sewer System.

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

13.04.040 Development Review.

- B. **Sewer Development Review Applications.** Prior to the construction, installation, or operation of any development or facility within the Sewer Service Area, the Department may require any property owners, developers, or applicants to submit a Sewer Development Review application to the Department for approval and pay all required review fees as required by PCC 2.05.040. A Sewer Development Review application shall conform to the Department's standard plans and forms and shall include information of sufficient scope and detail so as to allow the Department to make a determination of the impacts that the development or facility may have on the public sewer system.
- C. **Terms and Fees.** A Sewer Development Review application is valid for 12 months from the date of application.

1. **Extension Requests.** Sewer Development Review applications may be extended an additional 12 months from the original current expiration date and will be allowed a maximum of two 12-month extensions provided that:
 - a. The applicant submits to the Department a written request for a 12-month ~~expiration~~ extension prior to the current date of expiration, or within 180 calendar days thereafter; and
 - b. The applicant pays an additional application fee in the amount of 25 percent of the original Sewer Development Review application fees as prescribed in PCC 2.05.040.If an application has been expired for more than 180 calendar days prior to approval but the applicant still wishes to obtain approval of the proposal, a new application shall be submitted and the County shall again collect all applicable fees as prescribed in PCC 2.05.040.
2. **Application Fees.** Sewer Development Review application fees shall be as prescribed in PCC 2.05.040.

13.04.045 Pretreatment Requirements.

- A. **Pretreatment Review and User Classification.** When a property owner or business owner proposes to change the use, business practices, or ownership of a commercial property, tenant space, or business, they shall first be evaluated to determine in which Industrial User category the business belongs. ~~required to undergo a review of their proposal to determine whether or not pretreatment of their wastewater discharge will be required.~~ Each user shall be classified as either an Insignificant, Minor, or Significant Industrial User and based on factors affecting the potential of discharge strength. Users determined to be Minor or Significant Industrial Users shall be required to undergo a review of their proposal to determine if pretreatment of their wastewater discharge will be required. Minor and Significant Industrial Users shall submit plans and documents as required by the Manager to determine the likelihood that the wastewater discharged from any existing or proposed uses into the public sewer system will not conform to the standards as prescribed in the most current Industrial Pretreatment Regulations in Chapter 13.06 PCC. The applicant will be notified in writing of any conditions of approval including, but not limited to, required business practices, design and installation of pretreatment devices, testing requirements, installation or repair of sample point(s), and/or payment of additional connection charges. Insignificant Industrial Users shall be exempt from pretreatment review, but required to conform to the pretreatment standards prescribed in Chapter 13.06 PCC.

13.04.055 Sewer Service Permits and Sewer Line Extension Permits.

- A. **General.** A sewer service permit and/or sewer line extension permit shall be required for any new connection to the public sewer system or for any modification, repair, disconnection, inspection, or addition to an existing building sewer or sewer line extension, or discharge of additional wastewater. The applicant shall apply for a sewer service permit and/or sewer line extension permit on a special form furnished by the Department and pay all required review fees as required by PCC 2.05.040. The permit application shall be supplemented by any plans, specifications, or other information

considered pertinent at the discretion of the Director or as required by this Sewer Code. ~~A sewer service permit and/or sewer line extension permit shall be required for any new connection to the public sewer system or for any modification, repair, disconnection, inspection, or addition to an existing building sewer or sewer line extension, or discharge of additional wastewater.~~

- B. **Term and Fees.** A sewer service permit application or sewer line extension permit application is valid for 12 months from the date of application.
1. **Application Extension Requests Prior to Permit Issuance.** Sewer service permits applications or sewer line extension permits applications may be extended an additional 12 months from the ~~original~~ current expiration date; provided, that:
 - a. The applicant submits to the Department a written request for a 12-month expiration extension prior to the current date of expiration or within 180 calendar days thereafter; and
 - b. The applicant pays an additional permit fee as prescribed in PCC 2.05.040. ~~in the amount of 25 percent of the Plan Review fees.~~
~~If a permit expires prior to issuance, but the applicant still wishes to connect to the public sewer system, a new permit application shall be submitted, and the County shall again collect all applicable permit fees as prescribed in PCC 2.05.040.~~
 2. **Extension Requests After Permit Issuance.** At the time a permit is issued, the permit expiration date shall be automatically extended to a date that is 12 months after the date of issuance.
 - a. After issuance, but prior to final inspection, sewer service permits or sewer line extension permits may be extended an additional 12 months from the current expiration date and will be allowed a maximum of two 12-month extensions; provided, that:
 - a. The applicant submits to the Department a written request for a 12-month expiration extension prior to the current date of expiration or within 180 calendar days thereafter; and
 - b. The applicant pays an additional permit fee as prescribed in PCC 2.05.040. ~~in the amount of 25 percent of the Inspection fees.~~
~~If a permit expires after issuance, but the applicant still wishes to connect to the public sewer system, a new permit application shall be submitted and the County shall again collect all applicable permit fees as prescribed in PCC 2.05.040.~~
 3. **Application Fees.** If a permit has been expired for more than 180 calendar days, but the applicant still wishes to connect to the public sewer system, a new permit application shall be submitted and the County shall again collect all applicable permit fees as prescribed in PCC 2.05.040.
- C. **Sewer Service Permit or Sewer Line Extension Permit Requirements.** Sewer service permits or sewer line extension permits shall be obtained in the following manner:
1. Permits shall be issued only upon proper application to the Department;
 2. All work authorized under a sewer service permit or sewer line extension permit shall be performed by a registered sewer contractor;
 3. Sewer service permits or sewer line extension permits shall not be transferable unless a written request from the applicant is approved by the Director. No person,

- including any registered sewer contractor, shall perform any sewer work pursuant to any other applicant's permit;
4. A sewer service permit or sewer line extension permit shall be issued prior to commencement of construction and only after approval of any required Sewer Facility Plan by the Department and only after the applicant pays all applicable fees and connection charges as prescribed in PCC 2.05.040, except as otherwise provided in PCC 13.04.075;
 5. No sewer service permit for residential buildings allowing connection to the public sewer system shall be issued before the construction of the sewer line extension receives final inspection approval and is accepted by the Department. An interim sewer service permit for building sewer construction for model homes and for any applicant-proposed sewer lines not connected to the public sewer system may be issued at the discretion of the Department; and
 6. The permit must be posted on the construction site prior to commencing the work and must be readily accessible to the Department.

