



Legislation Passed February 12, 2013

The Tacoma City Council, at its regular City Council meeting of February 12, 2013, adopted the following resolutions and/or ordinances. The summary of the contents of said resolutions and/or ordinances are shown below. To view the full text of the document, click on the bookmark at the left of the page.

Resolution No. 38620

Setting Thursday, April 4, 2013, at 9:00 a.m. as the date for a hearing by the Hearing Examiner to vacate the west 200 feet of the alley right-of-way lying south of Puyallup Avenue and east of East L Street for a commercial fueling facility. (Red Bull, LLC; File No. 124.1335)

Resolution No. 38621

Appointing and reappointing individuals to the Human Services Commission, Planning Commission, Tacoma Area Commission on Disabilities, and Tacoma Community Redevelopment Authority.

Resolution No. 38622

Appointing Council Members to various local, state, regional, and national committees, boards, and commissions.

Purchase Resolution No. 38623

Awarding a contract to:
CH2M HILL Engineers, Inc., in the amount of \$526,867.65, sales tax not applicable, budgeted from the Wastewater Fund, for consultant engineering services associated with the design and construction of flood protection improvements at the Central Treatment Plant – Specification No. CT12-0001F.

Resolution No. 38624

Authorizing the execution of an amendment to the Drinking Water State Revolving Fund American Recovery and Reinvestment Act of 2009 Loan Agreement with the Washington State Public Works Board, in the amount of \$762,872.43, for a cumulative total of \$7,341,757.91, for the McMillin Reservoir Replacement Project.

Resolution No. 38625

Approving revisions to the City's Compensation Philosophy to maintain fiscal responsibility and reflect changing economic conditions and budget impacts.

Ordinance No. 28128

Amending Chapter 12.08 of the Municipal Code, relating to wastewater and surface water management, to adjust rates and charges for services provided by the Wastewater and Surface Water Utilities for the years 2013 and 2014.

Ordinance No. 28129

Amending Chapter 12.09 of the Municipal Code, relating to solid waste management, to adjust rates and charges for services provided by the Solid Waste Utility for the years 2013 and 2014.

Ordinance No. 28131

Amending Ordinance No. 28012, which established a non-revolving line of credit for the payment of the costs of improvements relating to the Point Ruston local improvement districts, to extend the maturity date of the Local Improvement District Bond Anticipation Note and provide for a replacement of said note effective immediately upon publication.



RESOLUTION NO. 38620

1 A RESOLUTION relating to the vacation of City right-of-way; setting Thursday,
2 April 4, 2013, as the date for a hearing before the City of Tacoma Hearing
3 Examiner on the petition of Red Bull, LLC, an affiliate of Associated
4 Petroleum Products, to vacate the westerly 200 feet of the alley right-of-way
lying southerly of Puyallup Avenue and easterly of East L Street.

5 WHEREAS Red Bull, LLC, an affiliate of Associated Petroleum Products,
6 having received the consent of the owners of more than two-thirds of the properties
7 abutting the westerly 200 feet of the alley right-of-way lying southerly of Puyallup
8 Avenue and easterly of East L Street, described as follows:

9
10 A 20-foot wide alley lying adjacent to Lots 1 through 8, inclusive,
11 Block 7438 and 7537 of Map of the Indian Addition to the City of
12 Tacoma, according to the plat thereof recorded in Volume 7 of
13 Plats, Pages 30 and 31, records of Pierce County Auditor and
14 Lot 1, Block 7537, The Tacoma Land Company's Seventh
Addition to the City of Tacoma, Washington, according to the
Plat thereof recorded in Volume 6 of Plats, Page 79, records of
the Pierce County Auditor.

15 All lands situate in the Northwest Quarter of Section 10,
16 Township 20 North, Range 3 East, W.M.

17 has petitioned for the vacation of the aforesaid property; Now, Therefore,

18 BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TACOMA:

19 Section 1. That Thursday, April 4, 2013, at 9:00 a.m., is hereby fixed as the
20 date and time, and the Council Chambers on the first floor of the Tacoma
21 Municipal Building, 747 Market Street, in the City of Tacoma, as the place when
22 and where said request will be heard by the Hearing Examiner and her
23 recommendations thereafter transmitted to the Council of the City of Tacoma.
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Section 2. That the Clerk of the City of Tacoma shall give proper notice of the time and place of said hearing.

Adopted _____

Mayor

Attest:

City Clerk

Location: Vacate the westerly 200 feet of the alley right-of-way lying southerly of Puyallup Avenue and easterly of East L Street

Petitioner: Red Bull, LLC, an affiliate of Associated Petroleum Products

Vacation Req. File No.: 124.1335

Approved as to form:

Property description approved:

Deputy City Attorney

Chief Surveyor
Public Works Department



RESOLUTION NO. 38621

1 BY REQUEST OF DEPUTY MAYOR CAMPBELL AND COUNCIL MEMBERS
2 LONERGAN AND WALKER

3 A RESOLUTION relating to committees, boards, and commissions; appointing
4 and reappointing individuals to Human Services Commission, Planning
5 Commission, Tacoma Area Commission on Disabilities, and Tacoma
6 Community Redevelopment Authority.

7 WHEREAS there exists in the City of Tacoma a number of committees,
8 boards, and commissions, and

9 WHEREAS vacancies exist on the Landmarks Preservation Commission,
10 and

11 WHEREAS, under Tacoma City Charter Section 2.4, appointments may
12 be made by a majority vote of the City Council from names presented in writing
13 to the City Council by the Mayor or by any three members of the Council, and

14 WHEREAS, pursuant to the City Charter and the Rules, Regulations, and
15 Procedures of the City Council, the persons named on Exhibit "A" have been
16 nominated to serve on the committees, boards, and commissions listed; Now,
17 Therefore,

18 BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TACOMA:

19 That those nominees to the committees, boards, and commissions, listed
20 on Exhibit "A" are hereby confirmed and appointed or reappointed as members
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1 of such committees, boards, and commissions, for such terms as are set forth
2 on Exhibit "A."

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4 Adopted _____

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6 _____
7 Mayor

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9 Attest: _____
10 City Clerk

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12 Approved as to form: _____
13 City Attorney

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EXHIBIT "A"

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HUMAN SERVICES COMMISSION

Appointing **Julie Cantrell** to the unexpired "vacant" position for a term to expire April 30, 2013.

Appointing **LaMont Green** to the unexpired "vacant" position for a term to expire April 30, 2015.

PLANNING COMMISSION

Appointing **Donald Erickson** to the unexpired "District 2" designation for a term to expire June 30, 2015.

Appointing **Sean Gaffney** to the unexpired "Architecture, Historic Preservation, and/or Urban Design" designation for a term to expire June 30, 2013.

TACOMA AREA COMMISSION ON DISABILITIES

Appointing **Roxanne Miles** to the expired term of Alison Whiteman for a term to expire December 8, 2013.

Reappointing **Gerrit Nyland** to a new term to expire January 5, 2016.

TACOMA COMMUNITY REDEVELOPMENT AUTHORITY

Reappointing **Charles Shillito** to a new term to expire June 12, 2013.

Reappointing **Lucy Clifthorne** to a new term to expire June 1, 2014.

Reappointing **Michael Buchanan** to a new term to expire June 1, 2014.



RESOLUTION NO. 38622

1 BY REQUEST OF MAYOR STRICKLAND

2 A RESOLUTION relating to committees, boards, and commissions; appointing
3 City Council members to various national, state, regional, and local
4 committees, boards, and commissions, including the City Council's six
5 standing committees, for the year 2013.

6 WHEREAS the Mayor and City Council members are called upon to serve
7 on a number of local, regional, state, and national committees, boards, and
8 commissions, and

9 WHEREAS certain vacancies presently exist on certain committees, boards,
10 and commissions, and

11 WHEREAS, pursuant to the Charter of the City of Tacoma and the rules,
12 regulations, and procedures of the City Council, the City Council Members named
13 on Exhibit "A" have been nominated to serve on said committees, boards, and
14 commissions listed; Now, Therefore,

15 BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TACOMA:

16 That those nominees to the committees, boards, and commissions listed on
17 Exhibit "A" are hereby confirmed and the City Council Members designated
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thereon shall be appointed as members of such committees, boards, and
commissions for such terms as are set forth on said Exhibit "A."

Adopted _____

Mayor

Attest:

City Clerk

Approved as to form:

City Attorney



EXHIBIT "A"

2013 CITY COUNCIL APPOINTMENTS

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1. Appointments Committee – Strickland, Campbell, Walker, Woodards, Lonergan (alternate)
2. Association of Washington Cities Board – Walker, [Thoms](#), Lonergan (alternate)
3. Association of Washington Cities Legislative Committee – Walker, Campbell (alternate)
4. Association of Washington Cities State and Federal Policy Committee – Walker, Mello (alternate)
5. Baseball Park Advisory Committee – Lonergan
6. City Council Liaison to ASARCO Project – Strickland
7. City Manager Performance Review Committee – Strickland, Campbell, Lonergan, Walker, Woodards
8. Community Council Liaison – Mello
9. Cross District Association of Tacoma – Boe, Mello (alternate)
10. Crystal Judson Family Justice Center – Campbell, Woodards
11. Economic Development Board Executive Committee – Strickland, Walker, [Thoms](#) (alternate)
12. Economic Development Committee – Boe, Campbell, Walker, Mello, [Thoms \(alternate\)](#)
13. Environment and Public Works Committee – Boe, Mello, Walker, Ibsen, [Campbell](#) (alternate)
14. Firemen’s Pension Fund Board of Trustees – Strickland, Lonergan (alternate)
15. ForeverGreen Pierce County – Boe
16. Foundation for Tacoma Schools – Woodards



- 1 17. Government Performance and Finance Committee – Strickland, Campbell,
Lonergan, ~~Mello~~[Thoms](#), Ibsen (alternate)
- 2 18. Hotel-Motel Tax Advisory Committee – Woodards
- 3 19. Investment and Finance Committee – Strickland
- 4 20. Joint Municipal Action Committee – ~~Campbell~~, Ibsen, [Thoms](#),
5 [Campbell](#) (alternate)
- 6 21. Law and Justice Council – Woodards
- 7 22. Law and Justice Community Oversight Subcommittee -- Woodards
- 8 23. National League of Cities – Walker, Woodards (alternate)
- 9 24. Neighborhoods and Housing Committee – Boe, Ibsen, Lonergan, Walker,
10 Woodards (alternate)
- 11 25. Pierce County Commission Against Domestic Violence – Woodards,
Campbell (alternate)
- 12 26. Pierce County Flood District Advisory Committee - Mello
- 13 27. Pierce County Puyallup River Flood Control Task Force – Mello
- 14 28. Pierce County Regional Council – Campbell, Lonergan, Walker,
15 Boe (alternate)
- 16 29. Pierce Transit Board – Strickland, Walker, Mello (alternate)
- 17 30. Police Disability and Pension Fund Board – Strickland, Lonergan (alternate)
- 18 31. Public Safety, Human Services, and Education Committee – Strickland,
19 Campbell, Lonergan, Woodards, Mello (alternate)
- 20 32. Puget Sound Clean Air Agency Board/Board of Directors – Mello, Walker
21 (alternate)
- 22 33. Puget Sound Regional Council/Executive Board – Strickland, ~~Woodards~~
23 [Thoms](#) (alternate)
- 24 34. Puget Sound Regional Council/Economic Development District Board –
Walker, Campbell (alternate)
- 25 35. Puget Sound Regional Council/Growth Management Policy Board – Mello,
26 Lonergan (alternate)



- 1 36. Puget Sound Regional Council/Transportation Policy Board – Boe, Campbell (alternate)
- 2 37. Puyallup Tribe Community Contribution Committee [2 percent] – Strickland, Campbell (alternate)
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- 4 38. Regional Access Mobility Partnership – Mello
- 5 39. Safe Streets Board – Campbell
- 6 40. South Sound 911 – Strickland, Lonergan
- 7 41. Tacoma Arts Commission – Walker, Campbell (alternate)
- 8 42. Tacoma Council of PTA/City Government Liaison – Woodards
- 9 43. Tacoma Employees' Retirement System Board of Administration – Strickland
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- 11 44. Tacoma-Pierce County Board of Health – Campbell, Woodards, Walker (alternate)
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- 13 45. Tacoma Youth Symphony Advisory Board – Walker
- 14 46. Trade Development Alliance of Greater Seattle – Strickland, Walker (alternate)
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- 16 47. Urban Waters Board of Directors – Walker [Thoms](#), Strickland (alternate)
- 17 48. U.S. Conference of Mayors – Strickland
- 18 49. WorkForce Central – Strickland, Lonergan
- 19 50. Zoo Trek Authority – Ibsen, Lonergan
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RESOLUTION NO. 38623

1 A RESOLUTION related to the purchase of materials, supplies or equipment,
2 and the furnishing of services; authorizing the appropriate City officials to
3 enter into contracts and, where specified, waiving competitive bidding
4 requirements, authorizing sales of surplus property, or increasing or
5 extending existing agreements.

6 WHEREAS the City has complied with all applicable laws governing the
7 acquisition of those supplies, and/or the procurement of those services,
8 inclusive of public works, set forth in the attached Exhibit "A," which Exhibit is
9 incorporated herein as though fully set forth, and

10 WHEREAS the Board of Contracts and Awards has reviewed the
11 proposals and bids received by the City, and the Board has made its
12 recommendation as set forth in Exhibit "A," and

13 WHEREAS the Board of Contracts and Awards has also made its
14 recommendations as to entering into purchasing agreements with those
15 governmental entities identified in Exhibit "A"; Now, Therefore,

16 BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TACOMA:

17 That the Council of the City of Tacoma does hereby concur in the
18 findings and recommendations of the Board of Contracts and Awards set forth
19 in the attached Exhibit "A," and does hereby approve and authorize the:

20 (X) A. Procurement of those supplies, services, and public works
21 recommended for acceptance in the attached Exhibit "A";

22 () B. Rejection of those bids and/or proposals that are recommended
23 for rejection in the attached Exhibit "A";
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() C. Entry into the proposed purchasing agreement with those governmental entities identified in the attached Exhibit "A," which proposed agreement is on file in the office of the City Clerk;

() D. Waiver of competitive bidding procedures in those instances, as set forth in Exhibit "A," in which it is impracticable to obtain supplies or public works improvements by competitive bid, or in those instances in which supplies and/or public works are available from a single source.

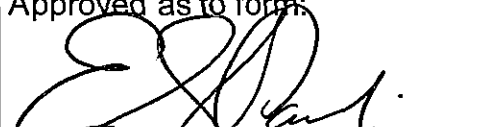
Adopted _____

Mayor

Attest:

City Clerk

Approved as to form:



City Attorney



City of Tacoma
Environmental Services Department

EXHIBIT "A"

RESOLUTION NO.: 38623

ITEM NO.: 1

MEETING DATE: FEBRUARY 12, 2013

DATE: January 29, 2013
TO: Board of Contracts and Awards
SUBJECT: Central Treatment Plant – Flood Protection Improvements – Consultant Services Contract Budgeted from ES Wastewater Fund 4300
Request for Qualifications Specification No. CT12-0001F

RECOMMENDATION: The Environmental Services Department, Science and Engineering Division recommends a contract be awarded to **CH2M HILL Engineers, Inc. (CH2M HILL) of Bellevue, WA**, for Consultant Engineering Services associated with the design and construction of Flood Protection Improvements at Tacoma's Central Treatment Plant (CTP). The recommended contract amount is not to exceed \$526,867.65, sales tax not applicable.

EXPLANATION: The CTP is located on the west bank of the Puyallup River in the Tacoma tideflats area. The location of the CTP places it within the Puyallup River floodplain. The floodplain is protected from routine flooding by a series of levees constructed by the U.S. Army Corps of Engineers, including a levee on the northeastern side of the CTP that separates the plant from the Puyallup River. Despite the existing levee system the CTP is still at risk from flooding. This is primarily because the bed of the river has accumulated sediment over the years reducing the capacity of the river to move flood waters downstream, as well as the potential for higher flows due to increased frequency of storm events.

The proposed flood protection project would provide for the construction of a floodwall, likely varying from four to eight feet in height above ground, around the currently unprotected perimeter of the CTP. In addition, the project would provide reasonable protection from the risk of flooding from the existing 30-inch diameter surface water pipe that is currently beneath the CTP and carries stormwater runoff from approximately 200 acres in the immediate vicinity of the plant.

The subject professional services contract would provide engineering design services to take the existing engineering work completed to date and produce complete plans and specifications for the project.

The necessary engineering to accomplish the project design work is specialized and requires additional expertise. As a result, the Environmental Services Department is recommending award of the subject Consultant Services Contract to CH2M HILL for this work.

COMPETITIVE SOLICITATION: The City of Tacoma solicited Engineering and Architectural Services under Request for Qualifications Specification No. CT12-0001F, dated December 5, 2011, which was used to develop the Citywide Architectural and Engineering (A&E) Roster. A review of the listed consultants on the A&E Roster showed several generally qualified consultants, but none with the specific CTP geotechnical background and the current CTP flood wall engineering design experience provided by CH2M HILL. CH2M HILL's previous experience at the CTP and on the initial flood wall design work will allow for efficiencies to be recognized in the remaining design tasks compared to another consulting firm without this unique experience.

On this basis, CH2M HILL was selected as the engineering consultant best qualified to perform the necessary engineering design work.

SUSTAINABILITY FACTORS: From a sustainability perspective this overall project will: help avoid the potential discharge of hundreds of millions of gallons or more of untreated wastewater that would overflow into Commencement Bay if severe flooding were to occur at the CTP; significantly reduce the risk of loss of extensive infrastructure, and the replacement that would be necessary, in the event of severe flooding; and significantly reduce the staff time necessary for implementation of temporary flood protection measures.

CONTRACT HISTORY: The proposed contract would be a new contract. The City council approved an on-call professional services contract with CH2M HILL on March 24, 2009 via Resolution No. 37757. A
747 Market Street, Room 408 | Tacoma, WA 98402 | (253) 591-5525 | FAX (253) 591-5097

result of this on-call contract was a Formal Task Authorization dated December 17, 2010, for \$198,872.00 to provide engineering pre-design and design services associated with the flood wall.

FUNDING: Funds are budgeted in the ES Wastewater Fund 4300. It is important to note that the actual construction of this project is dependent upon receiving funding from outside sources. The Environmental Services Department has been coordinating closely with the Pierce County Flood Control Zone District (FCZD) to secure funding for this critical project. This project is identified in the Pierce County Rivers Flood Hazard Management Plan as a critical project that should be implemented in the lower Puyallup River Zone. The Environmental Services Department is pursuing an agreement for funding from the FCZD so construction could begin as early as late 2013.

HUB/LEAP COMPLIANCE: Not applicable.

PROJECT ENGINEER/COORDINATOR: John O'Loughlin, P.E., Science and Engineering Division Manager, (253) 502-2175.



Michael P. Stevin III, P.E.
Interim Environmental Service Director

cc: Jim Wilkerson, Finance/Purchasing
Charles Wilson, HUB Coordinator
Peter Guzman, LEAP Coordinator
Eric Johnson, Environmental Services



To: T.C. Broadnax
City Manager

FROM: Michael P. Slevin III, P.E. *MPS*
Interim Environmental Services Director

SUBJECT: Council Action Memo – Purchase Resolution – February 12, 2013
Central Treatment Plant Flood Protection Improvements

DATE: February 1, 2013

The Environmental Services Department, Science and Engineering Division is requesting City Council award a contract to CH2M HILL Engineers, Inc. (CH2M HILL), of Bellevue, WA, for Consultant Engineering Services associated with the design and construction of Flood Protection Improvements at Tacoma's Central Treatment Plant (CTP). The recommended contract amount is not to exceed \$526,867.65, sales tax not applicable.

Background

The CTP is located on the west bank of the Puyallup River in the Tacoma tideflats area within the Puyallup River floodplain. The floodplain is protected from routine flooding by a series of levees constructed by the U.S. Army Corps of Engineers, including a levee on the northeastern side of the CTP that separates the plant from the Puyallup River. Despite the existing levee system the CTP is still at risk from flooding. This is primarily because the bed of the river has accumulated sediment over the years reducing the capacity of the river to move flood waters downstream, as well as the potential for higher flows due to the increased frequency of storm events.

In early January 2009, the Tacoma area experienced severe wet weather conditions, which led to very high water levels in the Puyallup River. These conditions were severe enough to require sandbagging operations at the CTP. While in the end, actual flooding at the CTP was avoided, this storm event was a reminder of the vulnerability of the CTP to flooding events. It was also a reminder that it would be nearly impossible to fully protect the CTP from a severe flood event via the use of temporary sandbags. This was the second close call flooding event experienced since the mid 1990s at the CTP.

The Lower Puyallup River levees were accredited as 100-year levees when flood mapping was last performed in 1987, but since this time sediments accumulating along the river bottom have raised river water levels so that the elevation of the levees are no longer at least three feet above the predicted 100-year floodwater levels.

These circumstances have prompted the Environmental Services Department to pursue a capital project that would provide protection of the entire CTP from flooding during extreme wet weather events. The proposed flood protection project would provide for the construction of a floodwall, likely varying from four to eight feet in height above ground, around the currently unprotected perimeter of the CTP. In addition, the project would provide reasonable protection from the risk of flooding from the existing 30-inch diameter surface water pipe that is currently beneath the CTP and carries stormwater runoff from approximately 200 acres in the immediate vicinity of the plant.

The professional services contract would provide engineering design services to take the existing engineering work completed to date and produce complete plans and specifications for

the project. Based on CH2M HILL's existing work on the floodwall to date, their detailed knowledge of the geotechnical conditions at the CTP and their qualifications provided as part of Request for Qualifications Specification No. CT12-0001F dated December 5, 2011, the Environmental Services Department is requesting the contract be awarded to CH2M HILL.

From a sustainability perspective this overall project will: help avoid the potential discharge of hundreds of millions of gallons or more of untreated wastewater that would overflow into Commencement Bay if severe flooding were to occur at the CTP; significantly reduce the risk of loss of extensive infrastructure, and the replacement that would be necessary, in the event of severe flooding; and, significantly reduce the staff time necessary for implementation of temporary flood protection measures.

Prior Council Action

The City Council approved an on-call professional services contract with CH2M HILL on March 24, 2009, via Resolution No. 37757. A result of this on-call contract was a Formal Task Authorization dated December 17, 2010, for \$198,872.00 to provide engineering pre-design and design services associated with the flood wall.

Funding

The actual construction of this project is dependent upon receiving funding from outside. The Environmental Services Department has been coordinating closely with the Pierce County Flood Control Zone District (FCZD) to secure funding for this critical project. This project is identified in the Pierce County Rivers Flood Hazard Management Plan as a critical project that should be implemented in the lower Puyallup River Zone. The Environmental Services Department is pursuing an agreement for funding from the FCZD, construction could begin as early as late 2013.

Reason for the Project

The CTP is a critical component of the wastewater infrastructure within the City of Tacoma, treating approximately 80 percent of the wastewater from the citizens of Tacoma and adjacent customers. Severe flooding of this facility would likely result in the inability to treat wastewater for weeks or even months, causing hundreds of millions of gallons or more of untreated wastewater to overflow into the Puyallup River, Foss Waterway and eventually Commencement Bay. This capital project is necessary to significantly reduce this risk.

The necessary engineering to accomplish the project design work is specialized and requires expertise. As a result, the Environmental Services Department is recommending award of the Consultant Services Contract to CH2M HILL for this work.

Public Process

A Shoreline Substantial Development Permit application process was completed by the Environmental Services Department. This process included a public notice and an appeal period. A Shoreline Substantial Development Permit for the project was issued in April 2011.

The proposed project improvements will be limited to the existing CTP site.

Construction Schedule

Anticipated Construction to begin: Fall 2013

Anticipated completion: Spring 2014



RESOLUTION NO. 38624

1 A RESOLUTION relating to the Department of Public Utilities, Water Division;
2 authorizing the execution of an amendment to the loan agreement in the
3 amount of \$762,872.43, for a cumulative loan total of \$7,341,757.91,
4 received by the Department of Public Utilities, Water Division, from the
5 Washington State Public Works Board through the Drinking Water State
6 Revolving Fund American Recovery and Reinvestment Act ("ARRA") of
7 2009, for the McMillin Reservoir Replacement Project.

