



ORDINANCE NO. 28330

1 AN ORDINANCE relating to stormwater management; amending Section 10.14.060,
2 Section 10.18.010, Chapter 10.22, and Chapter 12.08 of the Tacoma
3 Municipal Code to implement and provide for compliance with low impact
4 development and related requirements as mandated in the August 2013
5 Phase 1 National Pollutant Discharge Elimination System permit.

6 WHEREAS the Washington State Department of Ecology (“Ecology”), Water
7 Quality Program, is delegated by the United States Environmental Protection
8 Agency as the water pollution control agency responsible for implementing all
9 federal and state water pollution control laws and regulations in the state of
10 Washington, and

11 WHEREAS stormwater discharges are regulated by Ecology primarily by
12 National Pollutant Discharge Elimination System (“NPDES”) permits which stipulate
13 specific limits and conditions of allowable discharge, and

14 WHEREAS the August 2013 NPDES permit applicable to all Phase I
15 jurisdictions, including the City of Tacoma, mandated that cities review all
16 development codes and regulations to ensure that Low Impact Development (“LID”)
17 is the “preferred and commonly-used approach” to stormwater management, and

18 WHEREAS City staff has reviewed and updated the City’s Right-of-Way
19 Design Manual (“Design Manual”), the Stormwater Management Manual, and the
20 City Standard Plans to meet this mandate, and

21 WHEREAS the Design Manual update includes changes to document
22 current City design practices and requirements and incorporate LID as required by
23 Ecology, and
24
25
26



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

WHEREAS it is necessary to amend Tacoma Municipal Code (“TMC”)

Section 10.14.060, Planting Strips; Section 10.18.010, Materials; Chapter 10.22, Rights-of-Way; and Chapter 12.08, Wastewater and Surface Water Management - Regulations and Rates, to incorporate LID requirements mandated by the NPDES permit and to incorporate the updated Design Manual, and

WHEREAS the City Council finds that it is in the best interest of the public health, safety, and welfare to adopt the proposed amendments; Now, Therefore,

BE IT ORDAINED BY THE CITY OF TACOMA:

Section 1. That Section 10.14.060 of the Tacoma Municipal Code (“TMC”) is hereby amended as set forth in the attached Exhibit “A.”

Section 2. That Section 10.18.010 of the TMC is hereby amended as set forth in the attached Exhibit “B.”

Section 3. That Chapter 10.22 of the TMC is hereby amended as set forth in the attached Exhibit “C.”

Section 4. That Chapter 12.08 of the TMC is hereby amended as set forth in the attached Exhibit “D.”

Passed _____

Mayor

Attest:

City Clerk

Approved as to form:

Deputy City Attorney



EXHIBIT "A"

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

10.14.060 Planting strips.

Nothing herein provided shall be construed as permitting the parking of vehicles on such strips. The "outer planting strip," as referred to in this subsection, shall mean that area lying between the curb and the sidewalk and not normally used as a walkway.

A. Any paving of outer planting strips shall be by special permission of the Director of Public Works or designee. Any paving of outer planting strips, when permitted, shall be a minimum depth of two inches of asphaltic cement concrete with one-inch minimum crushed rock base, ~~or~~ of three and one-half inches of Portland cement concrete, or pervious concrete, in accordance with the Design Manual requirements for pervious concrete sidewalks. The subgrade and edges for impervious surfacing shall be well treated with an approved sterilant. ~~"Outer planting strip," as referred to in this subsection, shall mean that area lying between the curb and the sidewalk and not normally used as a walkway. Nothing herein provided shall be construed as permitting the parking of vehicles on such strips.~~

B. Where adjacent roads and sidewalks are constructed of pervious concrete or porous asphalt, the adjacent planting strip to be paved may be required to be constructed of pervious concrete to match the adjacent surfacing to the property line. A sterilant shall not be used under areas surfaced with pervious concrete or porous asphalt.

~~BC.~~ The paving of planting strips shall not be permitted in any location where Portland cement concrete sidewalks and Portland cement concrete curbs do not exist, except in industrial-zoned areas where the requirement for sidewalks has previously been waived.