13.04.060 Construction of Sewer Facilities.

B. Required Contractor Registration for Sewer Line Extensions and Building Sewers.

To assure proper construction in the connection of any building sewers or sewer line extensions, no person may construct, install, repair, reconstruct, excavate, or connect a building sewer or sewer line extension to the public sewer system unless the person is a sewer contractor holding a valid unsuspended current Certificate of Registration issued by the Department of Labor and Industries of the State of Washington pursuant to Chapter 18.27 RCW. The registered sewer contractor shall also be registered with the Department with a listed specialty in a related field (i.e., General/Journeyman, Excavation/Grading, or Sanitary Systems/Side Sewer) and licensed in construction general or as a specialty sanitation systems or side sewer contractor, and shall have filed with Pierce County a currently valid Street Obstruction Bond. Any contractors that violate any portion of this Sewer Code may be suspended or barred from the Department's registration list for a period of time to be determined by the Director.

1. A Sewer Service Permit may be granted to the owners of a mobile home park to perform the connection of a mobile home and/or the disconnection (capping) of a mobile home when the connection and/or disconnection will be made to or from an existing standpipe without excavation and with the footprint of the mobile home. Any mobile home park owner that is found to have connected or disconnected any mobile homes with the proper permits may be required to hire a registered sewer contractor to perform any sewer work.

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

unless said connection is approved in writing by the Director in response to a Waiver Request Application, except as follows:

1. One single-family (detached) building or duplex building and an accessory structure may be connected to the same building sewer if they are located on the same parcel.
2. All dwelling units of a single-family (attached) building may be connected to the same building sewer if they are located on the same parcel and building sewer is at least six (6) inches in diameter from the sewer main to the point of common connection.
3. One single-family (detached) building or duplex building and one single-family (detached) building or duplex on a separate parcel may be connected to the same building sewer if a perpetual reciprocal easement, mutual maintenance agreement, and covenant running with the land have been signed by all affected property owners and recorded with the Pierce County Auditor's Office, and the building sewer is at least six (6) inches in diameter from the sewer main to the point of common connection.

The exceptions listed above shall not be construed as a waiver of any other section of the Sewer Code.

- E. **Mutual Maintenance Agreement and Easement.** If it is determined that a special condition(s) requires more than one separately owned building or structure to be served by an existing or proposed single building sewer or private collector line, ~~written authorization to do so must be obtained from the Director after the owners of the properties have entered~~ **must enter** into a Perpetual Reciprocal Easement, Mutual Maintenance Agreement and Covenant Running With The Land. This agreement shall include perpetual mutual easements for the private sewer facilities and provisions for mutual maintenance and access purposes. This agreement shall be signed by the property owners to be served by the private facility and recorded with the Pierce County Auditor's Office with a copy furnished to the Department prior to the issuance of a permit for the approval of the building sewer or private collector line.
- H. **Backwater Valve Requirement.** As a prerequisite for connecting to the public sewer system, the Department shall require the property owner of any structure having a plumbing drain located below the rim elevation of the nearest upstream manhole, or as required by the Department, to install an approved backwater valve to prevent wastewater from backing into the structure.

13.04.070 Connection Charges.

- A. **Connection Charges – General.** The owner of any development within the Sewer Service Area receiving permanent sewer service through the formation of a ULID, by connection to an existing ULID, or by the extension of or connection to the public sewer system shall be required to pay connection charges. Except as otherwise provided in PCC 13.04.075, all connection charges shall be paid in full as follows:
1. All latecomer charges for residential and commercial development shall be paid prior to sewer line extension or sewer service permit issuance, whichever comes first.

2. All other connection charges for residential development shall be paid prior to sewer service permit issuance;
 23. All other connection charges for commercial development within unincorporated Pierce County shall be paid prior to final building inspection; and
 34. All other connection charges for commercial development within a city or town shall be paid prior to sewer service permit issuance.
- B. Mode of Connection Charges for Non-ULID Development.** The method or mode of determining the required connection charges to pay the cost of providing permanent sewer service to a given service area or development not located within a ULID shall be determined by dividing the total cost of providing the service into three categories and developing respective charges for each category as prescribed in PCC 13.04.080. The three categories of connection charges shall be defined as include the area charge, latecomers charge, and treatment plant capacity charge. ~~The three charges and other related terms shall be defined as follows:~~ For purposes of calculating connection charges under PCC 13.04.080, the following terms are defined:
1. **Area Charge.** The area charge shall be defined as a portion of or all the capital cost(s) associated with all pump stations, force mains, collector and interceptor lines, appurtenances, and any incremental capital costs associated with the public sewer facilities and may include other capital costs deemed appropriate by the Director.
 2. **Latecomers Charge.** The latecomers charge shall be defined as a portion of or all the capital costs associated with applicant-funded public sewer facilities for which the County has contractual obligations to reimburse the applicants from a portion of the connection charges paid by property owners within a designated area that is served by the applicant-funded public sewer facilities. Any capital costs associated with County participation in these public sewer facilities shall be included in the capital cost associated with the formulation of the area charge. The Latecomers Charge shall also include an administrative fee as calculated pursuant to PCC 13.10.050.
 3. **Treatment Plant Capacity Charge.** The treatment plant capacity charge shall be defined as a portion of or all the capital cost(s) associated with the treatment of wastes and the disposal of wastewater treatment by-products and may include other capital costs deemed appropriate by the Director.
 14. **Capital Cost.** The capital cost shall be defined as those costs associated with all design, engineering, construction, inspection, financing, latecomer carrying, and administrative costs and any other such costs mandated either now or in the future by federal, State, and/or local government agencies that are associated with the following types of public sewer facilities:
 - a. Existing County-funded public sewer facilities;
 - b. Existing undersized ULID-funded facilities that benefit non-ULID properties;
 - c. Existing applicant-funded public sewer facilities for which the County reimbursed the applicant for all or a portion of the capital costs; and
 - d. Future County-funded public sewer facilities as prescribed in the most recent version of the USP or the County's Capital Facilities Plan.
 25. **Interest Rate.** The interest rate shall be defined as the annual cost to the Department for borrowing funds in any given year.