8 WHEREAS, in 2009, pursuant to Board Resolution No. U-10313, the
9 Department of Public Utilities, Water Division (d.b.a. "Tacoma Water"), was
10 approved to enter into an agreement for a \$6,060,000 low-interest (1 percent)
11 construction loan, with a term of 20 years, through the Drinking Water State
12 Revolving Fund ("DWSRF") for the McMillin Reservoir Replacement Project, and

13 WHEREAS, in 2010, pursuant to Board Resolution No. U-10410, the
14 DWSRF offered to increase the amount of the loan by an additional \$518,885.48,
15 bringing the total revised loan amount to \$6,578,885.48, and

16 WHEREAS, due to the availability of unused ARRA funding, the DWSRF
17 has offered to increase the amount of the loan by an additional \$762,872.43, for a
18 cumulative loan total of \$7,341,757.91, under the same terms and conditions of the
19 original loan agreement, which includes a 1 percent loan administration fee on the
20 additional funds, and

21 WHEREAS, due to reduced interest payments, this amendment will result in
22 total project savings of \$3,033,000; Now, Therefore,

23 BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TACOMA:

24 That the proper officers of the City are hereby authorized to execute an
25 amendment to the loan agreement in the amount of \$762,872.43, for a cumulative
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loan total of \$7,341,757.91, received by the Department of Public Utilities, Water Division, from the Washington State Public Works Board through the Drinking Water State Revolving Fund American Recovery and Reinvestment Act of 2009, for the McMillin Reservoir Replacement Project, said document to be substantially in the form of the proposed amendment on file in the office of the City Clerk.

Adopted _____

Mayor

Attest:

City Clerk

Approved as to form:

Chief Deputy City Attorney

Requested by Public Utility Board
Resolution No. U-10593



RESOLUTION NO. 38625

1 A RESOLUTION relating to the City's compensation philosophy; approving
2 revisions to the compensation philosophy.

3 WHEREAS the City Council adopted Resolution No. 37639 on November 18,
4 2008, approving a compensation philosophy which defined the values and goals for
5 the equitable and consistent implementation of the City's compensation program,
6 and

7 WHEREAS revisions to the competitiveness section of the compensation
8 philosophy are necessary in order to maintain fiscal responsibility and reflect
9 changing economic conditions and budget impacts, including positioning pay at the
10 60th percentile of the market and recognizing the potential for a pay-for-
11 performance program for non-represented classifications; Now, Therefore,
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13 BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TACOMA:

14 That the revised compensation philosophy, as set forth in the proposed
15 documents on file in the office of the City Clerk, is hereby approved.
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18 Adopted _____

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Mayor

20 Attest:
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City Clerk

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23 Approved as to form:
24 _____
25 Deputy City Attorney

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ORDINANCE NO. 28128

1 AN ORDINANCE relating to wastewater and surface water management;
2 amending Chapter 12.08 of the Tacoma Municipal Code by adjusting rates
3 and charges for services provided by the Wastewater and Surface Water
Utilities for the years 2013 and 2014.

4 WHEREAS the Environmental Services Department, working with the
5 Environmental Services Commission (“Commission”), has updated its five-year
6 rate plan to a six-year plan and has developed proposed rates for the 2013-2014
7 biennium for Wastewater and Surface Water customers, and
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9 WHEREAS, consistent with the recommendations from the Commission, a
10 4.8 percent per year increase is proposed for Wastewater customers and a
11 6 percent per year increase is proposed for Surface Water customers, and
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13 WHEREAS these rate increases are driven primarily by increased labor
14 costs and increased investment in infrastructure, and

15 WHEREAS the Low Income Elderly/Low Income Disabled discount has
16 been maintained at 30 percent, and

17 WHEREAS a reduced rate is established for parcels containing dedicated
18 open space areas with forested land cover, and

19 WHEREAS such parcels provide important and reliable stormwater
20 management benefits by reducing the quantity and improving the quality of
21

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1 stormwater collected by Tacoma’s municipal stormwater conveyance systems
 2 through infiltration, filtration, storage, evaporation and transpiration, Now,
 3 Therefore,

4 BE IT ORDAINED BY THE CITY OF TACOMA:

5 That Chapter 12.08 of the Tacoma Municipal Code is hereby amended as
 6 set forth in the attached Exhibit “A.”
 7

8
 9 Passed _____

10 Mayor _____

11 Attest:

12
 13 _____
 14 City Clerk

15 Approved as to form

16
 17 _____
 18 Deputy City Attorney

19
 20
 21
 22
 23
 24
 25
 26



EXHIBIT "A"

Chapter 12.08

**WASTEWATER AND SURFACE WATER
MANAGEMENT – REGULATION AND RATES¹**

Sections:

- 12.08.005 Purpose and policy.
- 12.08.007 Applicability and administration.
- 12.08.010 Definitions.
- 12.08.020 Prohibitions on discharges - Sanitary.
- 12.08.030 Prohibitions on storm drainage, ground water and unpolluted water - Sanitary.
- 12.08.040 Limitations on wastewater strength.
- 12.08.050 Limitations on radioactive wastes.
- 12.08.060 Limitations on the use of garbage grinders.
- 12.08.070 Limitations on point of discharge.
- 12.08.080 Prohibited, allowable, and conditional discharges – Storm.
- 12.08.090 Stormwater program requirements.
- 12.08.095 Exceptions procedure.
- 12.08.100 Sampling and testing of wastewater.
- 12.08.130 Pretreatment of commercial and/or industrial wastewater.
- 12.08.140 Industrial wastewater discharge permits.
- 12.08.150 Reporting requirements for wastewater permittee.
- 12.08.160 Wastewater monitoring facilities.
- 12.08.170 Confidential information.
- 12.08.180 Emergency suspension of service and revocation of discharge permits.
- 12.08.190 Prohibited practices; termination of treatment services.
- 12.08.200 Enforcement procedures.
- 12.08.210 Duty to reapply.
- 12.08.220 Operating upsets.
- 12.08.230 Accidental discharges - Spills.
- 12.08.240 Records retention.
- 12.08.300 Holding tank waste.
- 12.08.310 Designation of places and manner of discharge of holding tank contents.
- 12.08.320 Discharge of holding tank contents - Charges - Report.
- 12.08.330 Sanitary sewage from outside the City.
- 12.08.340 Charges and rates for direct wastewater services for properties outside the City.
- 12.08.350 Connection Charge-in-lieu-of-Assessment.
- 12.08.360 Charges and rates for wastewater service inside the City limits.
- 12.08.362 Charges for fixed-term discharges to the sanitary sewer of effluent from groundwater pump-and-treat systems.
- 12.08.365 Charges for special approved discharges.
- 12.08.368 Charges for TAGRO.
- 12.08.370 Classification of users of sanitary sewers.
- 12.08.380 Types of Charges and Fees Relating to Use of Sanitary Sewers.
- 12.08.390 Basis for determination of commercial/industrial charges for use of wastewater system.
- 12.08.400 Charge for Commercial/Industrial Wastewater User Groups.
- 12.08.410 *Repealed.*

¹ Disposal systems, installation and connection – See Section 2.12.040. Authority to operate – See RCW 80.40.020 and 35.21.210.



- 12.08.420 Water source.
- 12.08.430 Reconsideration of wastewater rates.
- 1 12.08.440 Regular review of wastewater and surface water rates.
- 12.08.450 New services - Rates.
- 2 12.08.460 Minimum charge.
- 12.08.470 Unlawful installations.
- 3 12.08.500 Surface water rates and charges.
- 12.08.510 Billing for storm and surface water sewerage charges.
- 4 12.08.520 Reconsideration of storm and surface water sewerage charges.
- 12.08.530 Exclusions of certain properties from storm and surface water sewerage charges.
- 5 12.08.540 Organized drainage or drainage improvement districts.
- 12.08.550 *Repealed.*
- 6 12.08.560 Low impact development stormwater and surface water systems.
- 12.08.600 Billing periods, payments, and collections.
- 7 12.08.610 Property owner liability - Supplemental charges.
- 12.08.620 Contracts with the state, sewer or water districts and other municipal corporations.
- 8 12.08.630 Sewer fund created.
- 12.08.640 Environmental Services Conservation Loan Program.
- 9 12.08.650 *Repealed.*
- 10 12.08.660 *Repealed.*
- 12.08.670 Violation - Penalties.
- 11 12.08.675 Notice of violation - Civil penalties.
- 12.08.677 Dischargers in significant noncompliance.
- 12 12.08.678 Appeals of orders, requirements, decisions and determinations.
- 12.08.680 Severability - Saving.
- 13 12.08.700 Utility Reimbursement Agreements Wastewater and Surface Water Utility Improvements.
- 12.08.720 Side Sewer Condition Education Requirement.
- 14 12.08.740 Side Sewer and Sanitary Sewer Availability Manual.

15 * * *

16 **12.08.010 Definitions.**

17 Words and phrases used in this chapter shall be interpreted as defined below. Where ambiguity exists,
18 technical words or phrases shall be interpreted in accordance with the City's Manual; nontechnical
19 words or phrases shall be given their dictionary meaning.

19 Any pretreatment limit or prohibitive standard (federal, state, and/or local) contained in this chapter
20 deemed to be the most restrictive with which commercial/industrial users will be required to comply.

20 "AKART." The application of all known, available, and reasonable methods of prevention, control, and
21 treatment to storm and surface water and wastewater discharges as required by chapter 90.48. RCW.

21 "Approval." The determination by the Director that the proposed or completed work or activity
22 conforms to this chapter.

22 "Authorized representative of the user."

23 1. If the user is a corporation:

24 a. The president, secretary, treasurer, or vice president of the corporation in charge of a principal
25 business function, or any other person who performs similar policy or decision-making functions for the
26 corporation, or



- 1 b. The manager of one or more manufacturing, production, or operation facilities employing more than
250 persons or having gross annual sales or expenditures exceeding \$25,000,000, if authority to sign
documents has been assigned or delegated to the manager in accordance with corporate procedures;
- 2 2. If the user is a partnership or sole proprietorship: a general partner or proprietor, respectively;
- 3 3. If the user is a federal, state, or local governmental facility: a director or highest official appointed or
designated to oversee the operation and performance of the activities of the government facility, or his
or her designee;
- 4 4. The individuals described in paragraphs 1 through 3 above may designate another authorized
representative if the authorization is in writing, the authorization specifies the individual or position
responsible for the overall operation of the facility from which the discharge originates or having overall
responsibility for environmental matters for the company, and the written authorization is submitted to
the City.
- 7 "Availability." Those premises which are determined per the Side Sewer and Sanitary Sewer
Availability Manual to have a wastewater sewer available for connection to the premises.
- 8 "Basin Plan." A plan to manage the quality and quantity of surface water or stormwater in a watershed
or basin.
- 9 "Batch discharge." Any single discharge that is specifically allowed under a wastewater permit or
Special Approved Discharge authorization and requires the prior written approval of the Director before
discharge to the sanitary sewer system may begin.
- 10 "Best Management Practices" or "BMPs." Schedules of activities, prohibitions of practices, general
good housekeeping practices, pollution prevention and education practices, maintenance procedures, and
structural or managerial practices to prevent or reduce the discharge of pollutants directly or indirectly to
stormwater, receiving waters, or stormwater conveyance systems. BMPs also include treatment
practices, operation procedures, and practices to control site runoff, spillage or leaks, sludge or water
disposal, or drainage from raw materials storage. BMPs for stormwater management are listed and
described in the City of Tacoma's Stormwater Management Manual. The term "Best Management
Practice" shall also include any City-approved schedule of activities, treatment practices, prohibitions of
practices, maintenance procedures, and other management practices based on applicable Pretreatment
Standards in 40 CFR Part 403, federal categorical effluent standards, local limits, and state and local
laws which are implemented by a user to prevent pollutants from entering a facility's waste stream and
causing "interference" or "pass through," as these terms are defined under 40 CFR Part 403.3 and
TMC 12.08.010.
- 18 "BOD" (Biochemical Oxygen Demand). The quantity of oxygen utilized in the biochemical oxidation of
organic matter under standard laboratory procedure in five days at 20 degrees centigrade, expressed in
parts per million or milligrams per liter (mg/L) by weight, using "Standard Methods," 17th Edition, or
other approved methods in 40 CFR Part 136.
- 21 "Categorical pretreatment standards." The limitations on pollutant discharges to Publicly Owned
Treatment Works (POTWs) promulgated by the U.S. Environmental Protection Agency (USEPA) in
accordance with Section 307 of the Clean Water Act (CWA), that apply to specified process wastewater
of particular industrial categories (40 CFR Chapter I, Subchapter N, Parts 405-471 and amendments
thereto).
- 24 "City." The City of Tacoma, Washington, a municipal corporation organized and existing under and by
virtue of the laws of the state of Washington. "Within the city" means within the City boundaries as now
or hereafter constituted.
- 25 "Clean Water Act or "CWA." The Federal Water Pollution Control Act, as amended
26 (33 USC 1251 et seq.).



“Color.” The optical density at the visual wave length of maximum absorption, relative to distilled water. One hundred percent (100%) transmittance is equivalent to zero (0.0) optical density.

1 “Commercial and/or industrial discharger (discharger/user).” Any nonresidential user who discharges an
2 effluent into the Municipal Sewer System by any means including, but not limited to, pipes, conduits,
3 pumping stations, force mains, tank trucks, constructed drainage ditches, surface water intercepting
ditches, intercepting ditches, and all constructed devices and appliances appurtenant thereto, including
over-land flow.

4 “Commercial and/or industrial waste.” Any liquid, solid, or gaseous substance, or combination thereof,
5 resulting from or used in connection with any process of industry, manufacturing, commercial food
6 processing, food service establishment, business, agriculture, trade or research including, but not limited
to, development, recovering, or processing of natural resources, and leachate from landfills or other
disposal sites.

7 “Director.” The Director of the Environmental Services Department of the City of Tacoma or his or her
authorized representative.

8 “Discharger.” A “commercial and/or industrial discharger,” as defined in TMC 12.08.010, and shall also
9 include any property owner, business owner, multi-family residential property owner, tenant, residential
10 homeowner or homeowner’s association/representative group, or any other individual, company, or
vessel residing and/or conducting business within Tacoma that discharges wastewater or stormwater
directly or indirectly to Tacoma’s municipal sewer system and/or receiving waters.

11 “Domestic User (Residential User).” Any person who contributes, causes, or allows the contribution of
12 wastewater into the (City) POTW that is of a similar volume and/or chemical makeup to that of a
residential dwelling unit.

13 “Domestic waste.” Water carrying human wastes including kitchen wastes, bath wastes, and laundry
14 wastes that are typical of residential discharges, but does not include industrial wastes. Domestic wastes
may be discharged by residential users, and by commercial and/or industrial dischargers.

15 “Effluent Limit.” Any restriction, prohibition, or specification established under 40 CFR Part 403,
16 Chapter 173.220 WAC, or Chapter 12.08 TMC that regulates the quantities, rates, percent removal,
and/or concentrations of physical, chemical, or biological characteristics of wastes which are discharged
into the Municipal Sewer System, including Best Management Practices for the prevention or control of
such waste discharges.

17 “Emerging BMP.” A BMP that has not been tested and evaluated by the Department of Ecology in
18 collaboration with local governments and technical experts.

19 “Erosion.” The wearing away of the land surface as a result of the movement of water, wind, ice, or any
other means.

20 “Erosion and Sediment Control.” Any temporary or permanent measures taken to reduce erosion,
control siltation and sedimentation, and ensure that sediment-laden water does not leave a given site.

21 “Excessive discharge.” Any wastewater released directly or indirectly to the Municipal Sewer System at
22 a rate and/or concentration greater than that which has recently been monitored or would normally be
expected from a classified commercial/industrial discharger.

23 “Food Service Establishment.” Any facility, which serves, prepares, processes, manufactures, or
24 packages food for consumption such as a restaurant, commercial kitchen, caterer, hotel, school, hospital,
detention facility, or care institution.

25 “Ground water.” Water in a saturated zone or stratum beneath the surface of the land or below a surface
water body.

26 “Illicit Connection.” Any connection to the City’s stormwater drainage system, identified by the
Director, that could convey anything not composed entirely of surface water and stormwater directly to



1 surface water, stormwater, or groundwater. Illicit connections are prohibited unless the connection conveys approved discharges, or conveys discharges pursuant to an NPDES permit (other than an NPDES stormwater permit), or State Waste Discharge Permit.

2 “Illicit Discharges.” Any direct or indirect non-stormwater discharge or spill to the City’s stormwater drainage system, ground water, or receiving waters within Tacoma city limits. Illicit discharges may also include, but are not limited to, discharges of industrial process water, discharges from sanitary sewer connections and interior floor drains, and discharges from car-washing activities and gray water systems.

3
4
5 “Impervious surface.” A surface area which either prevents or retards the entry of water into the soil mantle as under natural conditions prior to development, and/or a surface area which causes water to run off the surface in greater quantities or at an increased rate of flow from the flow present under natural conditions prior to development. Further definition may be found in the City’s Manual.

6
7 “Industrial wastewater permit” (“wastewater permit”). A permit to discharge wastewater into the Municipal Sanitary Sewer System issued under the authority of this chapter which prescribes certain requirements and limitations.

8
9 “Interference.” A discharge which:

10 1. Alone or in conjunction with a discharge(s) from other sources, inhibits or disrupts the normal operation of the Municipal Sewer System; or

11 2. Causes a violation, or increases the magnitude of, or extends the duration of an existing violation, of any requirement of the City’s POTW-NPDES permit(s); or

12 3. Prevents the use or disposal of sewage sludge or biosolids in accordance with local, state, and federal regulations and any permits issued thereunder, including the Clean Water Act, Section 405; the Solid Waste Disposal Act (including Title II, also known as the Resource Recovery and Conservation Act, and any state regulations contained in any state sludge management plan); the Clean Air Act; the Toxic Substances Act; and the Marine Protection, Research and Sanctuaries Act.

13
14
15 “Land-disturbing activity.” Activity that results in a change in the existing soil cover (both vegetative and non-vegetative) and/or the existing soil topography. Land-disturbing activities include, but are not limited to, demolition, construction, clearing, grading, filling, stockpiling, excavation, and land modification.

16
17 “Manual.” The manual referred to in this ordinance is the City of Tacoma’s Stormwater Management Manual, as amended.

18
19 “Manual (Department of Ecology).” The manual refers to the latest version of the Washington State Department of Ecology’s stormwater management manual, applicable to Western Washington.

20
21
22 “Municipal Sewer System.” The system of conduits, pumps, treatment plants, structures, and properties including, without limitation, all properties, interests, physical and intangible rights of every kind or nature owned or held by the City and all appurtenances thereto, however acquired, insofar as they relate to or concern drainage, transportation, storage or treatment, in any manner whatsoever, of waste matter or stormwater and surface water of any nature now or hereafter permitted by this chapter to enter the Municipal Sewer System. Sanitary sewers and storm drains, separately and in combination, are, without limitation, included in the Municipal Sewer System.

23
24 “New development.” Land-disturbing activities; structural development including construction, installation, or expansion of a building or other structure; creation of impervious surfaces; and subdivision and short subdivision of land as defined in RCW 58.17.020.

25
26 “New source.” Any building, structure, facility, or installation from which there is or may be a discharge of pollutants, the construction of which commenced after publication of proposed pretreatment standards



under Section 307(c) of the Federal Water Pollution Control Act (FWPCA) which will be applicable to such sources if such standards are thereafter promulgated in accordance with that section, provided that:

- 1 1. The building, structure, facility or installation is constructed at a site at which no other source is
2 located; or
- 3 2. The building, structure, facility or installation totally replaces the process or production equipment
4 that causes the discharge of pollutants at an existing source; or
- 5 3. The production or wastewater-generating processes of the building, structure, facility, or installation
6 are substantially independent of an existing source at the same site. In determining whether these are
7 substantially independent, factors such as the extent to which the new facility is integrated with the
8 existing plant, and the extent to which the new facility is engaged in the same general type of activity as
9 the existing source, should be considered.

Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility, or installation meeting the criteria of paragraphs (2) or (3) above, but otherwise alters, replaces, or adds to existing process or production equipment.

Construction of a new source as defined under this section has commenced if the owner or operator has:

- 10 1. Begun, or caused to begin as part of a continuous on-site construction program:
 - 11 a. Any placement, assembly, or installation of facilities or equipment, or
 - 12 b. Significant site preparation work including clearing, excavation, or removal of existing buildings,
13 structures, or facilities which is necessary for the placement, assembly, or installation of new source
14 facilities or equipment; or
- 15 2. Entered into a binding contractual obligation for the purchase of facilities or equipment which are
16 intended to be used in its operation within a reasonable time. Options to purchase or contracts which can
17 be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design
18 studies do not constitute a contractual obligation under this section.

“New user.” A person that submits an application for and receives a new building permit from the City for a structure that will discharge wastewater to the Municipal Sewer System or any person who occupies an existing building and plans to discharge wastewater to such system. Any person that buys an existing facility that is discharging commercial and/or industrial wastewater will be considered an “existing user” if no significant changes are made in the manufacturing operation. The term “new user” shall not mean a “new source” or “existing source,” as defined in 40 CFR Part 403.3.

“Noncontact cooling water.” Water that does not mix, communicate with, or come into direct contact with any raw material, intermediate product, waste product, or finished product, and to which the only pollutant added is heat.

“North American Industry Classification System (NAICS) Code.” The NAICS, which replaces the Standard Industrial Classification (SIC) Code is an industrial classification scheme developed by the United States Office of Management and Budget used to classify business establishments for the collection, tabulation, presentation, and analysis of statistical data describing the U.S. economy.

“NPDES permit.” A permit issued to the City of Tacoma by the Department of Ecology under the National Pollutant Discharge Elimination System program. Examples of NPDES permits include a POTW NPDES permit, a municipal stormwater NPDES permit, a construction stormwater NPDES permit, a sand and gravel NPDES permit, and an industrial stormwater NPDES permit.

“Open space parcel with forested land cover.” An undeveloped parcel of land where trees cover the majority of the land surface which is dedicated by deed or other instrument to remain in such condition and which reduces the quantity and improves the quality of stormwater collected by Tacoma’s municipal stormwater conveyance systems through infiltration, filtration, storage, evaporation and transpiration.



1 “Pass through.” A discharge which exits the POTW into waters of the United States in quantities or
concentration which, alone or in conjunction with a discharge or discharges from other sources, is a
cause of a violation of any requirement of the POTW NPDES permit (including an increase in the
magnitude or duration of a violation).

2 “Person.”

- 3 1. A natural person, including that person’s heirs, executors, administrators, and assigns;
4 2. A public or private corporation, co-partnership, association, or firm;
5 3. A government agency or any political subdivision; or
6 4. Any other entity whatsoever.

6 Singular includes plural; male includes female.

7 “pH.” The negative logarithm of the effective hydrogen-ion concentration or hydrogen activity in gram
equivalents per liter used in expressing both acidity and alkalinity on a scale whose values run from 0 to
8 14, with 7 representing neutrality, numbers less than 7 increasing acidity, and numbers greater than 7
increasing alkalinity.

9 “Pollutant.” Any substance that is discharged to receiving waters or the Municipal Sewer System which
is prohibited or limited by the requirements of this chapter. See TMC 12.08.020 through
10 TMC 12.08.080.

11 “Premises.” A continuous tract of land, building, or group of adjacent buildings under a single control
with respect to use of water and responsibility for payment therefor. Subdivision of such use or
12 responsibility shall constitute a division into separate premises as herein defined, except where more
than one dwelling is being served through the same water meter, in which case, each of said dwellings
13 shall constitute a separate premises and shall be subject to the same separate charges as if separate
single-family dwellings.

14 “Pretreatment.” The reduction of the amount of pollutants, the elimination of pollutants, or the alteration
of the nature of pollutant properties in wastewater prior to or in lieu of discharging or otherwise
15 introducing such pollutants into Tacoma’s POTW or Municipal Sanitary Sewer System. The reduction
or alteration may be obtained by physical, chemical or biological processes, process changes, or by other
16 means, except as prohibited by 40 CFR Part 403.6(d). Appropriate pretreatment technology includes
control equipment, such as equalization tanks or facilities for protection against surges or slug loadings
17 that might interfere with or otherwise be incompatible with the POTW. However, where wastewater
from a regulated process is mixed in an equalization facility with unregulated wastewater or with
18 wastewater from another regulated process, the effluent from the equalization facility must meet an
adjusted pretreatment limit calculated in accordance with 40 CFR Part §403.6(e).

19 “Pretreatment requirements.” Any substantive or procedural requirement related to pretreatment other
than a National Pretreatment Standard imposed on a Commercial and/or Industrial User.