~~CD.~~ No outer planting strip of a width greater than four feet may be paved without provision for the prevention of parking, by the use of trees, shrubs, or posts, or other approved devices.



EXHIBIT "B"

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

10.18.010 Materials.

All new sidewalks or sidewalks built to replace existing sidewalks in public street rights-of-way shall be constructed of cement concrete, or other equally durable material as may be approved by the City Engineer. Where design of existing roadway and/or sidewalk includes permeable surfacing, material selection shall be based on achieving a design which achieves the same or better infiltration performance as the existing design and is in compliance with applicable City standards, unless approved otherwise by the City Engineer. Nothing in this chapter shall prohibit the construction and maintenance of wooden sidewalks or walkways on bridges and viaducts within the City, or the construction of temporary wooden walks in conjunction with construction sites.



EXHIBIT “C”

Chapter 10.22 RIGHTS-OF-WAY

* * *

10.22.020 Definitions.

For the purpose of this chapter the following words shall have the following meanings:

A. “Annual Permit” means the Permit described in subsection 10.22.050.I of this chapter. The cost of the Annual Permit will be in accordance with subsection 10.22.080.B of this chapter.

B. “Applicable Law” means any Local Law or federal or state statute, law, regulation, or other legal authority governing any of the matters addressed in this chapter.

C. “Billable Work Order” means funding to be provided by a Permittee for Work for which a Permit is required under Section 10.22.080 to cover the City’s actual costs, including, but not limited to, design review and approval, administration, and inspection of the privately designed plans for the construction of City-owned Infrastructure in the public Rights-of-Way.

D. “City” means the City of Tacoma, Washington. General references to “City” are not intended to refer to the City’s Utilities Department, which is to be governed as any other Permittee or Owner under this chapter, unless the context of a specific provision otherwise provides.

E. “Contractor” means a Person, partnership, corporation, or other legal entity who undertakes to construct, install, alter, move, remove, trim, demolish, repair, replace, Excavate, or add to any improvements covered by this chapter, that requires Work, workers, and/or equipment to be in the Rights-of-Way in the process of performing the above-named operations.

F. “Developer” means the Person, partnership, corporation, or other legal entity who is improving a parcel of land within the City and who is legally responsible to the City for the construction of improvements within a subdivision or as a condition of a building Permit.

G. “Director” means the Director of Public Works of the City or his or her authorized representative.

H. “Emergency” means any event which may threaten public health or safety, or that results in an interruption in the provision of services, including, but not limited to, damaged or leaking water or gas conduit systems; damaged, plugged, or leaking sewer or storm drain conduit systems; damaged electrical and communications Facilities, and advanced notice of needed repairs is impracticable under the circumstances.

I. “Excavate” or “Excavation” means to dig into or in any way remove or penetrate any part of the Rights-of-Way.

J. “Facility” or “Facilities” means, including, without limitation, any pipes, conduits, wires, cables, amplifiers, transformers, fiber-optic lines, antennae, poles, street lights, ducts, fixtures and appurtenances, and other like equipment used in connection with transmitting, receiving, distributing, offering, and providing utility and other services.

K. “Infrastructure” means any public Facility, system, or improvement including, without limitation, water and sewer mains and appurtenances, storm drains and Structures, [stormwater facilities](#), streets, alleys, traffic signal poles and appurtenances, conduits, power poles, signs, landscape improvements, sidewalks, and public safety equipment.

L. “Landscaping” means materials, including, without limitation, grass, ground cover, shrubs, vines, hedges, or trees and nonliving natural materials commonly used in landscape development, as well as attendant irrigation systems.

M. “Local Law” means any Tacoma City Charter provisions, ordinances, regulations, rules, standards, or other legal authority adopted by the City governing any of the matters addressed in this chapter.

N. “Owner” means the lawful owner of Facilities subject to provisions of this chapter.



O. "Permit" means any authorization for use of the Rights-of-Way granted in accordance with the terms of this chapter and Local Law.