36. **Bond Interest Rate (BIR).** The bond interest rate shall be defined as the percent interest on borrowed funds if the Department sold bonds to finance public sewer facility construction in January of each year following year zero and shall be established by the Department yearly.
47. **Year Zero.** The year zero shall be defined as the year in which all public sewer facility construction (for a single ULID or other permanent public sewer facility capital construction project) is completed.
58. **Carrying Costs.** The carrying costs shall be defined as all financing costs incurred by the Department resulting from the capital costs associated with a public sewer facility after the facility is built, financed, and operating. These costs shall be established by the Department in January of each year following year zero.
69. **Consumer Price Index.** The Consumer Price Index for All Urban Consumers (CPI U) shall be defined as the data published by the Bureau of Labor Statistics (BLS) to measure changes in the prices of goods and services for the Seattle-Tacoma-Bremerton Standard Metropolitan Statistical Area (or succeeding index).
- ~~7. **Area Charge.** The area charge shall be defined as a portion of or all the capital cost(s) associated with all pump stations, force mains, collector and interceptor lines, appurtenances, and any incremental capital costs associated with the public sewer facilities and may include other capital costs deemed appropriate by the Director.~~
- ~~8. **Latecomers Charge.** The latecomers charge shall be defined as a portion of or all the capital costs associated with applicant funded public sewer facilities for which the County has contractual obligations to reimburse the applicants from a portion of the connection charges paid by property owners within a designated area that is served by the applicant funded public sewer facilities. Any capital costs associated with County participation in these public sewer facilities shall be included in the capital cost associated with the formulation of the area charge. The Latecomers Charge shall also include an administrative fee as calculated pursuant to PCC 13.10.050.~~
- ~~9. **Treatment Plant Capacity Charge.** The treatment plant capacity charge shall be defined as a portion of or all the capital cost(s) associated with the treatment of wastes and the disposal of wastewater treatment by products and may include other capital costs deemed appropriate by the Director.~~
- G. **Expansion or Increase in Residential Equivalents.** If any property already connected to the public sewer system expands its use or produces increased wastewater discharges which are greater than the number of RE units previously purchased for the property through connection charges or ULID assessments, the Department shall have the right to require that the owner of the property pay additional connection charges. Such additional connection charges shall only be imposed for the net increase over and above the number of RE units for which the property has been assessed or for which connection charges have already been paid. Any property owner who fails to pay these additional connection charges is subject to the provisions in PCC 13.04.0905.
- H. **Excess BOD or TSS Charges.** If any property already connected to the public sewer system produces wastewater discharges with BOD and/or TSS levels which are greater than those levels previously estimated or approved for the property, the Department shall

have the right to require that the owner of the property pay additional connection charges. Such additional connection charges shall only be imposed for the net increase over and above the BOD and/or TSS levels for which the property has been originally assessed or for which connection charges have already been paid. Any property owner who fails to pay these additional connection charges is subject to the provisions in PCC 13.04.0905.

13.04.075 Deferral of Connection Charges.

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

- A. The voluntary contractual lien shall be contingent upon full payment by the said owner/seller of the Lien Administrative Fee prescribed in PCC 2.05.040 C.8. and the availability of complete and accurate information to record the voluntary contractual lien;
- B. The sewer service permit shall not be issued to the said owner/seller until the voluntary contractual lien has been recorded by County staff;
- C. The said owner/seller shall be responsible for payment of interest on the said connection charges based on a rate of three percent per annum and accrued from the date of sewer service permit issuance until the date of full payment of said connection charges;
- D. The said owner/seller shall be responsible for full payment of said connection charges and accrued interest to the County either by no later than the closing date of sale or by no later than two years from the date of sewer service permit issuance, whichever comes first. In no case shall building occupancy occur prior to the full payment of the deferred connection charges and any accrued interest. Notice of the prohibition on occupancy shall be included on all certificates of occupancy issued by Pierce County;
- E. In the event that the said property is sold within two years from the date of sewer service permit issuance, full payment of said connection charges and accrued interest shall be made by the closing/escrow agent or title company to the County from the sale proceeds of the said owner/seller;
- F. Upon confirmation of full payment of said connection charges and accrued interest to the County, the voluntary contractual lien shall be released by County staff;
- G. If the said owner/seller fails to make full payment of said connection charges and accrued interest within the timeframes set forth in this Section, then said owner/seller shall also become liable for a penalty in the amount of ten percent of the unpaid balance of said connection charges (exclusive of any accrued interest); and
- H. If the said owner/seller fails to make full payment of said connection charges, accrued interest, and any penalty within 60 days after the timeframes set forth in this Section, the County may bring suit in foreclosure by civil action in the Pierce County Superior Court.

13.04.085 Connection Charge – Rates.

- A. Effective January 1, 2017, the rates for the ~~basin~~ area charge shall be as follows:

<i>Basin Name</i>	<i>Basin Area Charge</i> (Per RE)*
American Lake Gardens/Tillicum	\$1,433.00
Brookdale	\$1,737.00
Brown's Point	\$1,410.00
Canyon	\$2,810.00
Cascadia	\$ 0.00**
Chambers Creek Properties	\$ 529.00
DuPont	\$1,653.00
East Basin	\$3,656.00
Etloh	\$ 0.00
Frederickson	\$3,012.00
Golden Given	\$1,215.00
Hylebos	\$1,840.00
Lakewood East	\$1,433.00
Lakewood West	\$3,140.00
Oakbrook	\$3,140.00
Parkland	\$1,614.00
Rainier Terrace	\$3,019.00
Spanaway	\$4,631.00
South Tacoma	\$1,471.00
Summit	\$2,241.00
University Place East	\$1,797.00
University Place West	\$ 529.00

* – Each charge is determined by multiplying the appropriate rate by the number of Residential Equivalent (RE) units discharged to the public sewer system.

** – Subject to future charges.

- D. Effective January 1st of every year after 2015, the rates for the ~~basin~~ area charge and the treatment plant capacity charge shall be adjusted annually by the same amount as the percentage change in the Consumer Price Index for All Urban Consumers (CPI-U) for the Seattle-Tacoma-Bremerton Metropolitan Statistical Area for the preceding 12-month period, subject to approval by the Council; provided, that no such adjustment shall be made to the capacity charge set forth in PCC 13.04.085 B. prior to January 1, 2018. All

proposed adjustments shall be brought forth by ordinance for consideration by the Council concurrent with the annual adoption of the Pierce County Budget.

13.04.090 Payment Provisions and Delinquencies.

- A. Any outstanding connection charges, fees, or penalties chargeable by the County pursuant to Chapter 36.94.150 RCW are due 30 days after the billing date or date of written notice, whichever is sooner. Such charges, fees, or penalties become delinquent if not paid when due.
- B. If such charges, fees, or penalties are not paid in full when due, then a penalty shall be added equal to 10 percent of the total amount as a one-time late penalty, and interest shall accrue on the unpaid balance from the due date at a rate of 8 percent per year. The interest shall be applied monthly on the entire unpaid balance, excluding any accrued interest, foreclosure costs, and all lien recording and release fees.
- C. A partial payment of any such past due charges, fees, or penalties shall be applied to the below costs as they are applicable in the following order of priority:
 - 1. Foreclosure costs;
 - 2. Lien recording and release fees;
 - 3. Taxes and fees;
 - 4. Accrued interest;
 - 5. Penalty payments; and
 - 6. **Delinquent charges, fees, or penalties – oldest first.**
- D. If not paid in full 60 days after the billing date or date of written notice, whichever is sooner, connection charges, fees, or penalties shall be collected in the manner set forth in PCC 13.13.045.