20 “Pretreatment standard.” Any regulation containing pollutant limitations promulgated by the EPA in
accordance with 33 U.S.C. § 1317(b) and (c) and 40 CFR Parts 401 through 471. The term
21 “pretreatment standard” also includes any prohibited discharge standards, categorical pretreatment
standards, BMPs, local limits established by the City, and Effluent Limits.

22 “Private side sewer.” The term private side sewer shall be defined according to TMC 12.08.720.

23 “POTW.” The Publicly Owned Treatment Works, which includes any devices and systems, owned by a
state or municipality, used in the collection, transportation, storage, treatment, recycling, and
24 reclamation of wastewater.
25

26



1 “Receiving Water.” The surface water, ground water, water course, or wetland receiving drainage water within Tacoma City limits. Surface water includes, but is not limited to, bays, waterways, rivers, and creeks.

2 “Redevelopment.” The creation or addition of impervious surfaces on a site that has already been
3 substantially developed, including structural development, construction, installation or expansion of a
4 building or other structure, and/or replacement of impervious surface that is not part of a routine
5 maintenance activity, and land-disturbing activities associated with structural or impervious
6 redevelopment.

7 “Residential user.” Any single-family or multi-family customer discharging wastewater limited to
8 kitchen wastes, human wastes, and housekeeping cleaning materials, in volumes and/or concentrations
9 normally discharged from these classes of customers.

10 “Responsible party.” Any or all of the following persons: owners or occupants of property within the
11 City of Tacoma and/or any person causing or contributing to a violation of the provisions of this chapter.

12 “Runoff.” Water originating from rainfall or other precipitation that is found in drainage facilities,
13 rivers, streams, seeps, ponds, lakes, and wetlands as well as shallow groundwater. It also means the
14 portion of rainfall or other precipitation that becomes surface flow or interflow.

15 “Sanitary sewers.” Those portions of the Municipal Sewer System which are designated by the Director
16 to carry, treat, or dispose of wastewater not constituting storm or surface water permitted by or under
17 this chapter to enter the Municipal Sewer System. Sanitary sewers are also referred to in this chapter and
18 have the same definition as wastewater sewers.

19 “Significant Industrial User (SIU).” Except as provided in subparagraph 3, “significant industrial user”
20 means:

21 1. All industrial users subject to Categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR
22 Chapter I, Subchapter N.

23 2. Any other industrial user which discharges an average of 25,000 gallons per day or more of process
24 wastewater to the POTW (excluding domestic, noncontact cooling and boiler blowdown wastewater); or
25 contributes a process waste stream which makes up 5 percent or more of the average dry weather
26 hydraulic or organic capacity of the POTW; or is designated as such by the Director on the basis that the
industrial user has a reasonable potential for adversely affecting the POTW’s operation; or for violating
any pretreatment standard or requirement (in accordance with 40 CFR 403.8 (F)(6), as found in
55 FR 30128, July 24, 1990).

3. Upon finding that an industrial user meeting the criteria in paragraph 2 above has no reasonable
potential for adversely affecting the POTW’s operation or for violating any pretreatment standard or
requirements, the Director may, at any time, on his or her own initiative or in response to a petition
received from an industrial user, and in accordance with 40 CFR 403.8(F)(6), determine that such
industrial user is not a significant industrial user.

“Significant noncompliance” with applicable pretreatment requirements exists when a violation by an
industrial user meets one or more of the following criteria:

1. Chronic violations of wastewater discharge limits, defined as those in which 66 percent or more of all
the measurements taken for the same pollutant parameter during a six-month period exceed (by any
magnitude a numeric Pretreatment Standard or Requirement including instantaneous limits, as defined
by 40 CFR Part 403.3(l));

2. Technical Review Criteria (TRC) violations, defined as those in which 33 percent or more of all of the
measurements taken for the same pollutant parameter during a six-month period equal or exceed the
product of a numeric Pretreatment Standard or Requirement including instantaneous limits, as defined
by 40 CFR Part 403.3(l) multiplied by the applicable TRC (TRC=1.4 for BOD, TSS, fats, oil, and
grease, and 1.2 for all other pollutants except pH);



1 3. Any other violation(s) of a Standard or Requirement as defined by 40 CFR Part 403.3(l) daily maximum, long-term average, instantaneous limit, or narrative standard that the Director determines has caused, alone or in combination with other discharges, interference or pass through or endangered the health of the general public or sewage treatment personnel);

2 4. Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the POTW's exercise of its emergency authority to halt or prevent such a discharge;

3 5. Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in an industrial wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;

4 6. Failure to provide, within 45 days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;

5 7. Failure to accurately report noncompliance;

6 8. Any other violation or group of violations which may include a violation of Best Management Practice, the Director determines will adversely affect the operation or implementation of the City's Pretreatment Program.

7 "Significant noncompliance" with requirements for discharges to the storm drainage system or receiving water exists when an instance of noncompliance or Code violation meets one or more of the following criteria:

8 1. Any discharge or potential discharge of a pollutant that has caused or may cause a threat to human health, public safety or the environment, or that has resulted in the exercise of emergency authority to halt or prevent such a discharge;

9 2. Failure to complete a required corrective action within 30 days after the scheduled date required in a Notice of Violation, Corrective Action, or other enforcement document.

10 3. Any other violation or group of violations that the Director determines will adversely affect the operation and implementation of the City's Stormwater Management Program or its NPDES permit.

11 "Single-family residence."

12 1. Any building or portion thereof which contains living facilities, including provisions for sleeping, eating, cooking and sanitation, for use by not more than one family;

13 2. Instances in which more than one residence is served through a single water meter; and

14 3. Those individual units within multi-family complexes that are served by a separate water meter.

15 "Slug load." Any discharge at a flow rate or concentration which could cause a violation of any Pretreatment Standard or Requirement, as defined by 40 CFR Part 403.3(1) or this chapter, including any discharge of a nonroutine, episodic nature, including, but not limited to, an accidental spill or a noncustomary batch discharge.

16 "Source Control." Actions, activities, and the implementation of BMPs to prevent or reduce the introduction of contaminants to the Municipal Sewer System. Examples include, but are not limited to: segregating or isolating waste; enclosing, covering, or containing the activity to prevent contact with stormwater; developing and implementing inspection and maintenance programs; sweeping; and taking management actions such as training employees on pollution prevention.

17 "Spill." An unauthorized discharge of a pollutant enumerated in TMC 12.08.080 to the municipal sewer system or receiving waters within Tacoma City limits.

18 "Storm drainage facility." Any constructed facility or natural feature that collects, conveys, or stores surface water and stormwater runoff. Drainage facilities include, but are not limited to, stormwater



1 conveyance and containment facilities including pipelines, constructed channels and ditches, infiltration
2 facilities, retention and detention facilities, stormwater treatment facilities, erosion and sediment control
3 facilities, and all other drainage structures and appurtenances.

4 “Storm drains.” Those portions of the Municipal Sewer System which do, or are designated by the
5 Director to, detain or retain, carry or dispose of stormwater and surface water and such other waters as
6 are not required by or under this chapter or other applicable law to be disposed of through sanitary
7 sewers, in accordance with the provisions hereinafter set forth. Storm drains shall, without limitation,
8 include all properties, interests and rights of the City insofar as they relate to or concern storm or surface
9 water sewerage, whether natural or constructed, in and to the drainage or storage, or both, of storm or
10 surface waters, or both, including without limitation through, under or over lands, landforms,
11 watercourses, sloughs, streams, ponds, lakes and swamps.

12 “Stormwater.” Runoff during and following precipitation and snowmelt events, including surface runoff,
13 drainage, and interflow.

14 “Stormwater Pollution Prevention Plan (SWPPP).” A document which describes the best management
15 practices and activities to be implemented by a person to identify sources of pollution or contamination
16 at a premises or parcel and the actions to eliminate or reduce pollutant discharges to stormwater,
17 stormwater conveyance systems, and/or receiving waters to the maximum extent practicable.

18 “Suspended solids.” Solids that either float on the surface of or are in suspension in water, sewage, or
19 other liquid; and which are removable by laboratory filtering using Standard Methods, 17th Edition.

20 “TMC.” The Tacoma Municipal Code.

21 “Toxic pollutant.” Those pollutants, or combinations of pollutants, including disease-causing agents,
22 which after discharge and upon exposure, ingestion, inhalation, or assimilation into any organism, either
23 directly from the environment or indirectly by ingestion through food chains, will, on the basis of
24 information available to the Director, cause death, disease, behavioral abnormalities, cancer, genetic
25 mutations, physiological malfunctions (including malfunctions in reproduction) or physical
26 deformations, in such organisms or their offspring.

“Track-out.” Material such as dirt, mud and other debris that is deposited on paved public streets or
alleys by vehicles exiting a construction site or a commercial or industrial facility.

“Upset.” An exceptional incident in which a discharger unintentionally and temporarily is in a state of
noncompliance with the applicable pretreatment standards due to factors beyond the reasonable control
of the discharger, and excluding noncompliance to the extent caused by operational error, improperly
designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless
or improper operation thereof.

“User or Industrial User.” A nondomestic source of an indirect discharge to the municipal sanitary sewer
system.

“WAC.” The Washington Administrative Code.

“Wastewater.” Liquid and water-carried industrial wastes and sewage from residential dwellings,
commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or
untreated.

“Wastewater sewer.” Those portions of the Municipal Sewer System which are designated by the
Director to carry, treat or dispose of wastewater not constituting storm or surface water permitted by or
under this chapter to enter the Municipal Sewer System. Wastewater sewers are also referred to in this
chapter and have the same definition as sanitary sewers.

* * *



12.08.080 Prohibited, allowable, and conditional discharges – Storm.

1 A. Prohibited Discharges. No person shall throw, drain, spill, or otherwise discharge, cause, or allow
2 others under its control to throw, drain, spill, or otherwise discharge in the municipal storm drain system
3 and/or surface and ground waters any materials other than stormwater. Examples of prohibited
4 discharges are discharges that are contaminated with the following pollutants: ~~Construction materials,~~
5 ~~trash, solids, and debris~~

6 1. Petroleum products including, but not limited to, oil, gasoline, grease, fuel oil, and heating oil;

7 2. Antifreeze and other automotive products;

8 3. Metals in either particulate or dissolved form;

9 4. Flammable or explosive materials;

10 5. Radioactive material;

11 6. Batteries;

12 7. Acids, alkalis, or bases;

13 8. Paints, stains, resins, lacquers, or varnishes;

14 9. Degreasers and/or solvents;

15 10. Drain cleaners;

16 11. Pesticides, herbicides, or fertilizers;

17 12. Soaps, detergents, or ammonia;

18 13. Steam-cleaning wastes;

19 14. Swimming pool or spa filter backwash;

20 15. Chlorine, bromine, or other disinfectants;

21 16. Heated water;

22 17. Domestic animal wastes;

23 18. Sewage;

24 19. Recreational vehicle waste;

25 20. Animal carcasses;

26 21. Food wastes or products, trash, or debris not otherwise enumerated in this section;

27 22. Bark and other fibrous materials;

28 23. Lawn clippings, leaves, or branches;

29 24. Silt, sediment, concrete, cement, ~~or~~ gravel, asphalt, or construction materials;

30 25. Chemicals not normally found in uncontaminated water;

31 26. Any other process-associated discharge, except as otherwise allowed in this section;

32 27. Any other material that is regulated as a hazardous substance or hazardous or dangerous waste by
33 federal, state, or local laws and regulations.

34 B. Allowable Discharges. The following types of discharges shall not be considered prohibited
35 discharges for the purposes of this chapter unless the Director determines that the type of discharge,
36 whether singly or in combination with others, is causing or is likely to cause pollution of surface water
or ground water:

1. Diverted stream flows;



2. Rising ground waters;
 3. Uncontaminated ground water infiltration- as defined in 40 CFR 35.2005(20);
 4. Uncontaminated pumped ground water;
 5. Foundation drains;
 6. Air conditioner condensation;
 7. Irrigation water from agricultural sources that is commingled with urban stormwater;
 8. Springs;
 9. Water from crawl space pumps;
 10. Footing drains;
 11. Flows from riparian habitats and wetlands;
 12. Discharges from emergency fire fighting activities.
- C. Conditional Discharges. The following types of discharges shall not be considered illicit discharges for the purposes of this chapter if they meet the stated conditions, unless the Director determines that the type of discharge, whether singly or in combination with others, is causing or is likely to cause pollution of surface water or ground water:
1. Potable water, including water from water line flushing, hyperchlorinated water line flushing, fire hydrant system flushing, and pipeline hydrostatic test water. Planned discharges shall be dechlorinated to a concentration of 0.1 ppm or less, pH-adjusted if necessary, and in volumes and velocities controlled to prevent resuspension of sediments in the stormwater system. In all cases, the receiving storm pipe shall be monitored for the duration of the discharge to maintain half the full pipe flow rate.
 2. Lawn watering and other irrigation runoff are permitted but shall be minimized.
 3. Dechlorinated swimming pool discharges. These discharges shall be dechlorinated to a concentration of 0.1 ppm or less, pH-adjusted if necessary and in volumes and velocities controlled to prevent resuspension of sediments in the stormwater system.
 4. Street and sidewalk wash water, water used to control dust, and routine external building wash down that does not use detergents are permitted if the amount of street wash and dust control water used is minimized. At active construction sites, street sweeping must be performed prior to washing the street.
 5. Non-stormwater discharges covered by another NPDES permit, provided, that the discharge is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations and, provided that, written approval has been granted for any discharge to the storm drain system.
 6. Other non-stormwater discharges. The discharges shall be in compliance with the requirements of a stormwater pollution prevention plan (SWPPP) reviewed and approved by the Director which address control of such discharges by applying AKART to prevent contaminants from entering surface or ground water. Special approved discharges may be allowable in accordance with TMC 12.08.365.B.
 7. All applicable fees as set forth in this section shall be paid.
- D. System Overburden. This section shall not be construed to limit in any way the City's ability to deny permission to discharge waters into storm drains when additional waters would overburden City storm systems.
- E. Prohibition of Illicit Connections. The construction, use, maintenance, or continued existence of illicit connections to the storm drain system is prohibited, regardless whether such connection was lawful at the time it was made. A person is considered to be in violation of this chapter if the person connects a line conveying sewage or any of the substances enumerated in TMC 12.08.020 and TMC 12.08.040



through TMC 12.08.060, as well as this section, to the storm drain system, or allows such a connection to continue.

1 F. It shall be a violation of this chapter for any person to cause “track out” materials to be deposited on
2 paved public streets or alleys within the City of Tacoma when there is a potential for such materials to
be carried by runoff for collection by the municipal storm drain system.

3 G. Illicit discharges to the City storm drains, receiving waters, or ground waters within Tacoma city
4 limits are prohibited and are subject to all penalties prescribed by this chapter.

5 **12.08.160 Wastewater monitoring facilities.**

6 A. Each discharger shall provide and operate, at the discharger’s expense, a monitoring facility to allow
7 inspection, sampling, and flow measurement of each sewer discharge to the sanitary sewer. Each
8 monitoring facility shall be located on the discharger’s premises; provided that where such a location
would be impractical or cause undue hardship on the discharger, the Director may allow the facility to
be constructed in the public street or sidewalk provided that the facility is located so that it will not be
obstructed by landscaping or parked vehicles.

9 B. There shall be ample room in or near such sampling facility to allow accurate sampling and
10 preparation of samples for analysis. The facility, sampling, and associated equipment shall be
11 maintained at all times in a safe and proper operating condition by the discharger. All monitoring
12 facilities shall be constructed and maintained in accordance with American Public Works Association
13 Standard Specifications and with any City of Tacoma Supplement currently in effect. All devices used to
measure wastewater flow and quality shall be calibrated in a manner and frequency by the discharger to
ensure their accuracy. Construction shall be completed no later than 180 days of receipt of all necessary
permits by the discharger, or within 200 days of the date the discharger was notified that the necessary
permits were available for issuance, whichever shall result in the shortest period of time.

15 **12.08.300 Holding tank waste.**

16 A. No person in the business of pumping wastes from septic or other holding tanks shall discharge the
17 contents of any holding tank (including, without limitation, septic tank, cesspool or chemical toilet
18 waste) into the Municipal Sanitary Sewer System unless that person has been properly licensed by the
19 City of Tacoma Tax and License Division of the Finance Department and issued a current permit by the
20 Tacoma-Pierce County Health Department. The discharger shall pay the applicable charges and fees and
shall meet all other conditions as required by the City. An exception to this requirement is that no
license or permit will be required in the case of discharge of domestic wastes from individual mobile
home (camper, motor home, camping trailer, etc.) holding tanks; provided that such discharges are made
into a City-approved facility designed to receive such wastes.

21 B. Only domestic wastewater shall be authorized to be discharged into the Municipal Sanitary Sewer
22 System at the POTW. Any other waste, including but not limited to grease traps, oil/water separators,
interceptors, or septic tanks comprising waste other than domestic wastewater, or any mixture thereof,
shall not be discharged at the POTW, unless authorized by the Director.

23 C. Any mixture of hazardous or dangerous wastes, as defined by federal, state, or local laws and
24 regulations, regardless of the quantity or ratio, in a holding tank is strictly prohibited from being
discharged into the Municipal Sanitary Sewer System.



12.08.320 Discharge of holding tank contents – Charges – Report.

A. A charge shall be made for each truckload or container-load of holding tank waste material discharged at the wastewater treatment plant, and shall be payable to the City Treasurer and credited to the Wastewater Management Fund. ~~This charge shall be based on the full tank capacity of the vehicle. There shall be no pro-ration of the charge due to a partial load of the vehicle tank.~~ The charge shall be as follows:

Effective Date: ~~February 14, 2013~~ March 1, 2014:

	From Within the City	From Outside the City
Septic Tank Wastes (Holding, Cesspool, etc.) and Chemical Toilet Wastes	\$ 14.33 <u>12.26</u> /100 gal.	\$ 15.77 <u>13.49</u> /100 gal.

Effective Date: January 1, 2014:

	From Within the City	From Outside the City
Septic Tank Wastes (Holding, Cesspool, etc.) and Chemical Toilet Wastes	\$ 14.92 <u>12.85</u> /100 gal.	\$ 16.42 <u>14.14</u> /100 gal.

B. Prior to the discharge of any material from holding tanks, a written report shall be submitted to the Wastewater Operations Management Division administrative office at 2201 Portland Avenue, Tacoma, WA, 98421. The report shall be made on forms provided by the City, and all pertinent information required for charges shall be completed. Incomplete or inaccurate reports will result in the application of the highest chargeable rate.

* * *

12.08.350 Connection Charge-in-lieu-of-Assessment.

Owners of premises within the City adjacent to and abutting upon the sanitary sewer system and which premises have not been previously assessed under a Local Improvement District ("LID") under this chapter, or under former TMC 12.08 for a sanitary sewer improvement, may connect those premises to and discharge sewage into the sanitary sewers upon receipt of a permit issued by the Director.

Such permit shall be issued only upon written application to the Director by the owner of the premises to be served and subject to the following terms and conditions:

A. The owner shall obtain all permits and pay all fees necessary and required by the City and shall construct said connecting sewers in compliance with all requirements and specifications of the City governing the same.

B. Except as provided in paragraph E of this section, the owner, prior to the issuance of any permit herein authorized, shall pay in cash to the City a Connection Charge-in-lieu-of-Assessment. This charge shall be computed at the guaranteed rate per "Assessable Unit of Frontage" in effect at the time of construction of the sanitary sewer line to be used to serve the premises of such owners, unless as otherwise provided below. The rate for computation of such Connection Charge-in-lieu-of-Assessment shall be determined as of the date of completion of construction of the particular sanitary sewer line to be so used, as reflected by the rates shown below in Table I.



1	Construction Date	Rate Per A.U.F.	
		Two Side Service	One Side Service
2	Prior to September 30, 1957	\$3.25	\$3.25
3	October 1, 1957 to September 20, 1960	\$3.25	\$4.75
4	September 21, 1960 to January 15, 1963	\$3.75	\$4.75
5	January 16, 1963 to November 19, 1968	\$4.50	\$5.50
6	November 20, 1968 to July 17, 1973	\$5.75	\$9.00
7	July 18, 1973 to April 8, 1975	\$7.50	\$11.00
8	April 9, 1975 to December 5, 1978	\$15.50	\$23.00
9	December 6, 1978 to December 31, 1982	\$20.00	\$38.00
10	January 1, 1983 to June 2, 1991	\$24.50	\$46.50
11	June 3, 1991 to June 30, 1994	\$30.00	\$60.00
12	July 1, 1994 to December 31, 1998	\$40.00	\$80.00
13	January 1, 1999 to May 31, 2011	\$50.00	\$100.00
14	June 1, 2011 and thereafter	\$75.00	\$150.00

15 1. In no case shall the Connection Charge-in-lieu-of-Assessment be less than the rate per “Assessable Unit of Frontage” charged to the original LID participants; therefore, in the event that the rate per “Assessable Unit of Frontage” charged to the original LID participants was higher than the rate set forth in this table, the Connection Charge-in-lieu-of-Assessment shall be equal to the higher rate. In addition to the “Assessable Unit of Frontage” charge calculated according to Table I above, for each connection to the sanitary sewers there shall be charged by the City a flat-rate charge of \$1,250. However, in no case shall the total charge for the connection exceed the charge that would result from using the prevailing guaranteed maximum rate in effect at the time of the connection, unless as otherwise provided below.

16 2. For connections to any sanitary sewer line built with City funds instead of by LID, and constructed after January 1, 1999, the Connection Charge-in-lieu-of-Assessment for each abutting premises shall be the proportionate share of the actual cost to construct the sanitary sewer line. The proportionate share shall be the ratio of each premises’ “Assessable Units of Frontage” to the total units of frontage, multiplied by the actual cost to construct the sanitary sewer line, plus any costs for side sewers. Actual cost to construct the sanitary sewer line shall be defined as the final applicable construction cost plus a 15 percent allowance for engineering, survey, inspection, and administration. In no case shall the connection charge exceed the benefit accruing to each premise. If the charge that would result from using the prevailing guaranteed maximum rate exceeds the proportionate share, the flat-rate charge of \$1,250 shall be added to the proportionate share.

17 a. The calculation shall use the actual rate charged to the LID participants or the prevailing guaranteed maximum rate in effect at the time of construction, whichever is highest, unless the sewer was built with City funds after January 1, 1999. If the sewer was built with City funds after January 1, 1999, the calculation shall use the prevailing guaranteed maximum rate in effect at the time of connection or the final applicable construction cost plus 15 percent, whichever is highest.

18 3. If a sanitary sewer main is extended to be adjacent to or abutting the subject premises, the adjacent or abutting premises, which are identified on the City’s Request for Release as having contributed to the costs of the design and construction of the sanitary sewer main, shall be connected to such sanitary sewer main at no additional connection charge, as set forth in subsection C below; provided the owner/developer has submitted “As-Built” drawings to the City depicting the connection and has also executed the City’s Certificate of Release.

19 4. It is the intent of the City that all premises shall pay their fair share of the cost of construction of abutting and adjacent sanitary sewers. The owner of any premises which connects to an existing sanitary



sewer without payment of the applicable charges, hereinabove described, owes and shall be required to pay such charges.

1 5. The “Assessable Units of Frontage” and the amount to be paid thereon at the rate hereinabove
2 specified shall be computed in the same manner as the procedure set forth for LIDs under
3 chapter 35.44 RCW. In addition to the connection charge hereinabove provided for, the total cost of the
4 construction of all sewers so connected shall be borne by the owner of the premises.

5 C. The Connection Charge-in-lieu-of-Assessment hereinabove provided for shall be credited to and
6 considered as a benefit to the specific premises served by said connection. Said premises so benefited
7 shall be designated by legal description and posted by the City and recorded as a part of the City's
8 permanent records pertaining thereto. No further sanitary sewer connection charge shall be collected
9 against said premises.

10 D. Future sanitary sewer connections to premises abutting the sanitary sewer main on which a sanitary
11 sewer connection charge has not been paid, but which adjoins specific premises for which such charges
12 have been charged or paid, shall be subject to the charges as hereinabove set forth.

13 E. Septic System Amnesty Program.

14 1. For residential premises where wastewater service is available, and where the residence is not
15 connected to the sanitary sewer main, a financial incentive, as set forth below, will be offered to
16 encourage the owner to connect to the sanitary sewer main. Effective January 1, 2010, the financial
17 incentive will be offered to owners of commercial premises under the same terms and conditions
18 applicable to residential premises.