1 P. "Permittee" means the holder of a valid Permit issued pursuant to this chapter.

2 Q. "Person" means any Person; firm; partnership; special, metropolitan, or general district; association; corporation; company; or organization of any kind, except as otherwise provided herein.

3 R. "Right-of-Way Design Manual" or "Design Manual" or "City of Tacoma Right-of-Way Design Manual" shall mean and refer to the manual applicable to construction of all street and right-of-way improvements as adopted by the Director of Public Works and effective on or about January 7, 2016, and any amendments, updates, or revisions made thereto, and on file with the Public Works Department.

4
5 S. "Rights-of-Way" means the public streets and easements which, under Applicable Law, the City has regulatory authority, and any license, or Permit granting any right to or use thereof, excluding railroad rights-of-way, airport, and harbor areas. Rights-of-Way, for the purpose of this chapter, do not include buildings, parks, poles, or similar facilities or property owned by or leased to the City, including, by way of example and not limitation, Structures in the Rights-of-Way such as utility poles and light poles.

6 ST. "Specifications" means regulations, policies, and standards adopted by the City.

7 TU. "Structure" means anything constructed or erected with a fixed location below, on, or above grade, including, without limitation, foundations, fences, retaining walls, awnings, balconies, and canopies.

8 UV. "Work" means any labor performed in connection with construction, maintenance or repair of Facilities impacting the Rights-of-Way and all related appurtenances, fixtures, improvements, sidewalks, driveway openings, bus shelters, bus-loading pads, streetlights, and traffic signal devices. It shall also mean construction, maintenance, and repair of all underground

9 Structures such as pipes, conduits, ducts, tunnels, manholes, vaults, buried cable, wire, or any other similar Structure located below surface, and installation of overhead poles used for any purpose.

10 **10.22.030 Administration and enforcement.**

11 A. Enforcement. The Director, or his or her duly authorized agent, is hereby authorized and directed, and it shall be his or her duty, to enforce all the provisions of this chapter, Chapter 10.14 (Driveways), Chapter 10.18 (Sidewalks-Construction, Reconstruction and Repair), Chapter 10.20 (Sidewalks – Repairs Pursuant to Agreement) and Chapter 10.24 (Streets – Installation of Utilities), and any rules, interpretations, standards, manuals, and administrative procedures promulgated hereunder; provided that, all such rules, interpretations, standards, manuals, and administrative procedures shall be available to the public during business hours at the Public Works Department. Such duty shall include, but not be limited to, the approval of plans and Specifications for any construction, barricade, or Excavation; issuance of Permits; establishment and collection of engineering inspection charges, repairs of cuts, and reconditioning of streets; inspection of constructing sidewalk, curb, gutter, grading, paving, storm and sanitary sewers, retaining walls, driveways, or any other construction, barricade, or Excavation in any street or alley; keeping of necessary records; and gathering of evidence for the assistance in apprehending and prosecuting violators.

12 B. Interpretation; Rules and Regulations. The Director shall have the authority to render interpretations of this chapter, Chapter 10.14 (Driveways), Chapter 10.18 (Sidewalks-Construction, Reconstruction and Repair), Chapter 10.20 (Sidewalks – Repairs Pursuant to Agreement) and Chapter 10.24 (Streets – Installation of Utilities). The Director ~~and~~ may adopt reasonable rules, policies, standards, manuals, and administrative procedures, including the City of Tacoma Right-of-Way-Restoration Policy (hereinafter "Policy") and the Right-of-Way Design Manual, to implement and enforce the provisions of ~~this~~these chapters. Such interpretations, rules, policies, standards, manuals, and administrative procedures shall be in conformity with the intent and purposes of ~~this~~these chapters and shall be made available to the public during business hours at the Public Works Department. The Director is authorized to amend and update, as necessary, such rules, policies, standards, manuals, and administrative procedures.