13.04.095 Fees. ~~Payment Provisions and Delinquencies.~~

- A. Sewer Service Permit Fees. The schedule of fees for sanitary sewer development review, inspection, and application/permit processing is established in Chapter 2.05.040 PCC.
~~Any outstanding costs, connection charges, time and materials charges, fees, or penalties as set forth in this Chapter are due 30 days after the billing date or date of written notice, whichever is sooner. Such costs, charges, fees, or penalties become delinquent if not paid when due.~~
- B. ~~If such charges, fees, or penalties are not paid in full when due, then a penalty shall be added equal to 10 percent of the total amount as a one-time late penalty, and interest shall accrue on the unpaid balance from the due date at a rate of 8 percent per year. The interest shall be applied monthly on the entire unpaid balance, excluding any accrued interest, foreclosure costs, and all lien recording and release fees.~~
- C. ~~A partial payment of any such past due charges, fees, or penalties shall be applied to the below costs as they are applicable in the following order of priority:
 - 1. ~~Foreclosure costs;~~
 - 2. ~~Lien recording and release fees;~~
 - 3. ~~Taxes and fees;~~
 - 4. ~~Accrued interest;~~
 - 5. ~~Penalty payments; and~~
 - 6. ~~Delinquent charges, fees, or penalties – oldest first.~~~~

~~D. If not paid in full 60 days after the billing date or date of written notice, whichever is sooner, any outstanding costs, charges, fees, or penalties shall be collected in the manner set forth in PCC 13.13.045.~~

13.04.100 Violations and Penalties.

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

A. Any person who fails to comply with the provisions of this Sewer Code may be assessed a civil penalty as follows:

1. Notice of Violations.

- a. The Director shall serve, by certified mail with return receipt requested or personal service, any person or entity violating any provision of this Sewer Code with a written notice of Sewer Code violation. Such notice shall describe the violation with reasonable particularity and order appropriate corrective actions to be taken or additional investigative action to be performed within a specified time period. The violator shall immediately cease all violations and complete all ordered actions within the provided period.
- b. Any notice of violation may be appealed to the Hearing Examiner in accordance with PCC 1.22.090 as an appeal to an administrative order or decision. An appeal request must be submitted in writing to the Director within 30 days of the date the notice of violation is received. Failure to appeal is a waiver of all rights to challenge the allegations within the notice of violation.

2. Civil Penalties.

- a. If the violator fails to comply with the notice of violation, the Director may impose a penalty not to exceed \$1,000.00 per violation. The Director shall deliver the notice of penalty by certified mail with return receipt requested or personal service.
 - (1) Each Sewer Code violation constitutes a separate violation for which the Director may impose a separate penalty.
 - (2) Each day that a person fails to comply with the terms of a notice of violation constitutes a separate violation, for which the Director may impose an additional penalty by delivery of another notice of penalty. Each additional notice of penalty is subject to the mitigation and appeal processes available to the recipient under subsection A.2.b. of this Section.
 - (3) Any person or entity who, through act or omission, aids in a Sewer Code violation shall be considered to have committed the violation for purposes of the civil penalty.
 - (4) A civil penalty constitutes a personal obligation of the person to whom the notice of civil violation is directed. Payment shall not excuse the violation or allow it to continue.

- b. A person who receives a notice of penalty has three options, each of which must be performed within 30 days of receipt of the notice of penalty:
 - (1) Submit payment of the penalty in full;
 - (2) Submit in writing a request that the Director mitigate the penalty. By submitting a mitigation request, the right to appeal the notice of penalty under subsection A.2.b.(3) of this Section is waived. The mitigation request shall identify in detail all facts supporting the request. Upon receipt of the Director's decision, payment shall be due within 14 days; or
 - (3) Appeal the notice of penalty to the Hearing Examiner in accordance with PCC 1.22.090 as an appeal to an administrative order or decision. A notice of penalty appeal request must be submitted in writing to the Director. The only issue to be presented the Hearing Examiner during an appeal of a notice of penalty shall be whether the property owner has made progress in correcting the violations identified in the notice of violation that led to the issuance of the civil penalty. Payment shall be due within 30 calendar days of receipt of the Hearing Examiner's decision.
- B. **Criminal Penalties.** It shall be a misdemeanor for any person or entity to knowingly perform any act in violation of any of the provisions of this Sewer Code or to knowingly fail to comply with a notice of violation.
 1. A misdemeanor under this subsection shall be punishable by a fine of not more than \$1,000.00 or by imprisonment of not more than 90 days, or both.
 2. The imposition of a penalty for any violation shall not excuse the violation or allow it to continue.
 3. Each person or entity found guilty of a misdemeanor shall be deemed guilty of a separate offense for each day during any portion of which any violation of any provision of this Sewer Code is committed, continued, or permitted by such person or entity.
- C. **Recovery of Costs Incurred by the County.** Any person or entity who willfully or negligently breaks, damages, destroys, uncovers, defaces, or tampers with any structure, appurtenance, or piece of equipment which is a part of the public sewer system or who willfully or negligently throws, dumps, or otherwise introduces any dirt, rocks, sticks, debris or any other foreign matter or unpermitted waste into the public sewer system shall be liable to the County for all costs, including personnel costs and reasonable attorney fees, to repair, replace, or restore the public sewer system.

A bill issued by the Department for collection of costs incurred by the County under this subsection may be appealed to the Hearing Examiner in accordance with PCC 1.22.090 as an appeal to an administrative order or decision. The appeal must be submitted in writing to the Director within 30 days of the date of the bill. Payment shall be due within 30 calendar days of receipt of the Hearing Examiner's decision.
- D. **Fees and Charges.** The County may impose reasonable violation fees and charges on a time-and-material basis to recover its costs for activities undertaken as a result of any person who violates the provisions of this Sewer Code,
 1. These fees and charges relate solely to the violation matters set forth in this Chapter and are separate from all other fees, fines, or penalties chargeable by the County pursuant to Chapter 36.94.150 RCW.

2. Time and materials charges, which are tied to direct costs such as labor, equipment, and materials, shall be adjusted accordingly as those costs increase or decrease over time.

**Chapter 13.06
INDUSTRIAL PRETREATMENT REGULATIONS**

Sections:

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

- 13.06.430 Notice of Potential Problems, Including Spills and Slug Loadings.
- 13.06.440 Non-Compliance Reporting.
- 13.06.450 Notification of Changed Discharge.
- 13.06.460 TO Reporting.
- 13.06.470 Reports from Unpermitted Users.
- 13.06.480 Record Keeping.
- 13.06.490 Sampling Requirements for Users.
- 13.06.500 Analytical Requirements.
- 13.06.510 County Monitoring of User's Wastewater.
- 13.06.520 Inspection and Sampling.
- 13.06.530 Monitoring Facilities.
- 13.06.540 Denial of Access.
- 13.06.550 Confidential Information.
- 13.06.560 Publication of Users in Significant Non-Compliance.
- 13.06.570 Enforcement and Penalties.
- 13.06.580 Permits, Approvals, and Uses.
- 13.06.590 General Enforcement Provisions.
- 13.06.600 Penalties.
- 13.06.610 Revocation, Modification, and Expiration.
- 13.06.620 Remedies Non-Exclusive.
- 13.06.630 Local Limits for Discharges to the Pierce County Publicly Owned Treatment Works.
- 13.06.640 Severability.