19 a. Where the Connection Charge-in-lieu-of Assessment is applicable, a financial incentive, consisting of
20 a 50 percent reduction in the charge (incentive program) for the subject premises will be available,
21 subject to the availability of funds, as described below, and in accordance with policies set forth by the
22 Director. The remaining 50 percent of that charge may be eligible for financial assistance under the
23 Conservation Loan Program, as set forth in TMC 12.08.640. The City will allocate up to \$500,000 per
24 fiscal year to fund the incentive program. Owners of premises who qualify for the incentive program
25 will be eligible for a 50 percent reduction in their connection charge on a “first-come, first-served” basis
26 until the moneys allocated by the City for the incentive program in a given fiscal year are exhausted.

b. Where an LID was/is formed, the financial incentive will consist of a 50 percent reduction to that
assessment for the subject premises in accordance with policies set forth by the Director, subject to the
availability of funds, as stated in subsection E.a. above. In the case where all or a part of the assessment
has been paid, the appropriate reduction or rebate will be made so that the final cost for the subject
premises will be 50 percent of the full assessment amount.

2. The financial incentive program is not available to new premises that are constructed after wastewater
service is available to that property. Owners not electing to take advantage of this limited program will
be subject to the regular charges such as those specified in subsection B above.

F. All Connection Charges-in-lieu-of-Assessment received pursuant to the provisions of this section are
nonrefundable and shall be considered capital contributions to the Municipal Sewer System and
deposited into the Wastewater Management Fund.

G. All ordinances, rules, regulations, and procedures relating to the use, maintenance, and connection to
sanitary sewers, as the same are now or may hereafter be adopted by the City, shall apply with equal
force to each such sanitary sewer connection and any violation of any such ordinance, rule, regulation,
or procedure by the owner of any premises connected to a sanitary sewer may result in the disconnecting
of said sewer by the City.



12.08.360 Charges and rates for wastewater service inside the City limits.

1 As permitted by Chapter 35.67 RCW, charges shall be made for the discharge and for the availability for
2 discharge of all sanitary sewage into sanitary sewers. If the Director requires construction of an
3 extension to the sanitary sewer system prior to issuance of a side sewer permit, the charge for
4 availability for discharge shall not be made until such time as the sanitary sewer extension is completed.
Unless otherwise determined by the Director, no allowances will be made for vacancies, remodeling, or
other such activities unless the water service for the entire facility, building, or mobile home court (two
or more units) is turned off by the Water Utility of the City. Charges shall be as follows:

5 A. Each single-family residence (including those instances where more than one family residence is
6 served through one water meter, as hereinbefore mentioned in TMC 12.08.010) shall be charged a
monthly charge computed as follows:

Effective Date: ~~February 14, 2013~~ March 1, 2014:

7 (1) A fixed charge of ~~\$19.35~~ \$17.81 plus

8 (2) A flow charge calculated at ~~\$3.64~~ \$3.32 per hundred cubic feet (ccf) of water consumption.

Effective Date: January 1, 2014:

9 (1) A fixed charge of ~~\$20.28~~ \$18.65 plus

10 (2) A flow charge calculated at ~~\$3.82~~ \$3.47 per hundred cubic feet (ccf) of water consumption.

11 The water consumption for the flow charge shall be the average monthly use as measured during the
12 most recent months of December, January, February, and March. If the average consumption results in a
fractional part of a ccf, the number used for calculating the flow charge shall be rounded to the nearest
one-hundredth of a ccf.

13 B. Multiple-family residences and mobile home courts (two or more units) served through one water
14 meter shall pay a monthly charge per living unit as above, except that the water consumed during the
winter months shall be divided by the total number of living units served by the account to determine the
per living unit flow volume. If the average consumption per unit results in a fraction, the number used
for calculating the flow charge shall be billed to the nearest one-hundredth of a ccf.

15 It shall be the duty of every person in possession, charge, or control of the entire premises consisting of
16 two or more units, served by the sanitary sewer system, or to which such service is available, to be
accountable for payment of each unit.

17 Where units in multiple-unit residences are separately metered; each unit shall be charged the
18 appropriate single-family residence rate as set forth in subsection A of this section.

19 C. In all cases other than residential charges hereinabove set forth, the sewer charge shall be computed
and paid as follows:

20 1. Metered Water Supply. When charges and fees are based upon the water usage, such charges and fees
21 shall be applied against the total amount of water used from all sources unless, in the opinion of the
22 Director, significant portions of water received are not discharged to a sanitary sewer. The total amount
23 of water used from public and private sources will be determined by means of public meters or private
meters, installed and maintained at the expense of the user in accordance with the Environmental
Services Submeter Installation and Testing Guidelines. Such public or private meters shall measure flow
in cubic feet (cf). Where more than one commercial/industrial facility is served by one water meter, the
user group shall be determined by the activities of the largest water consumption user.

24 2. Metered Wastewater Volume and Metered Diversions. When charges and fees are based upon water
25 usage and where, in the opinion of the Director, a significant portion of the water received from any
26 metered source does not flow into the sanitary sewer because of the principal activity of the user or
removal by other means, the charges and fees will be applied against the volume of water discharged
from such premises into the sanitary sewer. Any user seeking a reduction in sewer charges and fees
based on a diversion of metered water from the sanitary sewer system shall provide the Director written



1 proof of such diversion for the Director's approval. To establish reduced sewer charges and fees based
2 on such diversion, the user shall, unless clearly demonstrated as impractical, install a submeter of a type
and at a location approved by the Director and at the user's expense. A credit adjustment for sanitary
sewer overcharges may be granted, upon written application by the user, but only for the three-month
period immediately preceding the submeter installation.

3 Such meters shall measure flow in cubic feet (cf) and shall be maintained at the expense of the user and
4 be tested for accuracy at the expense of the user in accordance with the Environmental Services
Submeter Installation and Testing Guidelines. Within 30 days of notification by the Director that meter
5 repair or testing is required, the user shall provide written confirmation that such repair or testing has
6 been accomplished. Failure to provide such confirmation may result in sanitary sewer charges being
based upon the metered water source.

7 3. Users Installing Irrigation Systems. All users installing irrigation systems shall be required to meter
8 the water usage of the irrigation system by installing, at user's expense, either a metered water supply
dedicated solely to the irrigation system or a submeter, which the user shall maintain, to calculate the
appropriate reduction of sewer charges.

9 4. Estimated Wastewater Volume.

10 a. Users Without Source Meters. In cases where, in the opinion of the Director, it is unnecessary or
11 impractical to install meters, the charges and fees may be based upon an estimate of the volume to be
12 discharged, prepared by the Director. A rational method will be used to estimate the quantity of
wastewater discharged and may consider such factors as the number of fixtures, seating capacity,
population equivalent, annual production of goods and services, or such other determinations of water
use necessary to estimate the wastewater volume discharged.

13 b. Users With Source Meters. In cases where, in the opinion of the Director, users divert a significant
14 portion of their flow from a public sewer, the charges and fees may be based upon an estimate of the
15 flow and volume to be discharged, prepared by the user and approved by the Director. The estimate
16 must include the method and calculations used to determine the wastewater volume and may consider
such factors as the number of fixtures, seating capacity, population equivalents, annual production of
goods and services, or such other determinations of water use necessary to estimate the wastewater
volume discharged.

17 c. Where the Director determines that the cost to provide sanitary sewer service to a customer or a group
18 of customers is abnormally higher than the cost to provide regular sanitary sewer service to City
customers, due to unusual circumstances, the Director may establish a surcharge based upon that
incremental higher cost. The Director will notify affected customers prior to implementing the
surcharge.

19 d. Residential customers who qualify as low-income senior or low-income disabled under
20 TMC 12.06.165 B shall be eligible for a 30 percent reduction from the regular sanitary sewer charges.
21 The determination of low income senior and low income disabled status shall be made as set forth in
22 TMC 12.06.165 B. Individuals must submit an application documenting such determination for review
and acceptance by the Director to qualify for this reduction. The effective date for the rate reduction
shall be the first day of the billing period in which the Director's acceptance is granted.

23 * * *

24 **12.08.365 Charges for special approved discharges.**

25 A. Discharge to Sanitary Sewer System.

26 1. The Director may, at his or her discretion, approve discharges to the sanitary sewer system generally
for a short-term duration as needed. Application for discharge approval must be accompanied by
payment of any fixed administration/application fee(s) and be submitted at least 30 days prior to the
requested discharge date.



2. Unless otherwise determined by the Director, the charge for short-term discharges to the sanitary sewer system shall be based on the quantity and strength of the wastewater discharged, according to the rate specified in TMC 12.08.390 of this chapter, in addition to the following fixed administration fee:

Effective Date: February 5, 1995:	Fixed Fee
Under 5,000 gallons	\$200.00
Between 5,000 and 20,000 gallons	\$400.00
Over 20,000 gallons	\$650.00

3. As determined by the Director, representative samples may be required to be taken for suspended solids (SS) and biochemical oxygen demand (BOD). Sampling may also be required for total petroleum hydrocarbons (TPH) and any other pollutants suspected to be present in the wastewater. Additional samples may be required at the Director's discretion.

B. Discharge to Storm Drainage System.

1. The Director may, at his or her discretion, approve discharges to the storm drainage system under TMC 12.08.080, as necessary. Application for discharge approval must be accompanied by payment of any fixed administrative/application fee(s) and be submitted at least 30 days prior to the requested discharge date.

2. The Director, or his or her representative, may require that samples be taken of the proposed discharge to insure compliance with federal, state, and local water quality requirements. Samples will be analyzed based on known and/or suspected pollutants at the site or in the proposed discharge. Sampling and analysis must be completed and reviewed by City staff prior to any discharge to the City's storm drainage system. The Director, or his or her representative, may require additional sampling throughout the duration of the discharge to insure compliance with the above-referenced requirements.

3. Unless otherwise determined by the Director, the charge for discharges of non stormwater to the surface water system under TMC 12.08.080 hereof shall be as set forth herein. This charge will consist of three parts:

Effective Date: January 1, 1997:

- a. An application fee of \$500 per discharge location payable at the time of application of discharge; and
- b. An annual administration fee of \$300 payable no later than January 30 of the year following initiation of discharge and no later than January 30 of each year thereafter if the discharge continues to occur; and
- c. A quantity fee:

Effective Date: ~~March 1, 2013~~ February 14, 2013:

~~\$0.00237810~~ ~~0.0021032~~ per gallon discharged.

Effective Date: January 1, 2014:

~~\$0.00252080~~ ~~0.0022434~~ per gallon discharged.

Payments shall be made in a manner and at the frequency determined by the Director.

12.08.390 Basis for determination of commercial/industrial charges for use of wastewater system.

Charges and fees for use of the wastewater system shall be based upon a minimum basic rate for each premises not discharging industrial or commercial process wastewaters, computed on the basis of wastewater from a domestic premises with the following characteristics:

- BOD - 200 milligrams per liter
- Suspended Solids - 225 milligrams per liter



Charges and fees established for the users listed in Section 12.08.400, Table II, are based on the measured or estimated constituent strengths and characteristics of the sanitary sewage and industrial wastewater discharge of that user group which may include, but not be limited to, BOD, suspended solids, and flow.

Composite rates per 100 cubic feet (ccf) for existing and new users are/will be developed using the following constituent concentration rates.

Effective Date: ~~March 1~~ February 14, 2013:

Flow	\$ 3.08532 2.9104
Biochemical oxygen demand (BOD)	\$ 0.00586375 0.00470613 per mg/l
Suspended solids	\$ 0.00429156 0.00475370 per mg/l

Effective Date: January 1, 2014:

Flow	\$ 3.23343 3.0397
Biochemical oxygen demand (BOD)	\$ 0.00614521 0.00489378 per mg/l
Suspended solids	\$ 0.00449756 0.00495166 per mg/l

12.08.400 Charge for Commercial/Industrial Wastewater User Groups.

The fixed charge for each commercial or industrial user of wastewater system shall be as follows:

Effective Date: ~~March 1~~ February 14, 2013:

\$~~9.198~~ 8.17 per calendar month

Effective Date: January 1, 2014:

\$~~9.648~~ 8.63 per calendar month

In addition, each monitored commercial and/or industrial user shall pay the appropriate charge based upon the monitoring result. Except for test rate classifications established by the Director pursuant to TMC 12.08.380, each unmonitored commercial or industrial user placed in a user group shall pay the appropriate flow rate per 100 cubic (ccf) as identified in Table II. All restaurants are initially in the Category 8 (Restaurant II) group. Any restaurant customer may petition the Director to be placed in the Category 6 (Restaurant I) group. The customer must provide the Director with documentation that the restaurant has an approved grease retention device to current Uniform Plumbing Code as adopted in Chapter 2.06 of the Tacoma Municipal Code, and as amended thereafter, and Department Guidelines, and that the customer has an adequate ongoing maintenance program in place for that device. If the Director concurs, the Director will place that restaurant in the Category 6 (Restaurant I) group as long as those conditions are continually met. In the event that those conditions are not continually met, the Director will place the restaurant back into the Category 8 (Restaurant II) group until the conditions are again met.

If, as a result of a rate increase due to an ordinance change, any specific account of a direct commercial and/or industrial customer would receive an increase in wastewater charges that meet the following criteria, that customer will be eligible to receive a one-time rate mitigation credit:

A. The percentage increase for that specific account is more than twice the City-wide average increase; and

B. The percentage increase for that specific account is more than 10 percent; and

C. The dollar increase as a result of the rate increase for that specific account is more than \$1,000 for the 12 months following implementation of that rate increase.

The credit shall apply to the first 12 months of implementation of the ordinance change and be equal to 50 percent of the increased charges that exceed the first \$1,000 increase for that 12-month period. The credit does not apply to any subsequent year's charges due to the same individual City-wide rate increase. The manner and method of applying the credit shall be determined by the Director.



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Table II Rates for Commercial and/or Industrial User Groups		
Effective Date: March 1 February 14, 2013		
NAICS No.	Group Category	Monthly Rate (\$/ccf)
	Category 8 (BOD 901 + mg/l) <u>(SS 600 mg/l)</u>	\$11.11 40.23
722110	Restaurants (Cat II)	
722410	Taverns – Food Preparation (Cat II)	
713950	Bowling Alleys – With Food Preparation (Cat II)	
	Category 7 (BOD 701-900 mg/l) (SS 700 mg/l)	\$10.74 40.00
445110	Grocery Stores – Full Service	
812210	Funeral Services – With Embalming	
	Category 6 (BOD 701-900 mg/l) (SS 400 mg/l)	\$9.45 8.57
311811	Bakery Stores On Site Baking	
722110	Restaurants (Cat I)	
722410	Taverns – Food Preparation (Cat I)	
713950	Bowling Alleys – With Restaurant (Cat I)	
	Category 5 (BOD 501-700 mg/l) <u>(SS 400 mg/l)</u>	\$7.96 7.63
812320	Commercial Laundries	
311812	Bakeries (Manufacturers)	
	Category 4 (BOD 301-500 mg/l) (SS 450 mg/l)	\$7.95 7.40
721110	Hotels and Motels – With Restaurant	
922140	Correctional Institutions	
	Category 3 (BOD 301-500 mg/l) (SS 0-400)	\$6.47 6.24
311711	Canned and Cured Fish	
311712	Fresh or Frozen Fish	
445110	Grocery Stores – Others	
713950	Bowling Alleys – No Restaurant	
	Category 2 (BOD 200-300 mg/l) (SS 150-400 mg/l)	\$5.14 4.92
721110	Hotels and Motels – No Restaurant	
622110	Hospitals	
441110	Auto Dealers	
811121	Top and Body Repair Shops	
811121	Repair and Paint Shops	
811111	Auto Repair Shops	
324122	Asphalt Felts and Coating	
	Domestic Strength	
	Category 1 (BOD 0-250) (SS 0-150)	\$4.85 4.56
623110	Nursing Homes	
812921	Photo Finish Laboratories	
722410	Taverns – No Food Preparation	
323119	Commercial Printers	
323116	Business Form Printers	
812310	Laundromats	
541921	Photo Studios	
811192	Car Washes	
327410	Lime Manufacturers	



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Table II Rates for Commercial and/or Industrial User Groups		
Effective Date: January 1, 2014 ²		
NAICS No.	Group Category	Monthly Rate (\$/ccf)
	Category 8 (BOD 901 + mg/l) <u>(SS 600 mg/l)</u>	<u>\$11.6540.65</u>
722110	Restaurants (Cat II)	
722410	Taverns – Food Preparation (Cat II)	
713950	Bowling Alleys – With Food Preparation (Cat II)	
	Category 7 (BOD 701-900 mg/l) (SS 700 mg/l)	<u>\$11.2610.42</u>
445110	Grocery Stores – Full Service	
812210	Funeral Services – With Embalming	
	Category 6 (BOD 701-900 mg/l) (SS 400 mg/l)	<u>\$9.918.93</u>
311811	Bakery Stores – On Site Baking	
722110	Restaurants (Cat I)	
722410	Taverns – Food Preparation (Cat I)	
713950	Bowling Alleys – With Restaurant (Cat I)	
	Category 5 (BOD 501-700 mg/l) <u>(SS 400 mg/l)</u>	<u>\$8.347.95</u>
812320	Commercial Laundries	
311812	Bakeries (Manufacturers)	
	Category 4 (BOD 301-500 mg/l) (SS 450 mg/l)	<u>\$8.347.74</u>
721110	Hotels and Motels – With Restaurant	
922140	Correctional Institutions	
	Category 3 (BOD 301-500 mg/l) (SS 0-400 mg/l)	<u>\$6.796.48</u>
311711	Canned and Cured Fish	
311712	Fresh or Frozen Fish	
445110	Grocery Stores – Others	
713950	Bowling Alleys – No Restaurant	
	Category 2 (BOD 200-300 mg/l) (SS 150-400 mg/l)	<u>\$5.395.13</u>
721110	Hotels and Motels – No Restaurant	
622110	Hospitals	
441110	Auto Dealers	
811121	Top and Body Repair Shops	
811121	Repair and Paint Shops	
811111	Auto Repair Shops	
324122	Asphalt Felts and Coating	
	Domestic Strength	
	Category 1 (BOD 0-250) (SS 0-150)	<u>\$5.094.76</u>
623110	Nursing Homes	
812921	Photo Finish Laboratories	
722410	Taverns – No Food Preparation	
323119	Commercial Printers	
323116	Business Form Printers	
812310	Laundromats	
541921	Photo Studios	
811192	Car Washes	
327410	Lime Manufacturers	

* * *



12.08.430 Reconsideration of wastewater rates.

1 A. There shall be no reduction in rates for any premises to which a sanitary sewer service connection has
2 been made or which is available, unless there is no charge being made for water or water service to such
premises, or where monitoring, sampling, and testing prove the rate to be based on erroneous
information.

3 B. If an owner or other person responsible for paying wastewater rates and charges is of the opinion that
4 the user group rate thereof applicable to that owner or person is based on erroneous information, that
owner or other person may, in writing, request a review by the Director of the rate by sampling and
5 testing of sanitary sewage and industrial wastewater from the premises served. A user requesting such
reconsideration may be eligible for a set of samples and tests by the City Environmental Services
6 Laboratory personnel or, at the owner's or such other person's option, such owner or other person may
have an approved outside laboratory perform the sampling and testing. Regardless of outcome, all costs
7 of sampling and testing by such outside laboratory shall be borne by such owner or other person. In any
case, such owner or other person must provide adequate and safe facilities for sampling. Costs of
8 subsequent sampling and testing by City personnel, not required to meet federal or state regulations,
shall be the responsibility of such owner or other person. If an outside laboratory is employed for testing
9 pursuant to this section, all samples taken shall be split with the Environmental Services Laboratory.
Concurrent tests shall be run by the City to corroborate the results. All sampling and testing procedures
10 shall be done according to "Standard Methods" or an alternative approved by the Director. If the results
of the tests are within standard deviations for the concentrations used in determining the rates, no rate
11 change will be made. The owner or person seeking reconsideration shall bear all costs for the tests by the
City unless the results outside standard deviations indicate a lower composite rate. No retroactive credits
12 or rebates for charges billed while using estimated concentration levels prior to a user's request for
sampling will be made.

13 * * *

14 **12.08.460 Minimum charge.**

15 Every premises to which wastewater service is furnished, and every premises to which there is
16 availability for such service shall be charged for such service in accordance with the rates and charges
herein placed in effect; provided, however, that in no event shall any such charge be less than as
provided below:

17 **Effective Date: ~~March 1, 2013~~ February 14, 2013:**
\$~~19.35~~17.84 per calendar month

18 **Effective Date: January 1, 2014:**
\$~~20.28~~18.65 per calendar month

19 * * *

20 **12.08.500 Surface water rates and charges.**

21 A. Surface water charges shall be based on the square footage area of each parcel of real property and
22 the land use designation of such parcel. The Director shall determine what rate shall apply to each
specific parcel in accordance with this section, and the charge resulting from that determination and
23 application of the other factors herein set forth. Upon request, and based on information provided by the
parcel owner, the Director may, in his/her sole discretion determine that the City's use of a surface water
or storm drainage or collection system on or at a specific parcel benefits the City's storm drain system
24 and is grounds for reducing surface water drainage charges; except that: (1) collection from single
premises and concentrating the flow; (2) collection of surface water which is piped through or
25 underneath the surface of a property; or (3) water which flows via a natural drainage course through a
property, shall not constitute such grounds.

26



1. Wetlands maintained and dedicated by deed restriction for mitigation purposes may be eligible for a reduction of a surface water drainage charge under this section.

2. Open space parcels with forested land cover, as that phrase is defined in TMC 12.08.010, shall be charged a monthly surface water rate of \$5.68 per parcel in 2013, and \$6.03 per parcel in 2014.

3. Parcels contiguous with waterfront/direct discharge parcels which are under common ownership and discharge 100 percent of surface water flow to the contiguous waterfront/direct discharge parcel shall be charged the waterfront/direct discharge rate.

B. For purposes of computing surface water rates under this section, the land use designation shall be the principal activity on the parcel as listed in the North American Industry Classification System (NAICS, 2002), prepared by the Statistical Policy Division of the Federal Office of Management and Budget and adopted hereby for this purpose. The land use category for each parcel will place it in one of the five following specific categories, hereinafter referred to as "Basic Categories of Development," as to each of which the rate per month per 500-square-foot increment of parcel area shall apply:

Effective Date: March 1, 2014 ~~February 14, 2013~~:

Basic Category of Development	Rate per Month
Waterfront/Direct Discharge Parcels:	
Undeveloped – First Acre or Less	<u>\$0.1119</u> 0.1052 per 500 ft ²
Undeveloped -- Area in Excess of One Acre	<u>\$0.0502</u> 0.0420 per 500 ft ²
Light	<u>\$0.3357</u> 0.3156 per 500 ft ²
Moderate	<u>\$0.4674</u> 0.4369 per 500 ft ²
Heavy	<u>\$0.6713</u> 0.6311 per 500 ft ²
Very Heavy	<u>\$0.8950</u> 0.8415 per 500 ft ²
All Other Parcels:	
Undeveloped – First Acre or Less	<u>\$0.2299</u> 0.2021 per 500 ft ²
Undeveloped – Area in Excess of One Acre	<u>\$0.0502</u> 0.042 per 500 ft ²
Light	<u>\$0.6897</u> 0.6064 per 500 ft ²
Moderate	<u>\$0.9395</u> 0.8247 per 500 ft ²
Heavy	<u>\$1.3793</u> 1.2128 per 500 ft ²
Very Heavy	<u>\$1.8391</u> 1.6170 per 500 ft ²

Effective Date: January 1, 2014

Basic Category of Development	Rate per Month
Waterfront/Direct Discharge Parcels:	
Undeveloped – First Acre or Less	<u>\$0.1187</u> 0.1078 per 500 ft ²
Undeveloped – Area in Excess of One Acre	<u>\$0.0533</u> 0.0448 per 500 ft ²
Light	<u>\$0.3559</u> 0.3233 per 500 ft ²
Moderate	<u>\$0.4955</u> 0.4478 per 500 ft ²
Heavy	<u>\$0.7116</u> 0.6466 per 500 ft ²
Very Heavy	<u>\$0.9487</u> 0.8621 per 500 ft ²
All Other Parcels:	
Undeveloped – First Acre or Less	<u>\$0.2437</u> 0.2156 per 500 ft ²
Undeveloped – Area in Excess of One Acre	<u>\$0.0533</u> 0.0448 per 500 ft ²
Light	<u>\$0.7311</u> 0.6468 per 500 ft ²
Moderate	<u>\$0.9959</u> 0.8792 per 500 ft ²
Heavy	<u>\$1.4621</u> 1.2936 per 500 ft ²
Very Heavy	<u>\$1.9495</u> 1.7248 per 500 ft ²



1 C. Waterfront/direct discharge parcels are those parcels directly abutting Puget Sound with at least
2 50 feet of frontage, or parcels discharging, by private means, all or substantially all of their surface water
3 directly into the marine waters of Puget Sound. For purposes of computing surface water charges, the
4 area of each parcel shall be rounded to the nearest 500-square foot increment (the area of premises less
5 than 250-square feet shall be set at 500 square feet) and the appropriate rate from Table III shall be
6 multiplied by the number of such increments in the parcel. In addition to the area charge listed above,
7 the City shall charge a monthly fixed fee of:

8 **Effective ~~March 1~~ ~~February 14, 2013~~ ~~1~~: \$~~5.68~~~~5.45~~**

9 **Effective ~~January 1, 2014~~ ~~2~~: \$~~6.03~~~~5.51~~**

10 D. Single-family residential parcels will be assigned the “Moderate” Basic Category of Development for
11 determination of monthly charges, except that all single-family residential parcels of 15,000 square feet
12 or less inspected by the Environmental Services Department and placed in a different Basic Category of
13 Development shall pay the rate assigned to such Basic Category of Development. Single-family
14 residential parcels of 15,000 square feet or more shall pay at the moderate rate for the first 15,000 square
15 feet and the remainder at the undeveloped rate, unless the parcel is inspected by the Environmental
16 Services Department and placed in a different Basic Category of Development, in which case the first
17 15,000 square feet shall pay the rate assigned to such Basic Category of Development and the remainder
18 at the undeveloped rate. The fixed charge will be computed only once per parcel per month, regardless
19 of area.

