Chapter 5  Regulations and Requirements

The information in this chapter is provided to aid in compliance with other Tacoma and Washington State regulations, which may apply to a project, industry, or business in terms of protecting water quality. A listing of relevant regulations is provided but should be verified because of the continuing modification of statutes, regulations, and City ordinances. It is the applicant’s responsibility to obtain the current version of any ordinances, statutes, or regulations that apply to a specific project or activity. Copies of City ordinances are available at the City Clerk’s office at the Municipal Building located at 747 Market Street, 253-591-5171.

5.1  City of Tacoma Codes and Ordinances

The following summarizes Tacoma Municipal Code that applies to surface water and pollution control. The complete code may be found online at:

http://www.cityoftacoma.org/default.asp?main=/54municode/CityCode/frmain.htm

2.02.380  Off-Site Improvements
2.02.370  Clearing and Grading Code
2.12    Flood Hazard and Coastal High Hazard Areas
2.13    Waterfront Structures and Marinas
2.01.060  Administration Process
5.04    Infectious Waste Management
5.20    Garbage, Rubbish, and Pollution
5.47    Underground Storage Tank Removal
5.50    Swimming Pools
8.30    Public Nuisances
9.16    Streets and Sidewalks - Keeping Clean
10.14.080  Drainage of Surface Water
12.08    Wastewater and Surface Water Management - Regulations and Rates
12.09    Solid Waste, Recycling, and Hazardous Waste
13.10    Shoreline Management
13.09    South Tacoma Groundwater Protection District
13.11    Critical Areas Preservation
13.12    Environmental Code
5.2 State, Federal, and Other Regulations and Requirements

5.2.1 Washington State Department of Ecology Requirements for the Discharge of Process Wastewaters Directly to Surface Waters

If a public sanitary sewer is not available, process wastewater may be discharged, after suitable treatment, to a surface water body like a lake or stream, or to a drainage field. If the discharge is to a surface water body, Ecology must approve the type and design of the treatment system, as well as the outfall design. If a septic tank and drain field are used for treatment, requirements of the Tacoma-Pierce County Health Department will also apply; contact the On-Site Sewage Program directly at 253-798-6470 for more information.

Ecology’s requirements can be found at WAC Chapter 173.240.

5.2.2 Washington State Department of Ecology Requirements for Dangerous Waste Generators

The state dangerous waste regulations (WAC Chapter 173-303) cover accumulation, storage, transportation, treatment, and disposal. Of interest to this manual is the temporary accumulation of waste until taken from the site to a permitted disposal site. Only portions of those regulations that apply to temporary storage are summarized here.

Permitted Generators

Businesses that generate 220 pounds or more of waste, either per batch or in the aggregate, over one month must comply with the storage specifications outlined below:

Small-Quantity Waste Generators

These are businesses that generate less than 220 pounds of dangerous waste per month or per batch (or 2.2 pounds of extremely hazardous waste). Small-quantity generators still fall under Ecology regulations to the extent that the materials must be properly stored on site until shipment. The wastes must be moved from the property whenever the accumulated quantity equals or exceeds 220 pounds or whenever the material has resided on site for 180 days. The waste must be disposed of at an approved facility. If the business is in compliance with these requirements, they are also considered solid waste generators, and are regulated by the Tacoma-Pierce County Health Department. For technical assistance and site visits, contact the Tacoma-Pierce County Health Department at 253-798-6047 or the City of Tacoma at 253-591-5588. Regulations governing small-quantity generators are currently being reviewed to possibly raise the accumulation limit. Call the Hazardous Waste Line at 800-287-6429 for the most up-to-date information.

Dangerous Waste Pollution Prevention Plans

A recent state law established the requirement that generators of dangerous wastes in excess of 220 lbs/month (2,640 lbs/year) prepare a waste reduction plan, called a pollution prevention plan, not to be confused with the stormwater pollution prevention plan (see R.4). The required content of the plan

5.2.3 Washington State Department of Ecology Stormwater NPDES Permit Requirements

The Federal National Pollutant Discharge Elimination System (NPDES) program requires industries or industrial-type activities to obtain permits for stormwater discharge.

Coverage under Ecology's general permit for Stormwater Discharges Associated with Industrial Activities is required for each regulated facility. A business must obtain permit coverage if its primary activity falls under one of the categories listed in the permit or its fact sheet. The permit and fact sheet may be viewed on Ecology's website at [www.ecy.wa.gov/programs/wq/permits/index.html](http://www.ecy.wa.gov/programs/wq/permits/index.html).

The program requires the preparation of a stormwater pollution prevention plan (SWPPP). A NPDES permit is required for certain categories of industries and municipalities for discharge to surface water, or a storm drain that discharges to surface water or to surface water and groundwater.

5.2.4 Washington State Department of Ecology Requirements for Underground and Above Ground Storage Tanks

Underground storage tanks (UST) that contain fuel and other petroleum products are regulated by the Department of Ecology under WAC Chapter 173-360 Underground Storage Tank Regulations. Above-ground storage tanks (ASTs) may also be regulated. Inquiries about business-specific requirements and permitting for USTs and ASTs should be directed to the Department of Ecology, Southwest Regional Office at 360-407-6300.

5.2.5 U.S. Environmental Protection Agency and Ecology Emergency Spill Cleanup Requirements

**USEPA - Spill Prevention Control and Cleanup (SPCC) Plans (40 CFR 112)**

This federal regulation requires that owners or operators of facilities engaged in drilling, producing, gathering, storing, processing, refining, transferring, or consuming oil and oil products are required to have a spill prevention and control plan (SPCC), provided that the facility is not transportation related; and, that the aboveground storage of a single container is in excess of 660 gallons, or an aggregate capacity greater than 1,320 gallons, or a total below ground capacity in excess of 42,000 gallons.

**Department of Ecology Dangerous Wastes (WAC 173-303-350)**

The regulations state that generators must have a contingency plan that must include:

1. Actions taken in the event of a spill.
2. Descriptions of arrangements with local agencies.
3. Identification of the owner's emergency coordinator.
4. List of emergency equipment.
5. Evaluation plan for business personnel.

5.2.6 Washington State Department of Agriculture Pesticide Regulations
Washington State pesticide laws are administered by the State’s Department of Agriculture, under the Washington Pesticide Control Act (RCW Chapter 15.58), Washington Pesticide Application Action (RCW Chapter 17.21), and regulations in WAC Chapter 16.228. In Tacoma, all pest control operators and fumigators are required to obtain certification from the Tacoma-Pierce County Health Department. Contact the Health Department’s Compliance Program at 253-798-6440 for more information.

5.2.7 Puget Sound Clean Air Agency Air Quality Regulations
The Puget Sound region is under the jurisdiction of regional air quality authorities who in turn must function under Washington State and federal air quality regulations. The Puget Sound Clear Air Agency (PSCAA) is the regulatory agency for air quality in Tacoma.

Tribal staff review federal, state, and local permits for projects on tribal lands or projects on non-tribal lands that may affect treaty-reserved resources or areas. The Puyallup Indian Tribe has lands and continuing treaty interests in natural resources. Check with the Puyallup Tribe’s Natural Resource or Environmental Divisions for more information on the treaty rights and the permit review role of the tribe.