13.06.020 Administration.

Except as otherwise provided herein, the ~~Pierce County Wastewater Utility (Manager)~~ **Manager of the Sewer Division of the Pierce County Planning and Public Works Department** shall administer, implement, and enforce the provisions of this Chapter. The Manager shall have the authority to delegate, as necessary, specific authority to carry out the execution, administration, and interpretation of these Regulations.

13.06.030 Definitions.

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

"Biosolids" means municipal sewage solids (sludge) that is a primarily organic, **semisolid** product resulting from the wastewater treatment process that can be beneficially recycled under applicable regulations.

"Manager" means the individual designated by Pierce County as the ~~Wastewater Utility~~ **Manager of the Sewer Division of** Pierce County Planning and Public Works Department or designee.

"New User" means, while "new sources" are exclusively categorical industries, "new users" includes all users that apply to the County for a new building permit or occupy an existing building and plan to (or begin to) discharge a new source of wastewater to the County's public

sewer system after the effective date of this Chapter. New Users may be found to be Significant Industrial Users; or Minor Industrial Users, or Insignificant Industrial Users upon review of the user's permit application and or other relevant information submitted to the County or obtained from other local jurisdictions.

13.06.180 Accidental Discharge/Slug Control Requirements.

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

- B. Users shall notify the County Wastewater Treatment Plant ~~Superintendent~~ **Operations Manager** immediately upon the occurrence of a "slug" or "accidental discharge" of substances regulated by this Chapter. The notification shall include location of discharge, date and time thereof, type of waste, concentration and volume, and corrective actions. Any user who discharges a slug load shall be liable for any expense, loss, or damage to the POTW, in addition to the amount of any fines imposed on the County under State or federal law.

13.06.190 Hauled Wastes.

- D. Fees for dumping hauled wastes may be established as part of the user fee system as authorized in PCC 13.06.200 and/or as established in the Pierce County Sewer Utility Administrative Regulations.

13.06.420 Hazardous Waste Notification.

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

Such notification shall include:

- A. The name of the hazardous waste as set forth in 40 CFR Part 261;
- B. The EPA Hazardous waste number; and

- C. The type of discharge (continuous, batch, or other).
- D. If an industrial user discharges more than 100 kilograms of such waste per calendar month to the POTW, the notification shall also contain the following information to the extent it is known or readily available to the industrial user:
 - 1. An identification of the hazardous constituents contained in the wastes;
 - 2. An estimation of the mass and concentration of such constituents in the Waste streams discharged during that calendar month; and
 - 3. An estimation of the mass of constituents in the Waste streams expected to be discharged during the following 12 months.

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

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

13.06.530 Monitoring Facilities.

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

All monitoring facilities shall be constructed and maintained in accordance with all applicable local construction standards and specifications. There shall be ample room in or near such sampling facility to allow accurate sampling and preparation of samples for analysis. The facility, sampling, and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the user.

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

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

13.06.550 Confidential Information.

Information and data on a user obtained from reports, surveys, wastewater discharge permit applications, wastewater discharge permits, and monitoring programs, and from County inspection and sampling activities, shall be available without restriction, under the provisions of Chapter ~~42.17~~ 42.56 RCW.

Wastewater constituents and characteristics and other "effluent data" as defined by 40 CFR 2.302 will not be recognized as confidential information. Neither shall the name and address of the applicant, the description of the proposal, the description of the project's environmental

impacts as provided in the State Environmental Policy Act, or the description of the quantity and characteristics of the effluent be allowed to be kept confidential in accordance with WAC 173-216-080. This information shall be available to the public under the provisions of Chapter 42.1756 RCW.

13.06.600 Penalties.

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

- A. **Administrative Fines.** Any person, firm, corporation, or association which has violated or continues to violate any provision of these Regulations, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, shall be liable to the County for a maximum administrative fine of \$10,000.00 per violation, per day. Administrative fines shall be imposed in addition to any charges assessed for recovery of costs under PCC 13.06.210200.

Chapter 13.10
LATECOMERS AGREEMENTS FOR PUBLIC SEWER FACILITIES

Sections:

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

13.10.010 Purpose.

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

~~It is entirely within the County's sole discretion whether it elects to enter into any Latecomers Agreements.~~ Upon the applicant's request, the County shall execute a latecomers agreement with the applicant if the request meets all requirements of Chapter 35.91 RCW, as now enacted or hereinafter amended. In order for the County to execute a Latecomers Agreement, the County must be convinced that the eligibility requirements set forth in PCC 13.10.030 have been met ~~and it is in the best interest of the County to enter into such an agreement so that the benefit to the County outweighs the cost to the County in entering into an agreement.~~

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

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

13.10.030 Eligibility for Latecomers Agreements.

- A. To be eligible to enter into a Latecomers Agreement with the County under this Chapter, an applicant must:

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

13.10.040 Proposals for Latecomers Agreements.

- A. A proposal for a Latecomers Agreement shall be submitted to the Director or an authorized designee for consideration by the County at the time of application or prior to plan approval of the sewer facility.
- B. A complete proposal for a Latecomers Agreement shall, at a minimum, include:
 1. A complete submittal for a sewer line extension (SWLE) permit application including, but not limited to, a proposed Sewer Facility Plan for the Improvements;
 2. An Engineer's Estimate of the construction costs for the Improvements;
 3. A proposed Tributary Service Area map; and
 4. A Conceptual Sewerage Plan for the Tributary Service Area.
- C. The Engineer's Estimate shall include an estimate of the Total Eligible Construction Costs as described in PCC 13.10.050. The Engineer's Estimate must be prepared and stamped by a ~~registered professional engineer~~ Washington State Registered Professional Engineer.
- D. The applicant's proposed Tributary Service Area shall include all properties which may subsequently use or require service from the Improvements, including the Development,

and including property that will receive service from sewer lines connected to the Improvements. Only those properties within a defined sewer sub-basin whose wastewater could flow to the Improvements in a manner in keeping with the County's USP, the Capital Facilities Plan, any approved Sewer Facility Plan, and Pierce County Sewer Standards shall be included in the Tributary Service Area. The feasibility of a property to receive service from the Improvements does not in and of itself prescribe inclusion in the Tributary Service Area. The size and limits of the Tributary Service Area must be reviewed and approved by the Department prior to Sewer Facility Plan approval. The Tributary Service Area map must be prepared and stamped by a ~~registered professional engineer~~ Washington State Registered Professional Engineer.