20 E. Residential customers who qualify as low-income senior or low-income disabled under
21 TMC 12.06.165 B shall be eligible for a 30 percent reduction from the regular storm drainage charges.
22 The determination of low income senior and low income disabled status shall be made as set forth in
23 TMC 12.06.165 B. Individuals must submit an application documenting such determination for review
24 and acceptance by the Director to qualify for this reduction. The effective date for the rate reduction
25 shall be the first day of the billing period in which the Director’s acceptance is granted.

26 * * *

12.08.530 Exclusions of certain properties from storm and surface water sewerage charges.

Storm and surface water sewerage charges shall not be levied directly to:

27 A. ~~Any~~ City street, road, alley or right-of-way the storm and surface water drainage function of which
28 has been transferred to and made a part of the Municipal Sewer System by Ordinance No. 21638 passed
29 April 3, 1979; it being expressly found that all such City streets, roads, alleys and rights-of-way provide
30 storm and surface water sewerage to the City by collecting and transporting storm and surface water
31 from multiple individual properties to Storm Sewers of a value equal to the reasonable charge therefor
32 that would otherwise be charged by the City, ~~and~~

33 B. ~~Real property within Point Defiance Park, which area has been previously excluded from the service
34 area for City storm and surface water sewerage by Ordinance No. 21632 passed April 3, 1979.~~

35 * * *

12.08.560 Low impact development stormwater and surface water systems.

36 A. The rate of computation of stormwater and surface water charges applicable to premises that have on
37 them an approved low impact development stormwater and surface water system that achieves runoff
38 characteristics equivalent to pre-development, forested conditions, may be reduced one Basic Category
39 of Development lower in rate of such computation than that in which the premises would otherwise be
40 placed, as determined by the Director in his or her discretion, after taking into account the effectiveness
41 of the system. In order to qualify under this section, the owner of the premises must have obtained the
42 proper permits and constructed the system according to plans approved by the Director, and the system
43 must exceed the minimum requirements that would be required by applying the City’s current
44 Stormwater Management Manual. The owner shall be responsible for all costs of the proper operation



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and maintenance of such system and shall submit annual maintenance reports to the Director. The Director reserves the right to inspect all stormwater and surface water systems approved or sought to be approved under this section to ascertain that they function properly. If at any time such system fails to retain stormwater or surface water in a volume and for a period of time to justify the reduction of stormwater and surface water sewerage charges, as determined by the Director by appropriate engineering standards, or if the owner fails to submit the annual maintenance reports, the Director may increase the Basic Category of Development to one which reflects the effectiveness, if any, of such system, or the Director may revoke approval of the system irrespective of prior approval by the Director of either the system or plans therefor.

B. Notwithstanding any rate reduction authorized, permitted or provided for in this section, no rate computation shall be reduced below that applicable to undeveloped land.

12.08.600 Billing periods, payments, and collections.

A. All bills for wastewater and surface water service charges as set forth herein shall be rendered monthly or bimonthly as shall be determined by the City Manager and shall become due and payable at the office of the City Treasurer or such other places as approved by the City Treasurer on or before the 15th day after the statement has been mailed and shall become delinquent thereafter.

B. For any service charge which becomes delinquent, the party shall be charged a late payment fee as set forth in TMC 12.01. Any service charge which becomes delinquent, together with interest, also shall immediately become a lien against the premises served under RCW 35.67.200. Such lien may be foreclosed by the City in the manner provided by Chapter 35.67 RCW. In the event that the City files or releases a lien with the County Auditor, a processing fee will be added to the delinquent amounts owed equivalent to the current fees charged by the County Auditor for filing or releasing a lien. The processing fee will be allocated to Wastewater Management or Surface Water Management Funds, as appropriate, and, for City tax purposes, recorded as revenue. In addition to such foreclosure, a customer whose said Wastewater Management or Surface Water Management account is delinquent shall also be subject to having City water utility services terminated for the subject premises (or other premises owned or rented by the customer), which termination shall continue until satisfactory arrangements are made to satisfy the delinquency.

C. Rates due under this chapter shall be computed by carrying the computation to the third decimal place and rounding to a whole cent using a method that rounds up to the next cent whenever the third decimal place is greater than four.

* * *



ORDINANCE NO. 28129

1 AN ORDINANCE relating to solid waste management; amending Chapter 12.09 of
2 the Tacoma Municipal Code by adjusting rates and charges for services
3 provided by the Solid Waste Utility for the years 2013 and 2014.

4 WHEREAS the Environmental Services Department, Solid Waste
5 Management Division, working with the Environmental Services Commission
6 (“Commission”), has updated its five-year rate plan to a six-year rate plan and has
7 developed proposed rates for the 2013-2014 biennium for Solid Waste
8 Management (“SWM”) customers, and

9 WHEREAS, consistent with the recommendation from the Commission,
10 proposed rates for 2013-2014 will not generate additional revenue from
11 residential SWM customers as a class, but the move to Every Other Week
12 garbage collection and volume-based rates means monthly charges for
13 individual customers may increase or decrease depending on the size of the
14 container that is used, and

15 WHEREAS changes in SWM container charges are designed to improve
16 equity among customer classes and update fees for overloads, and

17 WHEREAS commercial garbage collection and tipping fees will remain
18 unchanged, as well as tipping fees for City residents, and

19 WHEREAS the low-income senior/low-income disabled discount has
20 been maintained at 30 percent; Now, Therefore,
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BE IT ORDAINED BY THE CITY OF TACOMA:

That Chapter 12.09 of the Tacoma Municipal Code is hereby amended as set forth in the attached Exhibit "A."

Passed _____

Mayor _____

Attest:

City Clerk

Approved as to form

Deputy City Attorney



EXHIBIT "A"

Chapter 12.09

SOLID WASTE, RECYCLING, AND HAZARDOUS WASTE¹

Sections:

- 12.09.010 Purpose.
- 12.09.020 Authority.
- 12.09.030 Definitions.
- 12.09.040 General requirements.
- 12.09.050 Transportation.
- 12.09.060 Requirements for containers.
- 12.09.070 Special permits.
- 12.09.080 Assistance to elderly and/or disabled individuals.
- 12.09.090 Rate reduction for low-income senior and low-income disabled individuals.
- 12.09.095 Disposal rate reduction for qualifying nonprofit materials salvage/recycling corporation(s).
- 12.09.100 Collection.
- 12.09.105 Pilot Projects.
- 12.09.110 Residential automated and semi-automated services.
- 12.09.120 Commercial services.
- 12.09.130 Use of disposal site – General.
- 12.09.140 Disposal rates.
- 12.09.150 *Repealed.*
- 12.09.160 Billing periods, payments and collections.
- 12.09.170 Disposal area automated scale system cards.
- 12.09.180 State tax.
- 12.09.190 Prohibited material.
- 12.09.200 Disposal of asbestos-containing material.
- 12.09.210 Recycling – General.
- 12.09.220 Enforcement.
- 12.09.230 Violations – Penalties.
- 12.09.240 Notice of violations – Civil penalties.

* * *

12.09.020 Authority.

The collection, ~~removal~~management, and disposal of solid waste within the City of Tacoma is compulsory and universal. It shall be a violation of this chapter for any person other than Solid Waste Management to engage in the business of collecting, removing, and disposing of solid waste in the City of Tacoma, or for any person other than Solid Waste Management, its agents or employees, to engage in the activities required by this chapter to be accomplished by Solid Waste Management, except as provided in TMC 12.09.070, "Special permits." There are hereby levied and imposed within the City mandatory service charges, at the rates hereinafter specified, for the collection, management, ~~removal~~ and disposal of all such solid waste or for the availability of such services.

12.09.030 Definitions.

- "Apartment customer." An individual who physically occupies the subject dwelling unit.
- "Asbestos-containing material." Any material containing at least 1 percent asbestos determined by polarized light microscopy using the Interim Method of the Determination of Asbestos in Bulk Samples contained in Appendix A of Subpart F in 40 CFR Part 763.

¹ ~~Garbage, Rubbish and Pollution~~ — See Chapter 5.20.



- 1 “Ash.” The residue, including any flue dusts from combustion or incineration of material, including solid waste.
- 2 “Automated collection.” The method of collecting waste through the use of mechanical collection equipment and special containers to accommodate the collection.
- 3 “Automated collection container.” A City-owned container designed specifically for Solid Waste Management’s automated collection operation.
- 4
- 5 “Bulk waste.” Large items of solid waste including, but not limited to, appliances, furniture, trees, stumps, and other oversized waste.
- 6 “City” means the City of Tacoma.
- 7 “Collection vehicle.” A vehicle used for the collection and/or transportation of commercial or residential solid waste.
- 8 “Commercial customer.” Any business premises, industry, and mobile home park; organization (either private/public, profit/nonprofit); multi-family dwellings (triplex or larger); and dwelling units with one or more utilities paid for by a single entity and located on contiguous property.
- 9
- 10 “Container.” An approved Solid Waste Management or customer-owned portable container; e.g., can, recycling container, front load box, compactor, and drop-off box to be used for the deposit of solid waste therein.
- 11
- 12 “Construction and demolition waste.” Solid waste that is largely inert waste, resulting from the demolition or razing of buildings, roads, and other manmade structures. Demolition waste consists of, but is not limited to, concrete, brick, gypsum board, bituminous concrete, wood, masonry, composition roofing, roofing paper, steel, and minor amounts of other metals such as copper. Regulated asbestos-containing material is not considered to be demolition waste for the purpose of this chapter.
- 13
- 14 “Curbside container.” An approved solid waste or recycling container that is to be placed on the curb in such a way as to allow for safe automated or semi-automated collection or an approved container that is to be placed on the curb for manual pickup.
- 15
- 16 “Customer.” Any person or entity receiving service from Solid Waste Management.
- 17 “Dangerous/hazardous waste.” Solid waste presently defined in WAC 173-303 or as hereafter amended.
- 18 “Director.” The Director of the Environmental Services Department or his/her duly authorized representative.
- 19 “Disposal site.” The location where any treatment, utilization, collection, processing, or final deposition of solid waste occurs.
- 20 “Double Pick.” When a container or compactor requires double-handling in order to be hauled or emptied.
- 21 “Drop-off box (DOB).” A large-volume (10 cubic yards or greater) detachable City- or customer-owned container that can be pulled onto a collection vehicle mechanically for transportation.
- 22 “Dusty Loads.” Any load intended for disposal that consists of particulate matter that becomes easily airborne, as determined by Solid Waste Management.
- 23
- 24 “Dwelling.” Any building or portion thereof which contains not more than two dwelling units.
- 25 “Dwelling unit.” Any building or portion thereof that contains living facilities (which provide for sleeping, eating, cooking, and sanitation as required by this code) for not more than one household.
- 26 “Extra solid waste.” Any solid waste placed on, in, or around the vicinity of the collection container in excess of the capacity of the container.



1 “Front-load container.” A City- or customer-owned container, from one yard to eight yards in capacity, designed to be emptied by an automated front-loading truck.

2 “Health Department.” The Tacoma-Pierce County Health Department.

3 “Household hazardous waste.” A waste product derived from a residential or apartment customer which has the characteristic of dangerous waste presently defined under WAC 173-303 or as hereafter amended. This waste includes, but is not limited to, household cleaners, automotive products, pesticides, and herbicides.

5 “Incineration.” The controlled combustion of solid waste that yields nonputrescible residues and air effluents in compliance with applicable air pollution regulations.

6 “Infectious waste.” Waste from medical, dental, intermediate care facilities, research centers, veterinary clinics, and other similar facilities that have the potential to cause an infectious disease via exposure to a pathogenic organism of sufficient virulence and dosage, through a portal of entry in a susceptible host as defined in TMC 5.04.020.S.

9 “Landfill.” A disposal facility, or part of a facility, at which solid waste is permanently placed in or on land.

10 “Liquid waste.” Any material which would produce measurable liquids when the Paint Filter Liquids Test Method 9095 of EPA Publication Number SW-846 is used.

11 “Mandatory service.” ~~Compulsory and universal~~ City collection, ~~removal~~ management, and disposal of ~~garbage and solid waste within the City are compulsory and universal within the City at the~~ applicable rates established herein.

13 “Minimum service.” The minimum level of service established by Solid Waste Management for residential and commercial customers.

14 “Month” or “Monthly.” The 28- to 32-day period corresponding to the meter-reading cycle for that account. For a bimonthly meter-reading cycle, “monthly” shall correspond to one-half of that cycle.

16 “Multi-business building or complex.” Buildings or premises that contain three or more commercial customers served by one water meter.

17 “Multi-family dwelling.” Any building or portion thereof that contains three or more dwelling units.

18 “Nonautomated container.” A container no larger than 32 gallons that must be manually lifted into a solid waste collection vehicle.

19 “Nonprofit material salvage/recycling corporation.” A corporation approved by the Director of ~~Public Works~~ as eligible for special landfill disposal rate status.

20 “Nuisance.” An unreasonable or unlawful act, or omission from performing a duty, which act or omission either injures or endangers the comfort, health, or safety of others, obstructs or tends to obstruct any lake or navigable river, bay, stream, canal, basin, public park, square, street, highway, or in any way renders other persons insecure in life or in the use of property and produces such material annoyance, inconvenience, or discomfort that the law will presume resulting damage.

23 “Operator.” The person responsible for the overall operation of a public disposal area.

24 “Opportunity fuels.” A waste commodity that may be utilized as fuel in a waste-to-energy facility, requires little or no processing, provides an acceptable BTU value, creates little or no residual waste, and/or provides enhancement to other fuels.

25 “Overloaded.” ~~A~~ The container is so full of solid waste that its lid is not completely closed, thereby ~~that~~ exceeding its the container’s rated capacity or the height of the container opening.

26



- 1 "Person." An individual, firm, lessor, association, co-partnership, political subdivision, government
agency, municipality, industry, public or private corporation, or any other entity whatsoever.
- 2 "Public disposal area." The landfill and/or public tipping area.
- 3 "Premises." A continuous tract of land, building, portion thereof, or group of adjacent buildings under a
single control and responsibility. Multiple use or responsibility shall constitute a division of property into
4 separate premises. Premises shall include, but are not limited to, dwelling unit, dwelling, multi-family
dwelling, apartment house, mobile home park, club, restaurant, eating place, hotel, hospital, school,
5 church, manufacturing establishment, and other places of business, either public or private.
- 6 "Recyclable material." Means those solid wastes that are source separated from the waste stream for the
purpose of recycling or reuse.
- 7 "Recycling." Transforming or remanufacturing waste materials into usable or marketable material for use
other than landfill disposal.
- 8 "Recycling container." A stationary or portable container under City or customer ownership utilized for
the collection of recyclable material and serviced mechanically or manually.
- 9 "Recycling drop-off box." A drop-off box utilized for the collection of recyclable material only.
- 10 "Reload." Additional material placed in a container after initial pickup.
- 11 "Residential customer." An individual who physically occupies the subject dwelling unit and is directly
responsible for payment of all public utilities serving the residential unit to which solid waste service is
12 provided.
- 13 "Scavenging." The unauthorized removal of materials from a public disposal area, solid waste collection
container, recycling drop-off box, or any container used for the collection of recyclable material.
- 14 "Sludge." A semi-solid substance consisting of settled sewage solids and/or other solids combined with
15 varying amounts of water and dissolved materials generated from a wastewater treatment plant or other
source.
- 16 "Small quantity generator (SQG) waste." A waste as defined in WAC 173-303 that exhibits the
characteristics of a dangerous or extremely hazardous waste as defined by WAC 173-303, but is
17 generated by a commercial entity in quantities of less than 220 pounds for dangerous waste, or 2.2 pounds
for extremely hazardous waste.
- 18 "Solid waste." All putrescible and nonputrescible solid or semi-solid waste, including, but not limited to,
garbage, refuse, rubbish, ash, industrial waste, swill, demolition and construction waste, abandoned or
19 junk vehicles or parts thereof, and discarded commodities, bulk waste, recyclable material, and unwanted
vegetation or debris on publicly owned land or improved rights-of-way.
- 20 "Solid Waste Management." The Solid Waste Management Division of the Environmental Services
Department of the City of Tacoma.
- 21 "Special permit." A permit issued by Solid Waste Management under TMC 12.09.070.
- 22 "Source separated." The separation of different kinds of materials from the solid waste at the place where
the waste originates.
- 23 "Swill." All accumulation of animal, fruit, or vegetable matter, liquid or otherwise, intended to be used as
24 feed for livestock, including, but not limited to, garbage waste from food service establishments or waste
from wholesale/retail food processing facilities.
- 25 "TMC" means Tacoma Municipal Code.
- 26 "Treated wastes." The collection, removal, or disposal of infectious waste or infectious waste which has
been rendered noninfectious.



1 “Vector.” A living animal, insect, or arthropod that may transmit an infectious disease from one organism to another.

2 “WAC” means Washington Administrative Code.

3 “Yard waste.” Vegetation material generated as a result of normal maintenance of residential yards. These wastes include above-ground cuttings such as grass clippings, pruning cut limbs (up to 4 feet in length and 8 inches in diameter), and clean beauty bark. Not included in yard waste are sod, dirt, rocks, fruits and vegetables, food wastes, and animal wastes.

4 “Yard waste container.” A container provided by Solid Waste Management. Plastic and biodegradable bags are not acceptable yard waste containers. For additional information, see Section 12.09.060.

5 **12.09.040 General requirements.**

6
7 A. It shall be the customer’s responsibility to ensure that solid waste containers are placed in the appropriate location designated by Solid Waste Management prior to the arrival of the collection vehicle. Collectors shall not be required to negotiate steep ramps, stairs, or hazards, or to remove containers from wells or storage bins in the performance of their duties.

8
9 B. Solid Waste Management shall not be responsible for solid waste collection if there is a violation of any part of this section or circumstances are beyond the control of the Solid Waste Management. Circumstances or violations include, but are not limited to, container overload, improperly loaded container, blocked access, container inaccessibility, or dangerous situations.

10
11 C. Automated collection containers shall be placed in a Solid Waste Management-designated location on the scheduled collection day. Such location shall be easily accessible to the solid waste collection vehicle. All containers must face in the proper direction with the lids completely closed, and unobstructed to the collection vehicle. In areas where the Solid Waste Management-designated location for an automated collection container is at street-side or along an alley, it shall be the responsibility of each customer to remove the container from streetside or alley on the same day as collection.

12
13 D. Any waste exceeding the rated capacity of the container shall be subject to an extra charge at applicable rates established herein. ~~It is prohibited to o~~Overloading containers in a manner which is likely to: (i) cause damage to the collection vehicle or container; (ii) create a litter condition; or (iii) impede collection is prohibited.

14
15 E. Solid Waste Management may collect extra solid waste on or around automated containers. If additional solid waste is generated on the premises that cannot be accommodated by regularly scheduled service in the automated containers provided, the customer shall request and use additional automated containers or be subject to additional charges as set forth in this chapter. “Extra refuse” is any material placed for collection in addition to the regular collection service, which is within acceptable weight limits, is able to be reasonably handled by one person, and is placed within a five-foot radius of the container.

16
17 F. Automated collection within the City is mandatory in those areas designated by Solid Waste Management.

18
19 G. Any manure, offal, or other noxious material that, in the discretion of Solid Waste Management, has not been securely wrapped shall not be collected.

20
21 H. It shall be a violation hereof to place or deposit any solid waste whatsoever in or around a solid waste container owned or provided for the use of another customer without that customer’s approval.

22
23 I. Solid Waste Management shall reserve the right to inspect any or all solid waste prior to and/or during disposal for compliance with local, state, or federal laws or regulations.

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25
26



1 J. No person shall construct or allow the construction of a public or private well, as defined in
2 WAC 173-160, between Center Street, Tyler Street, and South 56th Street and Leach Creek, except as
3 allowed by WAC 173-160 and RCW 18.104. ~~A violation hereof shall be deemed a misdemeanor.~~

4 K. Solid waste placed or deposited in the manner other than described in Section C or E above shall be
5 considered improper disposal of solid waste. In such instances of improper disposal of solid waste, Solid
6 Waste Management shall notify the property owner and/or current utility customer and request them to
7 correct the condition within 48 hours by legally disposing of such waste. If the condition is not corrected
8 after 48 hours, Solid Waste Management shall dispose of the solid waste and charge the property owner
9 and/or current utility customer at the rate of \$100.00 per hour for such disposal, with a minimum charge
10 of \$100.00.

11 L. It shall be the property owner's responsibility to assure that rights-of-way are unobstructed by
12 overgrown vegetation that hinders the operation of the collection vehicle. Solid Waste Management shall
13 notify the property owner, in writing, to remove the obstruction within 14 days. If notification or
14 arrangements have not been made, Solid Waste Management shall remove any obstruction and charge the
15 property owner for the actual cost of the removal. This cost will be billed to the property owner.

16 M. Solid Waste Management, or the City's contractor, may enter property to collect, remove, and dispose
17 of solid waste and assess costs for such collection, removal, and disposal in accordance with the nuisance
18 abatement process set forth in TMC 8.30.110. ~~B. Any unpaid collection, removal, and disposal costs~~
19 ~~incurred by Solid Waste Management, under this subsection, may be collected in any lawful manner~~
20 ~~authorized for the collection of utility bills.~~

21 **12.09.050 Transportation.**

22 A. It shall be a misdemeanor for any person other than Solid Waste Management to transport solid waste
23 generated within the City to destinations outside the City without the written approval of the Director.
24 ~~Transportation of any solid waste transported within the City shall be done in a manner, such as~~
25 ~~tarped and secured in a manner, such as necessary to prevent a nuisance and/or littering.~~

26 Transportation of solid waste shall comply with all ordinances of the City and all laws of the state of
Washington, including but not limited to those set forth in Chapter 70.93 RCW, the Waste Reduction,
Recycling, and Model Litter Control Act. The operator of a vehicle transporting solid waste to the public
disposal area shall secure or cover the vehicle's waste in a manner that will prevent solid waste from
spilling out of the vehicle. Vehicles may be exempt from this requirement if it is unlikely that waste will
spill from the vehicle during transportation. In the absence of an exemption, a fee, in addition to other
landfill charges, may will be assessed for vehicles arriving at the public disposal area without an adequate
cover on the vehicle's waste or without the waste secured. The fee collected under this provision shall be
\$5.00 per occurrence and will be considered a part of the disposal fee.

B. A vehicle transporting sand, dirt, and gravel in compliance with the provisions of RCW 46.61.655
shall not be required to secure or cover a load pursuant to this section.

21 **12.09.060 Requirements for containers.**

22 A. Residential customers that receive solid waste collection services may request up to two 90-gallon
23 yard waste containers from Solid Waste Management at no charge. Residential customers may request
24 additional 90-gallon yard waste containers at an additional monthly rate as set forth in the Residential
25 Barrels Rate Tables.

26 B. The 20-, 30-, 45-, 60-, 90-, and 300-gallon automated and semi-automated collection containers are the
property of the City of Tacoma and provided exclusively by Solid Waste Management. These containers
shall be used only for the collection and disposal of solid wastes by Solid Waste Management. The 20-,
30-, 45-, 60-, and 90-gallon automated and semi-automated collection containers, including contents,
shall not exceed its rated capacity ~~250 pounds~~ at the time of collection.



1 C. Bulk solid waste collection containers, i.e., front-load container, drop-off box, and compactor, may be
2 used only upon prior approval of Solid Waste Management. Solid Waste Management reserves the right
3 to refuse solid waste collection service if, in the opinion of Solid Waste Management, the access to or the
4 dumping of these containers presents a hazard.

3 D. Customers may request one container or service change, per premise, per year. Additional requests for
4 changes will be billed in addition to the monthly rate, as set forth in Section 12.09.110. ~~Provided~~
5 ~~however, the limitations and additional costs set forth in this paragraph do not apply to customers who~~
6 ~~request container or service changes to participate in a pilot project authorized under TMC 12.09.105.~~

5 **12.09.070 Special permits.**

6 A. A special permit from the Environmental Services Department shall be required for the collection,
7 removal, processing, and disposal of solid and infectious waste, including recyclable materials from
8 within the City limits, by anyone other than City personnel or by anything other than City equipment.
9 Such collection, removal, processing, or disposal without a special permit is a violation of this chapter.
10 ~~unlawful and, upon conviction, a person shall be guilty of a misdemeanor.~~ The Director is authorized to
11 approve or disapprove applications for special permits. The Director may prepare and require the use of
12 such forms as deemed essential for administering the requirements of this section. Permittees shall
13 comply with applicable state laws and City ordinances, and obtain all applicable City permits including,
14 but not limited to, barricade permits.

11 B. A person denied a special permit or aggrieved by the issuance of a special permit may appeal the
12 decision to the City's Hearing Examiner within 14 days of the date of issuance of the Director's written
13 decision. The Director's decision shall be entitled to great deference upon review, and shall be overturned
14 only upon a finding of "clear, cogent and convincing" evidence that the permit should be issued.

13 C. A special permit may be canceled, if necessary, without prior notice, if the permittee fails to comply
14 with the terms and conditions of the special permit including, but not limited to, annual reporting and
15 inspection requirements. A special permit may be revoked upon 30 days' written notice. Special permits
16 may be issued for a maximum duration of one year, and are renewable if the permittee continues to
17 qualify for the special permit. The Director may issue special permits for the following reasons:

16 1. For collecting and transporting source-separated recyclable materials from a recycling drop-off box, or
17 from a commercial or industrial generator of recyclable materials to a processor of recyclable materials or
18 end user of recyclable materials, or for the receipt and processing of recyclable materials. Recyclable
19 materials must be as close to 100 percent recyclable as possible and not contain non-recyclable material.
20 The Director shall have the sole authority and discretion to determine when this requirement is met.
21 However, exceptions to this requirement may be made if the applicant can demonstrate that the proposed
22 activity is in the best interests of the City for meeting the recycling goals set forth in the Tacoma-Pierce
23 County Solid Waste Management Plan. The granting of a permit for this activity shall in no way be
24 construed to mean that the permit allows the permittee to haul solid wastes within the City in violation of
25 TMC 12.09.020.

21 Any special permit issued for the collection and hauling of recyclable materials shall require the holder to
22 submit an annual report to the Solid Waste Management Division Manager. This report may be a copy of
23 the Annual Recycling Survey submitted to Pierce County Solid Waste or the Department of Ecology
24 required by RCW 70.95. Failure to provide this report annually shall result in automatic cancellation of
25 the permit.

24 2. For the separation, use or sale of swill; provided said material is transported outside the City limits.

25 3. To provide temporary drop-off box container service to specific Solid Waste Management customers in
26 the event Solid Waste Management temporarily cannot provide the service.



1 4. For the collection, removal, and disposal of infectious waste as more specifically described in
2 TMC 5.04. The permit shall not be effective and shall be deemed revoked if the permittee does not obtain
3 permits required under TMC 5.04, and/or permits or approvals required by any other applicable federal,
4 state, or local law or regulation. The collection, removal, or disposal of infectious waste or infectious
5 waste which has been rendered noninfectious (hereinafter called "treated waste") in violation of any
6 applicable law or regulation of the federal, state, county, or City government, or any other governmental
7 entity having jurisdiction, shall be grounds for immediate revocation of any permit issued hereunder,
8 even if such violation occurs outside the corporate limits of the City's condition of the special permit.

9 Any permittee, as a condition of the special permit, will be required to provide all information requested
10 by the City pertaining to the manner in which all aspects of the collection, removal, and disposal of
11 infectious waste or treated waste are being carried out by the permittee.

12 5. For the collection, removal, and disposal of any solid waste that is unacceptable for disposal in the
13 City's public disposal area.

14 6. For the collection, removal, and disposal of any solid waste when the City determines that it is in the
15 City's best interest for a non-City entity or person to collect, remove, or dispose of such waste. A permit
16 of this nature may be issued to authorize one-time services such as hauling solid waste and shall require
17 the permittee to report the origin of the material, the method of transportation, and the disposal location
18 prior to disposal of the solid waste.

19 7. For a person or organization to haul solid waste generated as a result of activity at its premises under
20 circumstances that render mandatory service infeasible or impracticable; provided, that the following
21 conditions are met:

22 a. The person or organization is not in the solid waste hauling business, and owns or leases the vehicle
23 hauling the solid waste;

24 b. The operator of the vehicle is an employee of the organization generating the waste. Contracting out,
25 and/or hiring others for disposal services is a violation of TMC 12.09.020 and shall not be allowed; and

26 c. The waste, if acceptable, shall be disposed of at the City's public disposal area.

27 8. Exemptions may be granted for small quantity generators at the discretion of the Director ~~of the~~
28 ~~Environmental Services Department.~~

29 * * *

30 **12.09.100 Collection.**

31 Except as set forth in TMC 12.09.105, Solid Waste Management shall provide for the collection and
32 disposal of all solid waste from all occupied residential premises within the City ~~a minimum of once per~~
33 every two weeks, and from all other occupied premises as often as required by Solid Waste Management.
34 Solid Waste Management reserves the right to establish the appropriate level of service. Provided
35 however, Solid Waste Management may provide solid waste collection and disposal services weekly at
36 certain occupied residential premises until December 31, 2014 to help facilitate the transition to every
37 other week garbage collection.

38 **12.09.105 Pilot Projects.**

39 The Director may alter the frequency of residential solid waste collection required under TMC 12.09.100
40 from time to time, in certain areas of the City, as part of a pilot project to evaluate more efficient and
41 sustainable solid waste collection services. ~~The Director may provide a one-time credit of \$40.00 to~~

42



1 customers who participate in pilot projects authorized by this section. Participating customers shall be
 2 assessed their current solid waste rate; provided, however, if a customer elects to use a smaller collection
 3 barrel during a pilot project, such customer shall be charged the TMC 12.09.110 residential rate that is
 4 most equivalent to their level of service.

5 **12.09.110 Residential automated and semi-automated services.**

6 A. Minimum Monthly Service.

	Effective Years	
	2013 1	2014 2
Once each week pickup 20-gallon (supplied by City)	\$25.25	\$25.25
<u>Once every other week pick-up 30- gallon (supplied by City)</u>	<u>\$18.28</u>	<u>\$18.28</u>

8 1. Collection personnel shall not be required to negotiate steep ramps or stairs or remove 20-, 30-, 45-
 9 60-, and 90-gallon containers from storage bins in the performance of their duties. Where 20-, 30-, 45-
 10 60-, and 90-gallon residential containers are accessible on ground level in the location designated by
 11 Solid Waste Management on the street or alley, within five feet of the curb, street, or alley where a Solid
 12 Waste Management collection vehicle can stop legally for collection and loading, the rate shall be:

2013 1 RATES <u>WEEKLY PICKUP</u>				
RESIDENTIAL BARRELS				
Residential Category	Monthly Rate	Additional Charge for Overload	Each Reload	Each additional yard waste container (after initial two)
Regular Service				
20 gallon	\$25.25	<u>\$10.00</u> 5.00	<u>\$15.00</u> 10.00	\$3.00
30 gallon	<u>\$36.55</u> \$35.95	<u>\$10.00</u> 5.00	<u>\$15.00</u> 10.00	\$3.00
60 gallon	<u>\$70.80</u> \$62.75	<u>\$10.00</u> 5.00	<u>\$15.00</u> 10.00	\$3.00
90 gallon	<u>\$105.15</u> \$90.00	<u>\$10.00</u> 5.00	<u>\$15.00</u> 10.00	\$3.00



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2013 RATES EVERY OTHER WEEK PICKUP RESIDENTIAL BARRELS				
Residential Category	Monthly Rate	Additional Charge for Overload	Each Reload	Each additional yard waste container (after initial two)
Regular Service				
30 gallon	\$18.28	\$10.00	\$15.00	\$3.00
45 gallon	\$27.47	\$10.00	\$15.00	\$3.00
60 gallon	\$36.55	\$10.00	\$15.00	\$3.00
90 gallon	\$54.83	\$10.00	\$15.00	\$3.00
60 x 2 gallon	\$70.80	\$10.00	\$15.00	\$3.00
60+90 gallon	\$91.38	\$10.00	\$15.00	\$3.00
90x2 gallon	\$105.15	\$10.00	\$15.00	\$3.00

2014 RATES EVERY OTHER WEEK PICKUP RESIDENTIAL BARRELS				
Residential Category	Monthly Rate	Additional Charge for Overload	Each Reload	Each additional yard waste container (after initial two)
Regular Service				
30 gallon	\$18.28	\$10.00	\$15.00	\$3.00
45 gallon	\$27.42	\$10.00	\$15.00	\$3.00
60 gallon	\$36.55	\$10.00	\$15.00	\$3.00
90 gallon	\$54.83	\$10.00	\$15.00	\$3.00
60 x 2 gallon	\$73.10	\$10.00	\$15.00	\$3.00
60+90 gallon	\$91.38	\$10.00	\$15.00	\$3.00
90x2 gallon	\$109.65	\$10.00	\$15.00	\$3.00

2. Where residential containers and extra containers are accessible on ground level, but farther than five feet from the curb, street, or alley where a Solid Waste Management collection vehicle can stop legally for collection and loading, the following additional rates for carrying distance, measured along the route taken for collection, shall apply to each container:

	Garbage	Recycle & Yard Waste
Over 5 feet to 25 feet	\$ 8.90 per month	\$4.45 per month
Each additional 25 feet or portion thereof	\$11.10 per month	\$5.55 per month

Carry distances shall be measured along the route necessarily taken for collection.

The above rates apply to each and every can or container collected and loaded from a specific premises.

3. An additional charge of \$11.10 per garbage container per month and \$5.55 per recycle and yard waste container per month shall be added when containers are not reasonably accessible, regardless of carrying distance.



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4. Residential 300-gallon containers shall initially be placed in position by Solid Waste Management to facilitate the collection operation. Once so placed into service, the containers shall not be removed or relocated by the customer. Each customer sharing a 300-gallon container shall pay a rate commensurate with the services received as determined by Solid Waste Management.

5. There will be no charge for initial delivery or change of containers supplied by Solid Waste Management for new customers. In addition, there will be no charge for delivery or change of containers for existing customers once per premise, per year. Additional deliveries of containers in any calendar year to a premise will be billed at \$30.00 per delivery. [The Director may waive such delivery charge to help facilitate the transition to every other week garbage collection.](#)

B. If a residential automated collection container is not in place by 7:00 a.m. or is otherwise inaccessible the day of the regularly scheduled pickup and the customer requests that the collection vehicle return to the premises to collect the contents of the container, a return trip charge of \$10.00 may be assessed to the customer. Such charge shall be applied on a per-trip basis without consideration of the size or number of containers collected from the customer. For each additional nonscheduled pickup requested by the customer, a return fee of \$10.00 plus additional container fee may be assessed.

C. Any residential customer in possession of any City-owned container shall pay the cost of repair or replacement of any damaged container, if it is the determination of Solid Waste Management that such damage is the result of the negligence or abuse by the customer. The charge shall be the actual cost of repair or replacement as determined by the City and shall be added to the customer's utility bill.

D. No dwelling unit of a multi-family dwelling (triplex or larger) may receive individual residential solid waste service unless the subject unit is directly billed by the City for payment of all other public utilities servicing that unit, including electricity, water, surface water, and wastewater.

E. Upon approval by Solid Waste Management, residential collection service may be stopped during temporary vacancy of the premises no more than twice per calendar year. Service shall not be discontinued for a period of less than ~~two weeks~~^{one week}. A charge of \$15.00 shall be added to the utility bill for each approved temporary stop-service order. Service shall resume no later than the date specified by the customer in the stop order. An alternative mailing address must be provided if requested by Solid Waste Management.

F. Use of an enclosure built for a container is subject to prior approval by Solid Waste Management and may be revoked upon inspection if not built as per originally approved.

G. Recycling or yard waste containers contaminated with garbage may be dumped as solid waste. When they are, the customer will be charged the "Each Additional Reload" fee [identified in the rate table for that class and frequency of service](#). Recycling containers that are repeatedly contaminated with garbage may be removed at the discretion of Solid Waste Management. A \$30.00 service charge will be assessed for redelivery of each container.

H. Overload charges shall be charged when the condition of the container meets the definition of "Overloaded" in TMC 12.09.030. Extra bags of garbage will be charged the "Applicable Charge for Overload." If the overload condition, or number of extra bags requires the driver to reload and re-dump the container, the customer will be charged the "Each Reload" fee [identified in the rate table for that class and frequency of service](#).

I. City of Tacoma solid waste ratepayers living in a single-family home or duplex may request two "Call-2 Haul" service appointments per year. No more than three large items, consisting of appliances, furniture, or items of a similar size and weight, and 15 bags or boxes of unusable household items will be picked up by Solid Waste Management at each Call-2 Haul service appointment. No additional charge to the ratepayer will be made for this service. A charge of \$10.00 will be assessed for late cancellations or if items are not set out by 7:00 a.m. on the scheduled date.



12.09.120 Commercial services.

Solid Waste Management reserves the right to establish the appropriate level of service. No single unit of a multi-business complex or building may receive individual container service of less than one cubic yard in capacity unless the subject unit is directly billed by the City for payment of all other public utilities servicing that unit, including electricity, water, surface water, and wastewater. Minimum monthly service for City-owned containers shall be one pickup per week, per month, per container, with the exception of drop-off boxes and compactors. Commercial rates for collection of solid waste shall be as follows:

A. Commercial Barrels.

		Effective Years		
		2013 1	2014 2	
Minimum Monthly Service (20-Gallon):		\$ 26.85 24.05	\$26.85	
20131 RATES				
COMMERCIAL BARRELS				
Commercial Category	Monthly Container Rent *	Monthly Rate (times pickups per week)	Each Additional Pickup	Overload Charge
Regular Service				
20 gallon	na	\$ 26.85 24.05	\$10.00	\$5.00
30 gallon	na	\$ 35.95 32.10	\$10.00	\$5.00
60 gallon	na	\$ 50.20 44.90	\$10.00	\$5.00
90 gallon	na	\$ 66.55 59.50	\$10.00	\$5.00
300 gallon	\$3.45	\$166.05	\$38.35	\$25.00
Temporary Service				
Commercial Category	Daily Container Rent*	Each Haul Container	Placement Fee	Overload Charge
20 gallon	na	\$10.00	na	\$5.00
30 gallon	na	\$10.00	na	\$5.00
60 gallon	na	\$10.00	na	\$5.00
90 gallon	na	\$10.00	na	\$5.00
300 gallon	\$1.10	\$38.35	\$15.00	\$25.00

*Excluding Washington State Sales Tax

20142 RATES				
COMMERCIAL BARRELS				
Commercial Category	Monthly Container Rent *	Monthly Rate (times pickups per week)	Each Additional Pickup	Overload Charge
Regular Service				
20 gallon	na	\$26.85	\$10.00	\$5.00
30 gallon	na	\$35.95	\$10.00	\$5.00
60 gallon	na	\$50.20	\$10.00	\$5.00
90 gallon	na	\$66.55	\$10.00	\$5.00
300 gallon	\$3.55	\$166.05	\$38.35	\$25.00



Temporary Service				
Commercial Category	Daily Container Rent*	Each Haul Container	Placement Fee	Overload Charge
20 gallon	na	\$10.00	na	\$5.00
30 gallon	na	\$10.00	na	\$5.00
60 gallon	na	\$10.00	na	\$5.00
90 gallon	na	\$10.00	na	\$5.00
300 gallon	\$1.10	\$38.35	\$15.00	\$25.00

*Excluding Washington State Sales Tax

B. If a commercial 20-, 30-, 60-, 90-, or 300-gallon container is not in place or is otherwise inaccessible at the time the collection vehicle arrives for regularly scheduled pickup and it is necessary for the collection vehicle to return to the premises at a later time to collect and load the contents of the container, a return trip charge of \$10.00 may be assessed to the customer. Regularly scheduled pickups will begin at 6:00 a.m. Such charge shall be applied on a per-trip basis, without consideration for the size or number of containers collected from the customer. For each additional nonscheduled pickup requested by the customer, a return fee of \$10.00 plus additional container fee may be assessed.

C. Commercial container rates for noncompacted solid waste shall consist of a minimum monthly charge, which includes all scheduled weekly pickups within any given month. Additional pickups shall be at the request of the customer and shall be subject to the applicable service charge.

D. Collection personnel shall not be required to negotiate steep ramps or stairs or remove 20-, 30-, 60-, and 90-gallon containers from storage bins in the performance of their duties. Where 20-, 30-, 60-, and 90-gallon containers are accessible on ground level not in the location designated by Solid Waste Management, the following additional rates shall apply to each container:

Over 5 feet to 25 feet	\$8.90 per month
Each additional 25 feet or portion thereof	\$11.10 per month

E. Commercial Bulk Noncompacted Container Rates.

1. City-owned, drop-off box – minimum charge of \$200.00 per month in addition to rent, if not hauled, provided, this charge will not be assessed to boxes used for the purposes of recycling.

2. City-owned, front-load container used on a temporary basis will be charged \$50.00 per month in addition to rent, if not hauled.

3. City-owned 20-, 30-, 60-, 90-, or 300-gallon container used on a temporary basis will be charged the 20-gallon commercial barrel monthly rate if not hauled.

4. Customer-owned container – minimum charge, if not hauled, will be the 20-gallon commercial barrel monthly rate.

5. An additional \$200.00 charge per haul for drop-off box for same day service.

6. An additional rental charge of \$6.00 per month will be made for any container requiring a cover or extra-strength construction.

7. An additional \$25.00 charge per haul for front-load container for same day service.

8. An additional \$50.00 charge for each container relocation without a haul (dump).

9. An additional \$50.00 return charge will be billed to customers who have a scheduled haul for their compactor or DOB and the container was not made accessible for hauling when Solid Waste staff arrived.



10. An additional \$25.00 return charge will be billed to customers who have a scheduled haul for their front-load container and the container was not made accessible for hauling when Solid Waste staff arrived.

11. An additional \$10.00 may be charged for containers or compactors that require double-picking.

2013 4 RATES				
FRONT LOAD CONTAINERS				
Commercial Category	Monthly Container Rent*	Monthly Rate (times pickups per week)	Each Additional Pickup	Overload Charge
Regular Service				
1 Cubic yard	\$4.85	\$163.95	\$37.10	\$25.00
2 Cubic yard	\$7.80	\$216.10 \$218.90	\$48.65	\$25.00
3 Cubic yard	\$8.90	\$273.95 \$281.55	\$61.50	\$30.00
4 Cubic yard	\$10.60	\$334.95 \$344.25	\$75.20	\$35.00
6 Cubic yard	\$13.85	\$456.95 \$469.60	\$102.60	\$40.00
8 Cubic yard	\$15.30	\$578.90 \$594.95	\$130.00	\$45.00
Temporary Service				
Commercial Category	Daily Container Rent*	Each Haul Container	Placement Fee	Overload Charge
1 Cubic yard	\$1.10	\$37.10	\$15.00	\$25.00
2 Cubic yard	\$1.10	\$48.65 \$49.25	\$15.00	\$25.00
3 Cubic yard	\$1.10	\$61.50 \$63.35	\$15.00	\$30.00
4 Cubic yard	\$1.10	\$75.20 \$77.45	\$15.00	\$35.00
6 Cubic yard	\$1.10	\$102.60 \$105.70	\$15.00	\$40.00
8 Cubic yard	\$1.10	\$130.00 \$133.90	\$15.00	\$45.00

*Excluding Washington State Sales Tax

2014 2 RATES				
FRONT LOAD CONTAINERS				
Commercial Category	Monthly Container Rent*	Monthly Rate (times pickups per week)	Each Additional Pickup	Overload Charge
Regular Service				
1 Cubic yard	\$4.85	\$163.95	\$37.10	\$25.00
2 Cubic yard	\$7.80	\$218.90	\$49.25	\$25.00
3 Cubic yard	\$8.90	\$281.55	\$63.35	\$30.00
4 Cubic yard	\$10.60	\$344.25	\$77.45	\$35.00
6 Cubic yard	\$13.85	\$469.60	\$105.70	\$40.00
8 Cubic yard	\$15.30	\$594.95	\$133.90	\$45.00



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Temporary Service				
Commercial Category	Daily Container Rent*	Each Haul Container	Placement Fee	Overload Charge
1 Cubic yard	\$1.10	\$37.10	\$15.00	\$25.00
2 Cubic yard	\$1.10	\$49.25	\$15.00	\$25.00
3 Cubic yard	\$1.10	\$63.35	\$15.00	\$30.00
4 Cubic yard	\$1.10	\$77.45	\$15.00	\$35.00
6 Cubic yard	\$1.10	\$105.70	\$15.00	\$40.00
8 Cubic yard	\$1.10	\$133.90	\$15.00	\$45.00

*Excluding Washington State Sales Tax

2013+ RATES DROP OFF BOX			
Commercial Category	Monthly Container Rent*	Each Haul per Container	
Regular Service			
15 Cubic Yard	\$36.80	\$504.95	
20 Cubic Yard	\$39.45	\$594.60	
25 Cubic Yard	\$39.55	\$683.95	
30 Cubic Yard	\$43.50	\$773.05	
40 Cubic Yard	\$44.00	\$951.10	
Temporary Service			
	Daily Container Rent*	Each Haul per Container	Placement Fee
15 Cubic Yard	\$1.10	\$504.95	\$50.00
20 Cubic Yard	\$1.10	\$594.60	\$50.00
25 Cubic Yard	\$1.10	\$683.95	\$50.00
30 Cubic Yard	\$1.10	\$773.05	\$50.00
40 Cubic Yard	\$1.10	\$951.10	\$50.00

*Excluding Washington State Sales Tax

2012-2014 RATES DROP OFF BOX		
Commercial Category	Monthly Container Rent*	Each Haul per Container
Regular Service		
15 Cubic Yard	\$36.80	\$504.95
20 Cubic Yard	\$39.45	\$594.60
25 Cubic Yard	\$39.55	\$683.95
30 Cubic Yard	\$43.50	\$773.05
40 Cubic Yard	\$44.00	\$951.10



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Temporary Service			
	Daily Container Rent*	Each Haul per Container	Placement Fee
15 Cubic Yard	\$1.10	\$504.95	\$50.00
20 Cubic Yard	\$1.10	\$594.60	\$50.00
25 Cubic Yard	\$1.10	\$683.95	\$50.00
30 Cubic Yard	\$1.10	\$773.05	\$50.00
40 Cubic Yard	\$1.10	\$951.10	\$50.00

*Excluding Washington State Sales Tax

12. When the weight of the contents of a noncompacted drop-off box exceeds the applicable maximum weight for a truck to safely handle the load, the customer will be charged the commercial disposal tip fee rate for each ton and/or portion of a ton by which the contents exceed the maximum weight of 10 tons.

13. Uncontained loads that are determined to be "Dusty Loads" by Solid Waste Management are subject to rejection or assessment of additional processing fees.

14. Solid Waste Management reserves the right to collect advance payment for container placement and up to four months of charges for rental and service charges associated with the provision of temporary service. The City Treasurer may accept satisfactory securities or surety bond in lieu of cash payment. Such payment or security may be applied toward the payment of service charges whenever the same shall become due. Solid Waste Management reserves the right to require additional advance payment for subsequent service that may be requested by the customer.

F. Commercial Compactor Container Rates. Commercial rates for collection and disposal of solid waste from customer-owned compactor containers shall be as follows:

1. Customer-owned containers will be charged the 20-gallon commercial barrel rate if no other solid waste service is provided by Solid Waste Management at the location during the month.