- E. The applicant's Conceptual Sewerage Plan shall include the proposed design to serve all of the proposed lots within the Development as well as a conceptual design to serve the rest of the Tributary Service Area. At a minimum, the Conceptual Sewerage Plan must include the proposed sewer alignment, manhole locations, rim and invert elevations, pipe diameter, pipe slope, flow calculations for design capacity and flow velocities, topography, and parcel numbers and current zoning of all the properties within the Tributary Service Area. Approval of the applicant's Conceptual Sewerage Plan for the purpose of determining the eligibility of the Improvements for reimbursement shall not be construed to be an approval of all the design elements associated with said sewerage plan as they pertain to permanent sewer service for the Tributary Service Area. The Conceptual Sewerage Plan must be prepared and stamped by a ~~registered professional engineer~~ Washington State Registered Professional Engineer.
- F. The County may require additional plans, specifications, easements, and legal documents as deemed necessary by the Department to evaluate and administer the Latecomers Agreement.

13.10.050 Latecomers Agreement – General Terms.

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

- A. Construction of the Improvements shall be at the applicant's expense.
- B. All construction shall be ~~in accordance with a Sewer Facility Plan approved by the Department~~ in accordance with the USP, the Capital Facilities Plan, ~~any approved Sewer Facility Plan~~, and Pierce County Sewer Standards.
- C. Each and every parcel along the alignment of the proposed Improvements must be provided a side sewer stub for future connection. Prior to Sewer Facility Plan approval, the applicant will be required to contact the property owners located adjacent to the public sewer facilities to determine where the adjacent property owners prefer to have their side sewer stubs located. Contact shall be, at a minimum, through a certified letter to the owner of record of the properties, as indicated by the County Assessor-Treasurer's records. The applicant shall maintain a record of contacts with adjacent property owners and submit a listing summarizing the results of the applicant's efforts to contact adjacent property owners, including the property owner's preferred location of the side sewer stub. The preferred stub locations must be included on the Sewer Facility Plan prior to approval. Written waivers may be granted at the Director's discretion in instances where a side sewer stub is not likely to be utilized. Side sewer stubs will not be permitted to

properties located in a rural designated area. This provision shall not apply to side sewer stubs or sewer main stubs extending out of manholes. In the case of manholes, the County reserves the right to require the applicant to provide, without direct compensation, side sewer stubs or sewer main stubs from manholes. The costs of installing side sewer stubs and sewer main stubs shall be included in the costs subject to reimbursement under the Latecomers Agreement.

- D. Where a Latecomers Agreement is in force, the Department shall not allow any property owner within the Tributary Service Area to connect to the Improvements without payment to the Department of the connection charges at the time and manner required by PCC 13.04.070, in addition to all other costs and charges assessed for such use or connection, including their Pro Rata Share of the Total Eligible Construction Cost. In addition, connection charges for properties located within the Tributary Service Area shall include an Administrative Fee equal to 5 percent of their total Area Charge and Pro Rata Share to cover the costs of administering the applicant's Latecomers Agreement with the exception that an Administrative Fee shall not be added to the connection charges associated with the Development. No charges or fees collected from any property within the Tributary Service Area other than their Pro Rata Share of the Total Eligible Construction Cost shall be utilized to reimburse the applicant.
- E. The Total Eligible Construction Cost shall only include the following items:
 - 1. Sewer design work limited to 10 percent of the Total Eligible Construction Cost. Sewer design work shall include the following:
 - a. Preparation of Conceptual Sewerage Plan and proposed Tributary Service Area map, including the engineering report and costs associated with a comprehensive plan amendment, if required;
 - b. Survey work, including 2-foot interval topography, boundary, and right-of-way determination;
 - c. Engineering design of public sewer facilities to the required specifications;
 - d. Coordination of sewer design approval with other Pierce County departments and outside agencies, including permits or approvals for wetlands, shoreline, steep slope, and/or other sensitive-critical areas;
 - e. Coordination with the appropriate agency for right-of-way access, easement, or permitting requirements;
 - f. Costs associated with contacting potential users of the Improvements for the purpose of locating side sewer connections; and
 - g. Preparation of construction cost estimate.
 - 2. Property acquisition done in accordance with County guidelines, including reasonable costs associated with collateral agreements whereby improvements to property are performed in exchange for granting of easement rights. The County reserves the right to require the applicant to obtain an appraisal of the easement property in question at the applicant's expense.
 - 3. Legal fees associated with easement or property acquisition for the actual sewer facilities, including preparation of the legal description in support of the easement or property acquisition.
 - 4. Construction costs including labor, materials, construction management, construction staking, and sales tax.

5. Construction testing related to construction of the Improvements.
6. Preparation of as-built drawings, and operations and maintenance manuals.
- F. It is entirely within the Department's discretion whether it elects to allow the construction of temporary sewer facilities that are not in accordance with the USP, the Capital Facilities Plan, any approved Sewer Facility Plan, and Pierce County Sewer Standards. If the Department permits the applicant to construct temporary sewer facilities which are sized smaller or at depths higher than those required to provide permanent sewer service to all the properties in the Tributary Service Area, then the cost associated with the construction of the temporary sewer facilities shall not be eligible for reimbursement unless the County requires that the temporary sewer facilities be upsized or constructed at a depth lower than that required to serve the Property in accordance with Pierce County Sewer Standards. Only construction costs that are associated with the additional capacity and depth can be included in the Total Eligible Construction Cost.
- G. The Latecomers Agreement shall provide for a reimbursement period of 20 years from the date of final acceptance of the improvements by the Department pursuant to Chapter 35.91.020 RCW.
- H. Every two years from the date of execution of the Latecomers Agreement, the applicant must provide the Department with a contact name, address, and phone number during the term of the Latecomers Agreement. If this contact information changes, the applicant must send updated information to the Department by certified mail, return receipt requested, to the Department. If applicant fails to comply with this requirement, applicant may forfeit its reimbursements to Pierce County during the period of non-compliance pursuant to RCW 35.91.020(6).

13.10.060 Processing of Latecomers Agreement.

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

- A. Upon receipt of the applicant's fully completed Latecomers Agreement proposal, the Department staff will review and provide comment on the proposal to the Director. If the Director determines that a Latecomers Agreement is appropriate, negotiations regarding the specific terms of the agreement in accordance with this Chapter will continue until they have been completed.
- B. The Department staff shall not forward the final draft of the Latecomers Agreement to the Director until the Sewer Facility Plan for the Improvements has been approved by the Department.
- C. The Latecomers Agreement shall be approved by the Director and, if necessary, by the Pierce County Executive. The sewer line extension permit for the construction of the Improvements shall not be issued until the Latecomers Agreement has been approved by all necessary signatories. The Latecomers Agreement and any amendments thereto shall be recorded at the Pierce County Auditor's Office against all the parcels within the Tributary Service Area.
- D. Upon execution of the Latecomers Agreement, the applicant must proceed with obtaining the sewer line extension permit for the construction of the Improvements and commence construction prior to the expiration of the approved Sewer Facility Plan.