20134 RATES	
FRONT LOAD COMPACTOR CONTAINER	
Commercial Category	Each Container Each Pickup
Regular Service	
2 Cubic Yard	\$96.70 <u>\$99.40</u>
3 Cubic Yard	\$134.60 <u>\$138.30</u>
4 Cubic Yard	\$162.84 <u>\$177.20</u>
5 Cubic Yard	\$197.55 <u>\$216.15</u>



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20142 RATES	
FRONT LOAD COMPACTOR CONTAINER	
Commercial Category	Each Container Each Pickup
Regular Service	
2 Cubic Yard	\$99.40
3 Cubic Yard	\$138.30
4 Cubic Yard	\$177.20
5 Cubic Yard	\$216.15

20134 RATES	
DROP OFF BOX COMPACTOR	
Commercial Category	Each Container Each Pickup
Regular Service	
10 Cubic Yard	\$719.75
12 Cubic Yard	\$815.35
15 Cubic Yard	\$959.60
16 Cubic Yard	\$1,007.70
17 Cubic Yard	\$1,055.75
18 Cubic Yard	\$1,103.55
20 Cubic Yard	\$1,199.25
24 Cubic Yard	\$1,390.00
25 Cubic Yard	\$1,438.60
26 Cubic Yard	\$1,486.50
27 Cubic Yard	\$1,534.30
30 Cubic Yard	\$1,677.85
33 Cubic Yard	\$1,821.25
34 Cubic Yard	\$1,869.10
40 Cubic Yard	\$2,156.35



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20142 RATES	
DROP OFF BOX COMPACTOR	
Commercial Category	Each Container Each Pickup
Regular Service	
10 Cubic Yard	\$719.75
12 Cubic Yard	\$815.35
15 Cubic Yard	\$959.60
16 Cubic Yard	\$1,007.70
17 Cubic Yard	\$1,055.75
18 Cubic Yard	\$1,103.55
20 Cubic Yard	\$1,199.25
24 Cubic Yard	\$1,390.00
25 Cubic Yard	\$1,438.60
26 Cubic Yard	\$1,486.50
27 Cubic Yard	\$1,534.30
30 Cubic Yard	\$1,677.85
33 Cubic Yard	\$1,821.25
34 Cubic Yard	\$1,869.10
40 Cubic Yard	\$2,156.35

2. The service charge for other compactor container sizes that may become available shall be determined by Solid Waste Management.

3. When the weight of the contents of a compacted container exceeds the applicable maximum weight for a truck to safely handle the load, the customer will be charged the commercial disposal tip fee rate for each ton and/or portion of a ton by which the contents exceed the maximum weight of 10 tons.

4. Uncontained loads that are determined to be “Dusty Loads” by Solid Waste Management are subject to rejection or assessment of additional processing fees.

G. Recyclable Material Collection Fees. If requested, Solid Waste Management may, at its option, agree to collect recyclable materials from commercial customers at the curb or premises. The fees for this service are typically lower than garbage collection service, but are subject to fluctuations in the value or cost of the recyclable material.

The Director is delegated the authority to assign and charge a rate for the collection of recyclable material from commercial customers. The Director shall assign such a rate in accordance with the following criteria and process:

1. The rate shall reflect the cost of service, to the extent reasonably possible, given the constantly fluctuating value and/or costs of recyclable material.

2. The rate shall include cost items related to the service including, but not limited to, labor and benefits, equipment, maintenance and operations of equipment and containers, processing fees, direct and indirect overhead charges, and other related costs. In addition, revenues received from the sales or marketing of the collected recyclable material and the collection service levels shall be included with the assigned rate.

3. The Director may adjust the assigned rate up to four times per year.

4. Solid Waste Management shall notify the affected parties a minimum of 45 days prior to implementing rate changes.



1 Application of the assigned rate shall be through the normal billing and invoicing process. In the event a
customer cancels service covered under this policy and wishes to initiate similar service within one year's
time, a \$50.00 service charge will be applied to the restart of the service.

2 Due to potential cost savings of collecting all recyclables from an individual customer, the Director is
3 further delegated the authority to negotiate a bundled rate with individual commercial customers for
collection of all recyclable materials from that customer for an agreed period of time.

4 H. Recyclable Materials Bulk Container.

5 1. Drop-off Box Recycling Service.

6 Container Placement	\$50.00
7 Haul Charge	\$50.00 per haul
Mileage Charge	\$2.50 per mile one way
8 Daily Rental Charge	\$1.10 per day (excluding Washington State sales tax)

9 Disposal costs shall be the responsibility of the customer. The customer shall arrange for an account at
the recycling facility for billing disposal costs directly to the customer. In the event that the customer fails
10 to make proper arrangements for an account at the recycling facility, Solid Waste Management may add
the cost of recycling or disposal of the material to the customer's hauling charges.

11 If a drop-off box is rented for dumping at a recycling facility and the load is contaminated, the drop-off
box will be returned to the landfill and the customer will be charged the applicable landfill rate as noted
12 in the Commercial Rate tables.

13 If the drop-off box container is not hauled by the customer within 60 days, Solid Waste Management may
remove and haul the drop-off box and charge the customer applicable transportation and disposal costs, a
14 minimum charge of \$200.00 per month in addition to the rental charge will be assessed.

15 I. Containers ~~shall not~~ cannot be longer than 22 feet, or larger than a 25 yard self-contained compactor, or
a 30 cubic yard disconnect-type compactor the following, without the prior written approval of Solid
Waste Management:-

16 ~~1. Twenty five cubic yard self-contained compactor;~~

17 ~~2. Thirty cubic yard disconnect type compactor; or~~

18 J. It shall be the responsibility of any customer in possession of any City-owned bulk container to pay the
cost of repair to, or replacement of any such container damaged while in his or her possession. The
charge shall be the actual cost of repair or replacement as determined by the City and shall be added to
19 the customer's utility bill.

20 K. The service charge for other container sizes that may become available will be at a rate sufficient to
recover the cost of providing the service.

21 L. In addition to the charges for commercial and residential rates set forth above, when unscheduled
services are requested or required, Solid Waste Management shall charge for such services as set forth in
22 this chapter.

23 M. The siting of a compactor's location shall be coordinated with and specifically approved by Solid
Waste Management before installation. If a compactor is placed prior to Solid Waste Management's
24 specific approval and Solid Waste Management deems the placement unacceptable, Solid Waste
Management may elect to refuse service. The customer shall relocate and bear all costs incurred for the
25 relocation of the compactor. Such customers shall, among other things, be required to hold the City
harmless from any and all liability resulting from the improper placement and/or relocation of the
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1 compactor. Siting of the compactor and construction of any compactor enclosure shall be in conformance
with all applicable City and state regulations.

2 N. It is the responsibility of the owner of a customer-owned container to keep the container maintained
and serviceable, including all doors, lids, fork pockets, wheels, bail hooks, bottom rails, or any part of the
3 container needed for dumping or hauling of the container. Solid Waste Management shall not be held
liable for damage to privately owned containers. Solid Waste Management is not obligated to service
4 improperly maintained containers. Customer-owned containers must also be kept graffiti free.

5 O. An enclosure provided for a solid waste container shall be used only for the solid waste container. If
items other than a solid waste container are placed in an enclosure, Solid Waste Management shall be
6 held harmless for any and all loss or damage to such items, whether occasioned by Solid Waste
Management's negligence or otherwise. It shall be the responsibility of the customer to keep the
7 enclosure in an acceptable sanitary condition including the area in the vicinity of the enclosure.

8 P. If an enclosure is gated, the gates shall have the ability to be pinned in the open position. If gated, the
gates shall have at least a 180-degree swing. When gates are in the open position, they shall not block or
infringe on any traffic aisles.

9 1. Drop-off box enclosures shall have a minimum opening width of 12'0" and the depth must extend a
10 minimum of 3'0" beyond the end of the container.

11 2. Front load box enclosures shall have a minimum opening width of 12'0" and a minimum depth of
10'0". ~~If For~~ two front load box containers are placed, the enclosure shall allow for a minimum of a
12 three-foot clearance between enclosure and front load box, as well as a two-foot clearance between each
front load box.

13 3. Automated 300-gallon container enclosures shall have a minimum opening width of 10'0" and a
14 minimum depth of 7'0". In addition, for two or more containers, a three-foot clearance between enclosure
and barrels is required, as well as a two-foot clearance between each barrel.

15 4. All enclosures shall be designed so the solid waste collection vehicle that services the enclosed
16 container can maneuver and safely service the container. A service charge of \$10.00 for 300-gallon
containers and \$25.00 for front-load containers and drop-off box containers may be charged when Solid
17 Waste Management is unable to service a commercial customer's container on the scheduled pickup and
Solid Waste Management has to make a return trip to service the container. This charge may be applied if
the container access is blocked, the gates to the enclosure are not in the open position, or Solid Waste
18 Management is, for any reason, unable to service the container.

19 Q. Construction of an enclosure for disposal containers shall not commence prior to plan approval by
Solid Waste Management. Failure to obtain plan approval prior to construction may require alterations,
20 relocation, or complete reconstruction of the enclosure at the owner's expense. Solid Waste Management
may refuse to provide service to a customer who has enclosed a disposal container improperly.

21 R. City-owned ~~R~~ecycling containers that are repeatedly contaminated with garbage may be removed at
the discretion of Solid Waste Management. A \$10.00 service charge will be assessed for redelivery of
22 each container.

23 S. All compactors which may contain liquids are to be equipped with a drain and a connection to the
sanitary sewer. The connection to the sanitary sewer must meet the requirements of both Solid Waste
Management and the City's Wastewater Management Division.

24 T. The Director is delegated the authority to assign a rate for the disposal of a particular opportunity fuel
as long as the rate does not exceed \$90.00 per ton for disposal of "opportunity fuels," as that term is
25 defined in TMC 12.09.030. If Solid Waste Management requires a purchase of a particular opportunity
fuel, Solid Waste Management shall purchase said fuel pursuant to those procedures set forth in the
26 Administrative Policies and Procedures Manual.



1 **12.09.130 Use of disposal site – General.**

2 Use of disposal site and applicable rates are defined below. Disposal rates are based on the categories
3 described in section A below. City utility billing information may be verified by the scale house customer
4 information system computer. No person shall use the City’s public disposal site except under the
5 following terms and conditions.

6 A. Disposal Categories. All customers using the disposal site will be charged the specified rate in one of
7 the following categories. The rate will be determined at the scale house. Each customer shall provide
8 proper documentation to qualify for the City residential rate.

9 1. City Residential Rate. The following individuals shall be eligible for the City residential rate as
10 specified below.

11 a. The owner-occupant or tenant of a single family home, duplex, townhouse, or condominium located
12 within the City of Tacoma may dispose of solid waste and yard waste from said property at City
13 residential rates with proof of residency as outlined in Section B below.

14 b. The owner of residential property located within the City of Tacoma may dispose of solid waste and
15 yard waste from said property at City residential rates in Section B, but only if they provide proof that
16 they personally pay all City electrical, water, solid waste, wastewater, and surface water utility services at
17 such property.

18 c. A tenant in a multi-family dwelling (triplex or larger) located within the City of Tacoma may dispose
19 of solid waste generated from within their living unit at City residential rates with proof of City residency
20 as outlined in section B below. Construction and demolition waste, yard waste, and large appliances will
21 be charged at the City commercial rate.

22 2. City Commercial Rate. Any City-located business, industry, and mobile home park; organization,
23 either public or private, profit or non-profit; multi-family dwellings (triplex or larger); or person hauling
24 for a second party will be charged the City commercial rate for all solid waste and yard waste.

25 3. Outside City Rates. Any person who cannot provide proof of City residency as set forth below, or the
26 proof required under subsection 1.b., above, shall be charged the outside City rates for all solid waste and
yard waste.

B. Proof of City Residency. To be eligible for the City residential rate, the customer must reside in a
single-family, duplex, or multi-family housing unit within the City as described in subsections 1.a, or 1.c
of Section A above, and provide one of the following forms of proper documentation as proof of City
residency:

1. Current Washington State driver’s license or Washington State identification card showing a City
address which receives City residential solid waste service in the bearer’s name; or

2. Any form of picture identification along with a current City utility bill showing an address that receives
residential solid waste service in the bearer’s name; or

3. Any form of picture identification along with a piece of current mail (such as a credit card or bank
statement) not over 30 days old, in the bearer’s name and addressed to a residence which receives City
residential solid waste service.

C. Fraudulent Use of the Public Disposal Area. No person may dispose of waste at the City’s public
disposal area under fraudulent circumstances.

D. Scavenging. All materials delivered to and disposed of at the City’s public disposal area are the
property of the City. No person shall scavenge, separate, collect, or remove such material unless
permitted in writing to do so by Solid Waste Management.

E. Unlawful Entry. It is unlawful for any person to enter or use the City’s public disposal area, except
during the hours designated for public use.



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F. Size of Material. Material brought to the City’s public disposal area must conform to certain size restrictions based on equipment limitations. Any material exceeding these dimensions may be subject to a special handling fee and/or approval by the Landfill Supervisor. Specific size restrictions for lumber, construction and demolition debris, tree branches, and railroad ties and large beams shall be as follows:

1. Lumber: No longer than 8 feet in length. Wood with a cross-section 6 inches by 6 inches or larger must be cut to 4-foot lengths. Construction and demolition debris such as sections of walls can be no larger than 4 feet by 8 feet.
2. Tree Branches: No longer than 4 feet in length and 8 inches in diameter.
3. Railroad Ties/Large Beams (6 inches by 6 inches): No longer than 4 feet.

G. Safety. Persons shall not act in an unsafe or disruptive manner while at the Landfill. Children under 12 years of age shall remain in their vehicle at all times. Drivers shall obey the posted speed limit and signage. Any person who violates the provisions of this subsection may be refused service.

~~H. Violation. Willful violation of this section shall be a misdemeanor under Tacoma Municipal Code 12.09.230.~~

12.09.140 Disposal rates.

All rates are based on 100-pound increments. (Fractions of 100 pounds are billed to the next 100-pound increment.)

1. Solid waste generated within a private resident’s home or yard, not including ~~M~~material from:

Pounds per load	Within City of Tacoma		Outside City of Tacoma	
	20 13 ⁰⁹	20 14 ⁰	20 13 ⁰⁹	20 14 ⁰
0 - 400	\$10.00	\$10.00	\$7.50 per 100 pounds - minimum charge \$10.00	\$7.50 per 100 pounds - minimum charge \$10.00
Disposals of more than 400 pounds	\$6.50 per each 100 pounds exceeding the initial 400-pound load	\$6.50 per each 100 pounds exceeding the initial 400-pound load	\$7.50 per each 100 pounds exceeding the initial 400-pound load	\$7.50 per each 100 pounds exceeding the initial 400-pound load

To qualify for these disposal rates, City residents must present proper documentation in a form that satisfies the requirements of TMC 12.09.130.

2. There shall be no charge for City residential yard waste that is properly prepared and sorted and hauled to the City’s public disposal area by the homeowner. This shall apply only to loads consisting of 100 percent yard waste (vegetation). To qualify for this service at no charge, the customer must present at the time of disposal documentation that satisfies the requirements of TMC 12.09.130.B.



3. All material, except Item 1 above:

Pounds per load	
2013 09	2014 0
\$6.50 per 100 pounds; minimum charge of \$10.00	\$6.50 per 100 pounds; minimum charge of \$10.00

4. Material from nonprofit corporations qualifying under Section 12.09.140.B:

Pounds per load	
2013 09	2014 0
\$3.25 per 100 pounds; minimum charge of \$10.00	\$3.25 per 100 pounds; minimum charge of \$10.00

5. Special handling:

a. A minimum special handling charge of \$100.00 will be charged per load, plus tonnage charges, unless otherwise specified.

b. Other special handling charges shall be applied as follows:

Material from:

	Within City of Tacoma	Outside City of Tacoma
Asbestos	\$ 10.00 minimum plus \$150.00 per ton	Not accepted
(Refer to Section 12.09.200, Disposal of asbestos-containing material)		
Appliances with compressors	\$20 each plus tonnage	\$40 each plus tonnage
Tires –		
Passenger Cars and light trucks	\$3.25 each plus tonnage	\$6.75 each plus tonnage
On rims	\$6.75 each plus tonnage	\$13.00 each plus tonnage
Larger than 10:00 x 20	\$16.50 each plus tonnage	\$33.00 each plus tonnage
No large tires accepted on rims		
Car seats	\$3.25 each plus tonnage	\$6.75 each plus tonnage
Large furniture	\$11.00 for first 4 plus \$11.00 for each additional plus tonnage	\$40.00 per load plus tonnage
Special handling charges shall not be limited to the items specified above.		

c. All of the above rates are based on one-half hour unloading time. When unloading time exceeds one-half hour, an additional charge of \$12.25 for each additional one-half hour or part thereof will be assessed. Time shall be determined by the automated scale system.

d. Any vehicle still being unloaded past closing time may be assessed an additional charge.

e. Every person with waste material that requires special handling shall pay such additional charges as will fairly compensate Solid Waste Management for any added expense of properly disposing of such materials, unless otherwise specified. Loads that are determined to be “Dusty Loads” by Solid Waste Management are subject to rejection or assessment of additional processing fees.

6. Service Charge. A customer who is unable to pay for disposal at the time of disposal at the Tacoma Landfill shall be charged for that disposal along with an additional service charge of \$10.00.

A. Disposal Area Open Accounts. Solid Waste Management may establish open accounts for the benefit of regular customers licensed to do business in the State of Washington and utilizing the City’s public



disposal area for disposal of solid waste material. Eligibility for open accounts will be determined based on frequency of use, amount of material requiring disposal, and evidence of a satisfactory credit history. Such open accounts will be subject to a set-up fee of \$25.00 for each disposal account card issued, said fee to be collected at the time the account is established. Solid Waste Management reserves the right to approve or disapprove the establishment and maintenance of open accounts. Solid Waste Management may restrict use of the public disposal area to any customer with a delinquent City public disposal area account until the delinquent balance is paid in full.

Disposal account cards issued to customers shall remain the property of Solid Waste Management. Lost or stolen cards shall be immediately reported in writing to Solid Waste Management. Customers are liable for all charges on lost or stolen cards until written notification is received by Solid Waste Management. There will be a fee of \$25.00 charged to replace each card lost, stolen, or damaged. Cards which fail as a result of normal wear will be replaced at no expense to the customer.

B. A qualifying nonprofit materials salvage/recycling corporation, upon application and approval, may be granted a reduced disposal rate for material hauled in accordance with TMC 12.09.070, and under the following conditions:

1. All waste must have been generated from within the City.
2. Only those wastes generated from the operation of the corporation within the City will be eligible for the reduced disposal fee. All other wastes shall be subject to the applicable rate set forth herein.
3. The waste cannot contain any putrescible materials.
4. The waste must not contain any hazardous materials and must be in accordance with guidelines as to what is normally acceptable by Solid Waste Management.
5. The waste cannot contain any ~~normally~~-recyclable materials, ~~identified in TMC 12.09.210.E.~~

C. If the City Council finds that a neighborhood has a blighted condition caused by excessive refuse and/or solid waste and that such a condition is detrimental to the public health and welfare, the City Council may adjust the solid waste rates to fund appropriate programs to remediate such conditions. An example of an appropriate program is a qualifying City neighborhood group conducting a cleanup campaign approved by Solid Waste Management.

A qualifying neighborhood group may be granted disposal privileges at the Tacoma Landfill at no charge, or disposal privileges in a solid waste container supplied by Solid Waste Management at no charge, for material complying with the following conditions:

1. All waste must have been generated from within the City and collected pursuant to the cleanup campaign of the neighborhood group.
2. The waste cannot contain any putrescible materials.
3. The waste must not contain any hazardous materials and must be in accordance with the guidelines as to what is normally acceptable by Solid Waste Management.
4. The waste cannot contain any ~~normally~~-recyclable materials, ~~identified in TMC 12.09.210.E.~~
5. The aforementioned disposal privilege may be revoked at any time.²

* * *

12.09.160 Billing periods, payments and collections.

A. All bills for Solid Waste Management services, as set forth herein, shall be rendered monthly or bimonthly as determined by the City Manager and shall be due ~~as provided therein~~ on or before the 15th day after the statement has been mailed and shall become delinquent thereafter. The charge for service furnished for any portion of a billing period shall be prorated on the flat rate set forth herein.

² Code reviser's note: Ord. 25583 contained two sections numbered 6. The other is codified at Section 12.09.130.



1 B. Any service charge which becomes delinquent shall be subject to a late payment fee as set forth in
Chapter 12.01 of the Tacoma Municipal Code. Upon delinquency, all charges and penalties immediately
2 become a lien against the premises served. Such lien may be foreclosed upon in accordance with and
pursuant to, the provisions of RCW 35.21.130, 35.21.140, and 35.21.150. In addition to such foreclosure,
3 a customer whose utility account is delinquent shall also be subject to having City water service shut off
at the premises to which the solid waste services were furnished. Water service shall continue to be shut
4 off until satisfactory arrangements are made to satisfy the delinquent account. In the event that the City
files or releases a lien with the County Auditor, a processing fee will be added to the delinquent amounts
owed equivalent to the current fees charged by the County Auditor for filing or releasing a lien. The
5 processing fee will be allocated to Solid Waste Management Funds and for City tax purposes recorded as
revenue.

6 C. It shall be the customer's and the property owner's responsibility to increase, reduce, or terminate
Solid Waste Management service when necessary. Solid Waste Management assumes no responsibility
7 for charges accrued due to the failure of a customer to notify Solid Waste Management of a change of
service or occupancy.

8 D. A service fee of \$20.00 shall be made to the disposal charges for any returned check, (i.e.,
nonsufficient funds, stopped payment, or closed accounts).

9 **12.09.170 Disposal area automated scale system cards.**

10 A. Each disposal customer entering the Solid Waste Management public disposal area shall be issued or
have in his/her possession an Automated Scale System card. Such card shall be used to determine
11 appropriate charges. In the event a card is lost, a fee of \$25.00 will be charged for the card, and the
disposal fee will be calculated based on the Gross Vehicle Capacity less the outbound tare at prevailing
12 disposal rates.

13 B. Any card damaged (rendered unreadable) while in the possession of a customer shall result in the
assessment of a \$25.00 fee in addition to any disposal charge.

14 * * *

15 **12.09.190 Prohibited material.**

16 A. Solid Waste Management may inspect business premises for the purpose of evaluating waste
generated and disposal practices. These inspections will be during normal working hours and will be
17 carried out in such a manner as to minimize disruption of the businesses' activities. Environmental
Services Department employees will inspect business waste generated and disposal practices for the
purpose of determining compliance with this section. Failure of a business to comply with a request for
18 inspection will be deemed a violation and may, at the discretion of the Director, result in revocation of
solid waste disposal privileges at the City's public disposal area.

19 B. No toxic, extremely hazardous, dangerous/ hazardous, or liquid waste as defined now or hereafter
20 amended in WAC 173-303 shall be deposited in any solid waste container, or other container intended for
transportation to the City Landfill, or other disposal site operated by the City, or operated by a person
21 under contract with the City to provide such service. Toxic, extremely hazardous, dangerous/hazardous,
or liquid waste, as defined now or hereafter amended in WAC 173-303, shall not be deposited at the City
22 Landfill unless such waste is accepted for disposal by the City's Household Hazardous Waste Facility.
Additionally, no toxic, extremely hazardous, dangerous/hazardous, or liquid waste, as defined now or
23 hereafter amended in WAC 173-303, shall be deposited at any other disposal site operated by the City, or
operated by a person under contract with the City to provide such service. Generators, small quantity
24 generators, contractors, or other persons shall not commingle and/or deposit toxic, extremely hazardous,
dangerous/hazardous, or non-petroleum liquid waste, as defined now or hereafter amended in WAC
25 173-303, with used oil and dispose of such waste into a City-owned used oil collection tank. Unlawful
disposal of toxic, extremely hazardous, dangerous/hazardous, or liquid waste, as defined now or hereafter
26 amended in WAC 173-303, is prohibited at the City's Household Hazardous Waste Facility.



1 C. No extremely hazardous, dangerous/hazardous, or liquid waste as defined now or hereafter amended in
2 WAC 173-303 and normally found in the home (household hazardous waste) shall be deposited in any
3 solid waste container intended for transport to a public disposal area.

4 1. Empty pesticide containers will be accepted, provided they are prepared for disposal in accordance
5 with the Washington State Department of Agriculture's guidelines. Empty oil-base and latex paint
6 containers will be accepted, provided the residue is thoroughly dried.

7 D. No container used to store a liquid, dangerous/hazardous waste, or toxic material will be accepted for
8 disposal unless emptied and prepared in accordance with Solid Waste Management's guidelines. Only
9 open-top drums or containers will be accepted for disposal. Fuel tanks must be cleaned and perforated
10 before they will be accepted. No compressed gas or air tanks will be accepted for disposal, with the
11 exception of propane tanks which are five gallons or less in capacity. Persons disposing of propane tanks
12 which are five gallons or less in capacity shall notify the City's public disposal area personnel prior to
13 disposing of such tanks.

14 E. Unusual Quantities. Solid Waste Management reserves the right to reject large quantities of material at
15 the public disposal area not normally generated as a waste of a household or business. Such material
16 includes, but is not limited to, demolition waste, dirt, rocks, concrete, etc.

17 F. No infectious waste shall be placed in any container or any public disposal area, unless said wastes are
18 handled and treated in accordance with Chapter 5.04 of the Tacoma Municipal Code and an applicable
19 special permit has been obtained from the Director.

20 G. No rocks, dirt, or tires are to be placed in containers for disposal.

21 H. Yard waste shall be separated from solid waste and placed in a separate container for disposal at the
22 City's public disposal area.

23 I. No hot ashes and/or material capable of causing ignition or spontaneous combustion shall be placed in
24 any solid waste container, vehicle, or the City's public disposal area.

25 J. No bulk wastes shall be placed in automated collection containers other than drop-off boxes and front-
26 load containers.

K. No used motor oil or other automotive fluids shall be placed, drained, spilled, and/or released in any
solid waste container. Used motor oil will be accepted at the City's public disposal area only for the
purposes of recycling.

L. Solid Waste Management reserves the right to prohibit or to place disposal restrictions upon any waste
that may adversely affect landfill, resource recovery, or transfer facility operations. This shall also extend
to any item that may pose a risk to the health or safety of landfill employees.

1. Disposal restrictions that may be implemented shall include, but are not limited to, item size
restrictions, quantity restrictions, recyclability, special preparation requirements, and solid waste source
documentation requirements.

M. In the event that prohibited material is deposited in a Solid Waste Management container or other
container at the disposal site, the person or persons responsible for such disposal activity shall, at their
own cost, be responsible for properly cleaning up, decontaminating, remediating, and properly disposing
of such prohibited waste. For the purpose of this paragraph, the phrase "properly cleaning up,
decontaminating, remediating, and properly disposing of such prohibited waste" means conducting such
work in accordance with all applicable local, state, and federal laws and regulations governing such work.
If the party responsible for disposing of prohibited waste refuses to comply with this section, and the
Solid Waste Management Division cleans up, decontaminates, or remediates, and properly disposes of
such prohibited waste, then the Solid Waste Management Division shall charge the responsible party for
the direct and indirect costs of such action.

~~N. A violation of this section shall be a misdemeanor.~~



12.09.200 Disposal of asbestos-containing material.

The City shall accept asbestos-containing material under the following conditions:

- 1 A. The asbestos-containing material must be generated from within the limits of the City. Documentation
- 2 of the source of the asbestos-containing material shall be required.
- 3 B. The asbestos-containing material shall be bagged in approved high-visibility yellow bags;
- 4 C. Disposal of asbestos-containing material shall be restricted to days and times of the week determined
- 5 by Solid Waste Management policy. Weather and landfill conditions may also dictate whether disposal
- 6 will be permitted.
- 7 D. The Landfill Supervisor or his/her designated representative shall be notified a minimum of 24 hours
- 8 in advance of bringing the material to the site, and the notification shall include the estimated quantity to
- 9 be landfilled.
- 10 E. All local, state, and federal regulatory agency requirements relative to asbestos-containing material
- 11 handling and disposal shall be met.
- 12 F. Solid Waste Management reserves the right to prohibit the disposal of asbestos-containing material at
- 13 anytime.
- 14 ~~G. A willful violation of this section shall be a misdemeanor.~~

12.09.210 Recycling – General.

- 15 A. The City reserves the right to, and may at its discretion, require the separation of recyclable material or
- 16 food and yard waste or other component parts of solid waste, or may require the deposit thereof in
- 17 separate cans or receptacles, and may prescribe the method of collection and reuse.
- 18 B. It is the intent of the City to promote and encourage the recycling of materials and to achieve and
- 19 maintain a 50 percent recycling goal.
- 20 C. Recyclable material is considered to be solid waste for the purposes of this chapter. It shall be
- 21 unlawful for any person other than Solid Waste Management to engage in the business or activity of
- 22 removing, collecting, salvaging, or destroying any recyclable material, as defined elsewhere in this
- 23 chapter, that has been set out for collection by Solid Waste Management or has been deposited into a
- 24 permitted recycling drop-off container or center, either private or public, except by special permit issued
- 25 under TMC 12.09.070.
- 26 ~~1. No person may divert to personal or commercial use any recyclable material placed in a container as~~
~~part of a recycling program without the consent of the generator of such recyclable material or Solid~~
~~Waste Management, and no person may divert to commercial use any recyclable material placed in a~~
~~container as part of a recycling program without the consent of the person owning or operating such~~
~~container as per RCW 70.95.235. A willful violation of this subsection shall be a misdemeanor.~~
- 27 D. Recyclable material becomes the property of the City at the moment the material is set out at the curb
- 28 for collection by Solid Waste Management or at the moment it is deposited into Solid Waste
- 29 Management-owned recycling containers.
- 30 E. Recyclable materials shall mean the materials described in TMC 12.09.030.
- 31 F. It shall be unlawful for any person to place any material in or around a recycling container other than
- 32 the recycling material intended for that container. ~~A willful violation of this provision shall be a~~
~~misdemeanor.~~
- 33 G. The Director is authorized and directed to establish and promulgate reasonable regulations, including,
- 34 but not limited to, regulations governing the permitting of recycling activities and the establishment of
- 35 standards and conditions for recycling containers and centers. The manner, day, location, and time for the
- 36 collection of recyclable material and yard and garden waste shall be designated by Solid Waste
- Management.



1 H. Nothing in this chapter shall abridge the right of any commercial or industrial generation of recyclable
2 materials to give or sell their recyclable material and/or yard and garden waste to a lawfully operated
3 recycler, or the right of any person to give or sell their yard and garden waste to any lawfully operated
4 composting program.

5 I. It is unlawful to collect, haul, or convey recyclables or yard and garden waste from any premises in the
6 City, other than from one's own premises or place of business, without a special permit, issued under
7 TMC 12.09.070. ~~A willful violation of this provision shall be a misdemeanor.~~

8 J. It shall be the responsibility of the customer to separate and keep separated from other solid waste any
9 yard and garden waste placed at the curb for pickup by Solid Waste Management. Solid Waste
10 management shall not be held responsible for failure to collect the yard and garden waste if there is a
11 violation of any part of this chapter or if circumstances are beyond the control of Solid Waste
12 Management. It is also the responsibility of the customer to keep any yard and garden waste separated for
13 disposal into the designated areas at Solid Waste Management's public disposal area.

14 K. All new multi-family residences and new commercial developments shall provide adequate and
15 conveniently located space to store and dispose of recyclable materials and solid waste. These spaces
16 must be in compliance with the Building Code as adopted by the City and any applicable zoning codes.

17 * * *

18 **12.09.230 Violations – Penalties.**

19 Any person, firm, or corporation willfully violating any of the following provisions of this chapter shall
20 be guilty of a misdemeanor, and on conviction thereof shall be punished by a fine in any sum not
21 exceeding \$1,000.00 or by imprisonment in the Pierce County Jail for a period not exceeding 90 days, or
22 by both such fine and imprisonment. Each day's violation of the provisions of this chapter may be deemed
23 a separate offense:

24 A. TMC 12.09.040 ~~J~~, TMC 12.09.050 ~~A~~, TMC 12.09.070 ~~A~~, TMC 12.09.130 ~~C~~, [TMC 12.09.130.E](#),
25 [TMC 12.09.190.B](#), [TMC 12.09.190.C](#), [TMC 12.09.190.K](#), TMC 12.09.200 ~~A~~, [TMC 12.09.200B](#),
26 [TMC 12.09.210.C](#), [TMC 12.09.210.F](#), and TMC 12.09.210.I; and

27 B. Any other violation specified in this chapter as a misdemeanor.

28 **12.09.240 Notice of violation – Civil penalties.**

29 The [Director](#) ~~City~~ may impose civil penalties to any person that violates the provisions of this chapter.
30 Civil penalties shall be in an amount up to \$1,000.00 for each violation. Each and every violation shall
31 be a separate and distinct offense, and in the case of a continuing violation, each day's continuance shall
32 be a separate and distinct violation. Failure to take corrective action as specified in a corrective action
33 order issued by the Director under TMC 12.09 may subject the recipient to a civil penalty in an amount
34 not to exceed \$1,000 for each day of continued noncompliance.

35 A. Notice of Violation. Upon the Director's determination that a civil violation has occurred, or is
36 occurring, he or she is authorized to issue and serve upon the person a Notice of Violation(s), which
37 notice shall describe the time, date, place, and circumstances of each violation noted. The Notice of
38 Violation may also include a civil penalty for each violation, and an order requiring corrective action to
39 be taken. The Notice of Violation shall be served upon the person to whom it is directed by mailing a
40 copy to such person at the person's last known address, postage prepaid, by certified mail with return
41 receipt requested, or by first-class mail. Proof of service shall be established by the date and signature of
42 the addressee on the certified mail "return receipt" form, or upon the third day following the date upon
43 which the Notice of Violation was placed in the mail, unless the third day falls on a Saturday, Sunday, or
44 legal holiday, in which event service shall be deemed complete on the end of the next day which is
45 neither Saturday, Sunday, or a legal holiday. If the person to whom the Notice of Violation is directed
46 cannot, after due diligence, be personally served within Pierce County, and if an address for mailed



1 service cannot, after due diligence, be ascertained, then notice shall be served by posting a copy of the
2 notice of civil violation conspicuously on the property or structure where the violation occurred, or is
3 occurring. In this circumstance, proof of service shall be made by a written declaration under penalty of
4 perjury executed by the person effecting the service, declaring the time and date of service, the manner by
5 which the service was made, and if service is made by posting, then the facts showing that due diligence
6 was used in attempting to serve the person personally or by mail.

7 B. Payment. Person(s) shall pay the civil penalty and take the corrective action described in the Notice of
8 Violation, or shall make arrangements to pay and take corrective actions, which arrangements and plan of
9 corrective actions shall be approved by the Director. Payment shall be made, or a plan for payment and
10 corrective action satisfactory to the Director shall be made and completed not later than 30 days after
11 service upon the person of the Notice of Violation.

12 C. Appeal. A person may, in the alternative, within 30 days of or receiving a Notice of Violation, file a
13 Notice of Appeal with the City of Tacoma Hearing Examiner and request a hearing. The Notice of
14 Appeal shall stay all further action on the Notice of Violation and accumulation of interest upon civil
15 penalties therein pending final decision by the Hearing Examiner on the appeal; provided, however, that
16 nothing herein shall be taken to limit the authority of the Director to take such action or to make such
17 directives as are reasonable in the circumstances to stop or prevent an ongoing or threatened violation.
18 The date of receipt of a Notice of Violation shall be established according to the proof of service
19 requirements set forth above in TMC 12.09.240₂-A.

20 D. Revocation of Service. In the event a person shall fail to make arrangements for corrective actions or
21 to pay civil penalties, as required herein, and shall not have appealed as herein provided within the time
22 allowed, then the Director shall order such person's service immediately suspended and take such action
23 as is necessary to ensure that the person complies with the provisions of this section, including but not
24 limited to denying access of the person to the Solid Waste facilities. All such measures shall remain in
25 effect until the violator has complied with the provisions of this section.

26 E. Hearing Examiner's Authority. Upon an appeal brought to the Hearing Examiner by a Notice of
Appeal of a person charged with a violation, the Hearing Examiner shall set the matter for hearing and
shall determine whether the violation has occurred. The Hearing Examiner shall conduct a hearing in the
Notice of Violation pursuant to the requirements of TMC 1.23, and the City of Tacoma Office of Hearing
Examiner Rules of Procedure. The person to whom the notice of civil violation was directed shall have
the right to file a written answer to the charge. The person to whom the notice of civil violation was
directed shall have the right to appear at the hearing represented by legal counsel, and may participate as
a party. The Director may appear in proceedings under this chapter, and may, but need not, be represented
by the City Attorney. Each party may call and cross-examine witnesses and be fully heard. The burden of
proof in such appeal shall be governed by TMC 1.23.070₂.

F. The determination of the Director as to the need for the required corrective action shall be accorded
substantial weight by the Hearing Examiner in determining the reasonableness of the required corrective
action. The Hearing Examiner may call witnesses on the Hearing Examiner's own motion, and compel
the production of books, records, papers, and such other evidence needed by the parties. To that end, the
Hearing Examiner may issue subpoenas and subpoenas duces tecum at the request of any party. All
testimony shall be given under oath administered by the Hearing Examiner.

1. Decision of the Hearing Examiner. Pursuant to ~~TMC 1.23.110.C~~, [Chapter 1.23 TMC](#), the Hearing
Examiner shall make and fully record in the Hearing Examiner's permanent records, findings of fact,
conclusions of law, and an order of disposition. The Hearing Examiner shall determine whether the City
has established that a violation has occurred and whether the required corrective action is reasonable. The
Hearing Examiner's order shall affirm, vacate, or modify the City's decisions regarding the alleged
violation and/or the required corrective action, with or without written conditions. The Hearing Examiner
shall issue an order to the person responsible for the notice of civil violation which contains the following
information:



1 a. The decision regarding the alleged violation including findings of fact and conclusions based thereon in support of the decision;

2 b. The required corrective action;

3 c. The date and time by which the corrective action must be completed; and

4 d. The civil penalties assessed.

5 2. Assessment of Civil Penalties. Civil penalties assessed by the Director shall be in accordance with the provisions of this section. Civil penalties shall be reasonably calculated to achieve compliance with and deter violations of Chapter 12.09 of the Tacoma Municipal Code.

6 In reviewing the civil penalty assessment of the Director, the Hearing Examiner shall consider the following factors:

7 a. Whether the person against whom the notice of civil violation was issued responded to staff attempts to contact that person, and whether the person against whom the notice of civil violation was issued cooperated with efforts to correct the violation;

8 b. Whether the person against whom the notice of civil violation was issued failed to appear at the hearing;

9 c. Whether the violation was a repeat violation;

10 d. Whether the person against whom the notice of civil violation was issued showed due diligence and/or substantial progress in correcting the violation;

11 e. Whether a genuine code interpretation issue exists; and

12 f. Any other relevant factors.

13 3. Notice of Decision. The Hearing Examiner shall mail a copy of the decision to the appellant and to the Director.

14 4. Failure to Appear. Failure on the part of the person to whom the notice of civil violation was issued constitutes an admission to the violations alleged. If the person to whom the notice of civil violation was issued fails to appear at the scheduled hearing, the Hearing Examiner will enter an order finding that the violation occurred and assessing the appropriate civil penalty. The City will carry out the Hearing Examiner's order and recover all related expenses.

17 a. Failure of a person to comply with the Hearing Examiner's decision, or make arrangements for compliance satisfactory to the Director, within 15 days of the date of the Hearing Examiner's decision shall result in termination of violator's permit, and the Director shall thereupon order physical termination of service forthwith, which service shall not be resumed until the Hearing Examiner's order has been complied with.

18 5. Appeal to Municipal Court. If the Hearing Examiner orders any person to pay a civil penalty, that person may appeal, in the form of a trial de novo, to the Tacoma Municipal Court.

19 a. The Tacoma Municipal Court shall hear the case according to the Civil Rules for Courts of Limited Jurisdiction and applicable local rules of the Court.

20 b. Appeal shall be taken by filing in the Tacoma Municipal Court a Notice of Appeal within 14 days of the Hearing Examiner's order. The person filing the appeal shall also, within the same 14 days, serve a copy of the notice of appeal on the Hearing Examiner, the Director, the City Attorney, and shall file an acknowledgment or affidavit of service in the Tacoma Municipal Court.

21 6. Nonexclusive Remedy. The provision for civil penalties is not exclusive, and civil penalties may be used together with other remedies that may exist in law or equity, except that no act or omission that is defined as a crime by Washington or federal law shall incur a civil penalty.

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ORDINANCE NO. 28131

1 AN ORDINANCE of the City of Tacoma, Washington, amending Ordinance
2 No. 28012 to extend the maturity date of the Note authorized therein and
3 providing for a replacement Note; and authorizing the Finance Director of
4 the City to take actions and execute documents with respect to the Note.

5 WHEREAS, by Ordinance No. 28012, passed August 23, 2011, the City
6 Council provided for the issuance of not to exceed \$28,699,000 aggregate principal
7 amount Local Improvement District Bond Anticipation Note, 2011 (Point Ruston
8 LIDs Non-Revolver Line of Credit) at any time outstanding for the purpose of
9 paying all or part of the costs of improvements within various local improvement
10 districts relating to the Point Ruston local improvement districts of the City, and

11 WHEREAS the City finds it necessary to extend the maturity date of the
12 Note; Now, Therefore,

13 BE IT ORDAINED BY THE CITY OF TACOMA:

14 Section 1. Amendment of Section 1 of Ordinance No. 28012. Section 1 of
15 Ordinance No. 28012 is hereby amended as follows. Deleted information is shown
16 as strikeouts and inserted information is shown as underlined.

17 Section 1. Definitions. As used in this ordinance, the following
18 words shall have the following meanings:

19 "Bank" means Bank of America, N.A., or its corporate successor.

20 "Bonds" means local improvement district bonds or consolidated
21 local improvement district bonds to be issued to pay and redeem the
22 Note or any refunding note or notes.
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“City” means the City of Tacoma, Washington, a municipal corporation duly organized and existing under the laws of the State.

“City Council” means the governing body of the City, acting in its legislative capacity.

“Code” means the United States Internal Revenue Code of 1986, as amended, and applicable rules and regulations promulgated thereunder.

“Delivery Date” means the date of initial issuance and delivery of the Note to the Bank.

“Draw” means an incremental draw of principal of the Note authorized in this ordinance.

“Draw Request” means a request for Draw submitted in accordance with Section 3.

“Finance Director” means the Finance Director of the City or the successor officer.

“Improvements” means the improvements within the following local improvement districts and within any additional local improvement districts formed with respect to the Point Ruston Project: LID No. 3967 (Sanitary Sewer LID); LID No. 7726 (Tacoma Power LID); LID No. 5728 (Water LID); LID No. 8656 (Roadway and Storm LID); LID No. 6980 (Street Lighting LID); and LID No. 7727 (Ruston Power LID).

“Interest Payment Date” means the first day of each March, June, September and December and at Maturity.



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“Interest Rate” means the variable rate per year equal to the Bank’s Prime Rate plus 0.20% (*i.e.*, 20 basis points), which shall not be subject to a maximum rate.

“LID Agreement” means the Agreement for Improvements within the ASARCO Tacoma Smelter Superfund Site Area OU2 between the City and Point Ruston, LLC, dated April 28, 2009 (as presently amended).

“LID Fund” (and collectively, the “LID Funds”) means the local improvement fund created with respect to each of the Point Ruston LIDs in the ordinance forming that LID.

“Local Improvement District Guaranty Fund” means the Local Improvement District Guaranty Fund of the City created by Ordinance No. 8414 as codified at Tacoma Municipal Code Chapter 10.08.

“Maturity Date” means ~~eighteen months from the Delivery Date~~ May 31, 2013, or such later date (not to exceed an additional 180 days), as may be agreed upon by the Finance Director and the Bank.

“Note” means the not to exceed \$28,699,000 Local Improvement District Bond Anticipation Note, 2011 (Point Ruston LIDs Non-Revolving Line of Credit) of the City issued pursuant to the terms of this ordinance.

“Note Register” means the books or records maintained by the Note Registrar for the purpose of registration of the Note.

“Note Registrar” means the Finance Officer of the City.



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“Offer” means the offer of the Bank, dated August 8, 2011, on file with the City Clerk of the City, [as it may be amended by agreement between the Bank and the City, consistent with the provisions of this ordinance and Ordinance No. 28012.](#)

“Outstanding Principal Balance of the Note” means on any particular day the aggregate of all funds that the City has drawn from the Bank pursuant to the Note to that day, less the aggregate of all principal payments on the Note made by the City on or before that day.

“Point Ruston Local Improvement Districts” or “Point Ruston LIDs” means the local improvement districts created with respect to the Point Ruston project, including without limitation, LID No. 3967 (Sanitary Sewer LID), LID No. 7726 (Tacoma Power LID), LID No. 5728 (Water LID), LID No. 8656 (Roadway and Storm LID), LID No. 6980 (Street Lighting LID), and LID No. 7727 (Ruston Power LID).

“Point Ruston Local Improvement Ordinances” means collectively, the ordinances passed creating each of the Point Ruston LIDs.

“Prime Rate” means the rate of interest publicly announced from time to time by the Bank as its Prime Rate. Any change in the Prime Rate shall take effect at the opening of business on the day specified in the public announcement of a change in the Bank’s Prime Rate. The Prime Rate is set by the Bank based on various factors, including the Bank’s costs and desired return, general economic conditions and other factors, and is used as a reference point for pricing some loans. The



1 Bank may price loans to its customers at, above, or below the Prime
2 Rate.

3 "State" means the State of Washington.

4 "Supplemental Reserve Fund" means that certain fund created
5 under the LID Agreement pursuant to RCW 35.51.040.

6 Section 2. Authorization of Replacement Note. The Finance Director is
7 authorized to have a replacement Note prepared consistent with this ordinance and
8 Ordinance No. 28012 and numbered S-1, and to deliver that replacement Note to
9 the Bank in exchange for the original Note. The Finance Director is further
10 authorized to cancel the original Note when it is received by the Bank.
11

12 Section 3. General Authorization and Ratification. The Finance Director, or
13 other appropriate officers of the City, are severally authorized and directed to take
14 any actions and to execute documents as in their judgment may be necessary or
15 desirable to carry out the terms of and complete the transactions contemplated by
16 this ordinance, and all actions heretofore taken in furtherance thereof and not
17 inconsistent with the terms of this ordinance are ratified and confirmed in all
18 respects.
19

20 Section 4. Ordinance No. 28012 to Remain in Full Force and Effect. Except
21 as amended by this ordinance, all other provisions of Ordinance No. 28012 shall
22 remain in full force and effect.
23

24 Section 5. Severability. The provisions of this ordinance are declared to be
25 separate and severable. If a court of competent jurisdiction, all appeals having
26 been exhausted or all appeal periods having run, finds any provision of this



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ordinance to be invalid or unenforceable as to any person or circumstance, such offending provision shall, if feasible, be deemed to be modified to be within the limits of enforceability or validity. However, if the offending provision cannot be so modified, it shall be null and void with respect to the particular person or circumstance, and all other provisions of this ordinance in all other respects, and the offending provision with respect to all other persons and all other circumstances, shall remain valid and enforceable.

Section 6. Effective Date of Ordinance. This ordinance shall take effect immediately upon publication.

Passed _____

Mayor _____

Attest:

City Clerk

Approved as to form and legality:

FOSTER PEPPER PLLC
Bond Counsel to the City of Tacoma

By _____



CLERK'S CERTIFICATE

1
2 I, the undersigned, the duly chosen, qualified City Clerk of the City of
3 Tacoma, Washington, and keeper of the records of the City Council (herein called
4 the "Council"), DO HEREBY CERTIFY:

5 1. That the attached Ordinance No. _____ (herein called the
6 "Ordinance") is a true and correct copy of an Ordinance of the Council, as finally
7 passed at a regular meeting of the Council held on the _____ day of February,
8 2013, and duly recorded in my office.

9
10 2. That said meeting was duly convened and held in all respects in
11 accordance with law, and to the extent required by law, due and proper notice of
12 such meeting was given; that a legal quorum was present throughout the meeting
13 and a legally sufficient number of members of the Council voted in the proper
14 manner for the passage of said Ordinance; that all other requirements and
15 proceedings incident to the proper adoption of said Ordinance have been duly
16 fulfilled, carried out and otherwise observed, and that I am authorized to execute
17 this certificate.
18

19
20 IN WITNESS WHEREOF, I have hereunto set my hand and affixed the
21 official seal of the City as of this _____ day of February, 2013.
22
23

24 _____
25 City Clerk
26 City of Tacoma, Washington