- Should the applicant's approved Sewer Facility Plan expire prior to the initiation of construction of the Improvements, then the Latecomers Agreement shall be null and void. Should the applicant's approved Sewer Facility Plan expire due to inactivity for one year, then the Latecomers Agreement shall be null and void.
- E. Upon completion of construction, inspection approval, and final acceptance of the Improvements by the Department, the applicant shall transfer the sewer facilities to the County, free and clear of all liens and debts, for inclusion into the public sewer system.
 - F. ~~Within 30 days of~~ Following the completion of construction of the Improvements and ~~within 120 days after~~ acceptance by the Department, the applicant shall provide complete and itemized copies of all invoices for costs related to construction of the Improvements. The cost information provided by the applicant shall be reviewed by the Department to determine the Total Eligible Construction Cost. Certification of the costs and authentication of the copies shall be made by the party providing the services and the applicant. Costs not evidenced by an invoice shall not be included in the Total Eligible Construction Cost. Any costs not previously identified in the approved Engineer's Estimate shall not be included in the Total Eligible Construction Cost unless written authorization is received from the Department. Construction costs which exceed those identified in the approved Engineer's Estimate shall not be included in the Total Eligible Construction Cost unless written authorization is received from the Department.
 - G. Once the Total Eligible Construction Cost has been finalized, Department staff will draft an amendment to the executed Latecomers Agreement which will finalize the Total Eligible Construction Cost, the Pro Rata Share, and the Total Reimbursable Construction Cost. No reimbursement toward the applicant's Total Reimbursable Construction Cost shall be made by the County ~~until~~ before the Improvements are accepted by the Department and the Latecomers Agreement has been amended to reflect the actual construction costs.
 - H. The County agrees to reimburse the applicant up to the Total Reimbursable Construction Cost from the eligible portion of connection charges collected from the properties within the Tributary Service Area until the Total Reimbursable Construction Cost has been paid in full or until the term of the Agreement expires. Reimbursement payments made from the eligible portion of the connection charges collected from the Tributary Properties shall be made to the applicant within 60 days following collection of the connection charges by the County or within 60 days following the execution of the amended Latecomers Agreement, whichever is later. ~~No latecomers charges shall be collected by the County from the properties within the Tributary Service Area that pay their connection charges and are issued permits to connect to the Improvements before the Latecomers Agreement has been amended to reflect the actual construction costs.~~
 - I. No interest shall be paid on any unpaid balances of the Total Reimbursable Construction Cost for the life of the Latecomers Agreement.
 - J. ~~No Latecomers Agreement shall extend for a period longer than 15 years from the date of final acceptance of the Improvements by the County.~~
 - K. ~~The applicant shall be responsible for providing the County with his/her current address at all times during the term of the Latecomers Agreement. Any change of address notice submitted by the applicant shall be sent by means of certified mail, return receipt requested to the Department.~~

13.10.070 Denial of Latecomers Agreement.

Constructing excess capacity for public sewer facilities within the County's Sewer Service Area can be an efficient way to provide public facilities and can provide a public benefit if the applicant makes a good faith effort to work within Sewer Code regulations. However, the Department may deny a request for a Latecomers Agreement ~~if it determines that the proposal would not be in the best interest of the County, or~~ if the applicant proposing the agreement is ineligible, fails to meet all requirements of Chapter 35.91 RCW, as now enacted or hereinafter amended, insists on terms that are unlawful or inequitable, or negotiates in bad faith.

Chapter 13.13
SERVICE CHARGES

Sections:

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

13.13.010 Definitions and Acronyms.

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

“Accessory Dwelling Unit (ADU)” means an additional dwelling unit on the same parcel of property as, and added to, created within, or detached from a single-family detached dwelling for use as a completely independent or semi-independent unit with provisions for cooking, eating, sanitation, and sleeping.

"Multi-Family Residential Class" means a customer class consisting of those residential units not in the single-family residential class including, but not limited to, accessory dwelling units, duplexes, triplexes, fourplexes, apartment buildings, and mobile home parks.

"Residential Unit" means a structure or portion of a structure capable of human habitation including, but not limited to, private houses; accessory dwelling units, each unit of a duplex, triplex, fourplex, apartment building, condominium, or townhouse; or a mobile home.

13.13.015 Commencement of Charges.

- A. Service charges shall be levied upon all properties or structures to which service is furnished by the public sewer system as determined by the Department.
- B. Service charges shall commence the month in which an occupancy permit is issued, or no more than 120 days from the date of final inspection or approval of the side sewer permit, whichever occurs first, and shall be payable at a rate determined by the County rate ordinance.

- BC. Service charges for properties or structures to which service is available within the boundaries of a ULID shall commence 60 days after such service becomes available and written notice of such availability is sent to the owner of record of the property, or upon connection to the public sewer system, whichever event occurs first.

13.13.045 Lien Provisions.

- A. The Department shall have a lien for all delinquent connection and service charges and associated penalties, ~~and~~ interest, ~~and~~ fees which shall attach to the property for which the services were available. The lien shall be superior to all other liens and encumbrances, except general taxes and local and special assessments.
- B. The Department shall certify periodically the delinquent charges, penalties, ~~and~~ interest, ~~and~~ fees to the auditor of the county where the property is located. The Department may later amend these certifications when appropriate to recover other costs incurred by the County.
- C. Upon the expiration of sixty days after certification, the Department may bring suit ~~in~~ ~~to~~ foreclosure by civil action in the superior court where the property is located. Costs associated with the foreclosure of the lien, including but not limited to advertising, title report, and personnel costs, shall be added to the lien upon filing of the foreclosure action. In addition, the court may allow a reasonable attorney's fee.
- D. The lien shall be foreclosed in the same manner as the foreclosure of real property tax liens.
- E. In lieu of the procedure provided in Section B above, the County sewerage lien shall be effective for one year's delinquent charges without the necessity of any writing or recording of the lien with the county auditor pursuant to RCW 36.94.150(3); RCW 35.67.215; RCW 35.67.210. A sewage lien for more than one year's delinquent charges shall be valid if properly recorded in the office of the County Auditor.

13.13.050 Adjustment of Billings.

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

Department's records. In addition, the Department reserves all defenses, offsets, and claims allowable by contract or in law, including interest.

13.13.055 Meters – Commercial Units.

- A. The volume service charge for commercial units is based upon the quantity of wastewater discharging into the public sewer system. This discharge measurement is determined by the average monthly water use at a property from the previous months as shown in water meter records, as adjusted for water use determined not to contribute wastewater loading to the public sewer system. The commercial customer shall provide the Department with all information on water use at a property necessary to determine the consumptive water use for the commercial unit. This shall include furnishing records kept by the water purveyor for the commercial unit.
- B. Measurement of water use determined not to contribute wastewater loading to the public sewer system shall be by means approved by the Department.
- C. All new commercial units will be allowed adjustments for water use determined not to contribute wastewater loading to the public sewer system only when a separate approved water meter is provided, at the owner's expense, to quantify the actual volume not discharging to the public sewer system.
- D. The Department shall have access to the premises for meter reading so as to confirm that the water use is as claimed by the customer.
- E. If water meter records are not reliable or available for any reason, an estimate of water use at the property shall be used to determine water consumption there. Estimates of water use at a property shall be by means approved by the Department.
- F. Commercial units which derive all or part of the wastewater discharge from product concentration, moisture condensation, or other non-metered sources, shall install approved wastewater flow monitoring equipment upon written notice given by the Department.
- G. If the measurement of water use results in a fractional part of a CCF, the number used for calculating rates and charges shall be the next highest whole number.
- H. In the case of a leak in the water service pipe, the property owner may be entitled to an adjustment of their sewer bill. To apply for a billing adjustment due to a water leak, a customer shall submit a written request to the Department. The request shall include the date the leak was repaired and copies of the repair bills or materials receipt. The burden of proof shall be on the applicant to show that the billing adjustment sought should be granted. Upon receipt of the request, the Department shall review it and determine whether, and to what extent, to grant the request. The department shall notify the applicant of its decision in writing.

13.13.060 Uncontaminated Wastewater Adjustments.

- A. A commercial customer may use water for purposes which produce uncontaminated wastewater satisfactory for direct discharge into means other than the public sewer system. These purposes may include irrigation, cooling, heating, or processing. In such cases, the customer may submeter the uncontaminated water flow not discharged into the public sewer system and have adjusted the metered water usage to the property so

that he/she may be charged only for water flow actually discharged into the public sewer system.

- B. All submetering shall be subject to the written approval of the Department and installed at the customer's sole expense.
- C. The Department shall have the authority to regulate all submetering activities including, but not limited to, the approval of plans and specifications for the installation and operation of the submetering system; approval of successful inspection of the system; procedures for continued operation and adjustment of the system; and the calibration and testing of the submeters on a regular basis at the sole expense of the customer.
- D. All customers who enter into a sewer service sub-metering agreement shall provide monthly sub-metered readings from the 15th to the 15th of each month. Failure to provide sub-meter readings by the 25th of the month during three of any twelve-month period will be cause for automatic cancellation of the Agreement and the sewer service account to revert back to charges for the water and/or sewage flows based on the master utility water meter(s) serving the property.

13.13.065 Taxes, Fees, and Surcharges on Services.

Taxes, fees, and surcharges imposed on Departmental sewer services or billings by the State of Washington or any municipality shall be passed on to the customers of the public sewer system as additional levies above and beyond the Department's established rates and charges for service. These taxes, fees, and surcharges will appear as a separate line item on the customer's billing statement. These taxes, fees, and surcharges will not require additional action or approval by the Council. ~~The Department shall, however, be required to keep a record of such taxes, fees, and surcharges and shall submit an annual report summarizing this information to the Council by October 1st of each calendar year.~~

13.13.070 Customer Classes.

- A. All properties served by the public sewer system, or having such service available, shall be classified for billing purposes into the following customer classes:
 - 1. Single-Family Residential Class;
 - 2. Multi-Family Residential Class;
 - 3. Commercial Class 1;
 - 4. Commercial Class 2;
 - 5. Commercial Class 3;
 - 6. Commercial Class 4; and
 - 7. Commercial Class 5.
- B. For mixed use units, each customer class shall be treated separately for billing purposes as may be practical. If required, a separate account shall be set up and billed according to the rates and charges currently in effect.
- C. For billing purposes, the Department shall classify any business activity carried on within a residence or permitted accessory building as a commercial unit. If the property owner provides evidence that this activity has been permitted as a home occupation by the relevant municipality, then the residence or permitted accessory building shall be classified as a residential unit.

13.13.085 Rates and Charges.

A. Regular rates and charges for the furnishing of service, or for having such service available, except for the Cascadia (Tehaleh) Sewer Service Area, shall be as follows:

Customer Class	Rates and Charges
	2018
1.	Single-Family Residential Class: Service Charge \$48.44 per unit per month
2.	Multi-Family Residential Class: Service Charge \$42.32 per unit per month
3.	Commercial Class 1: Basic Service Charge \$14.50 per account per month Plus: Volume Service Charge \$4.03 per CCF of water consumption
4.	Commercial Class 2: Basic Service Charge \$14.50 per account per month Plus: Volume Service Charge \$5.38 per CCF of water consumption
5.	Commercial Class 3: Basic Service Charge \$14.50 per account per month Plus: Volume Service Charge \$6.80 per CCF of water consumption
6.	Commercial Class 4: Basic Service Charge \$14.50 per account per month

Customer Class	Rates and Charges	
	Plus: Volume Service Charge	\$8.16 per CCF of water consumption
7.	Commercial Class 5:	
	Basic Service Charge	\$14.50 per account per month
	Plus: Volume Service Charge	\$2.66 per CCF of water consumption
	Plus: BOD Surcharge	\$0.46 per pound of BOD
	Plus: TSS Surcharge	\$0.52 per pound of TSS

For each year after 2015, any annual adjustments to these rates and charges shall be brought forth by ordinance for consideration by the Council concurrent with the annual adoption of the Pierce County budget. The 2015 Single-Family Residential Class service charge includes \$0.37 cost recovery for the low-income senior and disabled discount calculated based upon a 20 percent discount on a five year service charge average projected from year 2015 to year 2019.

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

Customer Class Rates and Charges

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

Customer Class Rates and Charges

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

For each year after 2013, any annual adjustments to these rates and charges shall be brought forth by ordinance for consideration by the Council concurrent with the annual adoption of the Pierce County budget.

- C. Municipalities discharging wastewater into the public sewer system under contract with the Department shall be charged according to the provisions of the respective contracts.
- D. The following surcharge shall be charged to customers in the listed Contract Sewer Service Area until all debt incurred by the County as a consequence of said transfer has been satisfied:

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

- E. A Franchise Agreement Fee in an amount equal to 6 percent of the regular rates and charges for the furnishing of service, or for having such service available, shall be charged to all customers in the City of Lakewood.
- F. A Franchise Agreement Fee in an amount equal to 6 percent of the regular rates and charges for the furnishing of service, or for having such service available, shall be charged to all customers in the City of University Place.
- G. Reduced rates are available to customers who meet the eligibility requirements for low-income senior citizens and low-income disabled persons. Homeowners who reside at the service address and who qualify for the low-income senior citizen or low-income disability real estate property tax exemption under state law and have active property tax filed at the Pierce County Assessor's Office (Chapter 84.36.381 RCW) shall be eligible for a 20 percent reduction of the base residential class service rate.