13 C. Compliance. All restoration activities and other work within the Rights-of-Way subject to the provisions of this chapter, Chapter 10.14 (Driveways), Chapter 10.18 (Sidewalks-Construction, Reconstruction and Repair), Chapter 10.20 (Sidewalks – Repairs Pursuant to Agreement) or Chapter 10.24 (Streets – Installation of Utilities), shall conform to the ~~Policy~~interpretations, rules, policies, standards, manuals, and administrative



[procedures adopted by the Director of Public Works under authority of this chapter, including, by way of example, the City of Tacoma Right-of-Way-Restoration Policy and the Right-of-Way Design Manual.](#)

1 * * *

2 **10.22.170 Minimizing the impacts of Work in the Rights-of-Way.**

3 A. Protection of Utilities. Before beginning Excavation in any Rights-of-Way, a Permittee shall contact the
4 regional notification center for subsurface installations (One-Number Locator Service) and, to the extent
5 required by RCW 19.122, make inquiries of all ditch companies, utility companies, districts, local
6 government departments, and all other agencies that might have Facilities in the area of Work to determine
7 possible conflicts.

8 B. The Permittee shall contact the One-Number Locator Service and request field locations of all Facilities in
9 the area, pursuant to its requirements. Field locations shall be marked prior to commencing Work. The
10 Permittee shall support and protect all pipes, conduits, poles, wires, or other apparatus, which may be affected
11 by the Work from damage during construction or settlement of trenches subsequent to construction.

12 C. Unless exempt under state law, each Owner that places Facilities underground shall be a member of the
13 One-Number Locator Service and shall field mark the locations of its underground Facilities upon request.
14 The Permittee shall locate its Facilities for the City at no charge.

15 D. In order to minimize inconvenience and disruption to the public, the publication of Work may be used to
16 notify the public, as well as operators of other Facilities in the Rights-of-Way, of the impending Work.
17 Except for emergencies and routine maintenance Work, and unless otherwise directed by the Director, a
18 Permittee shall, at a minimum, provide notice of the Work to all adjacent property owners and tenants a
19 minimum of five working days prior to start of construction. The notice shall be by letter, flyer, reader boards,
20 door hangers, or comparable method, as approved by the Director, and shall advise of the construction
21 schedule and include the Contractor's name, a contact person, and telephone number.

22 E. Noise, dust, debris. Each Permittee shall conduct Work in such a manner as to avoid unnecessary
23 inconvenience and annoyance to the general public and occupants of neighboring property. In the
24 performance of the Work, the Permittee shall comply with the provisions of Chapter 8.122 TMC, and take
25 appropriate measures to reduce dust and unsightly debris.

26 F. Hours of Work. Permittee's Work hours shall be limited to those hours identified in
Section 8.122.090 TMC.

G. Trash and construction materials. Each Permittee shall maintain the Work site so that:

- 1. Trash and construction materials are contained so that they are not blown off of the construction site;
- 2. Trash is removed from a construction site often enough so that it does not become a health, fire, or safety hazard; and
- 3. Trash dumpsters and storage or construction trailers are not placed in the Rights-of-Way without specific approval of the Director.

H. Deposit of dirt and material on roadways. Each Permittee shall utilize their best efforts to eliminate the tracking of mud or debris upon any street or sidewalk. Streets and sidewalks shall be cleaned of mud and debris at the end of each day. All equipment and trucks tracking mud and debris into the Rights-of-Way shall be cleaned of mud and debris at the end of each day or as directed by the Director.

I. Unless otherwise approved by the Director, a Permittee shall not stockpile in any Rights-of-Way any Structure, building materials, earth, gravel, rock, garbage, debris, or any other material or thing tending to obstruct, damage, disturb, or interfere with the free use thereof or any improvement therein. [Stockpiling of materials shall not be allowed on permeable pavements without appropriate containment and/or protection facilities in accordance with the Stormwater Management Manual to ensure that no material can clog permeable pavement.](#)

J. Protection of trees and Landscaping. Each Permittee shall protect trees, Landscape, and Landscape features, as required by the City. All protective measures shall be provided at the expense of the Permittee.

K. Protection of paved surfaces from equipment damage. Backhoe equipment outriggers shall be fitted with rubber pads whenever outriggers are placed on any paved surface. Tracked vehicles that will damage pavement surfaces are not permitted on paved surface unless specific precautions are taken to protect the



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

surface. The Permittee will be responsible for any damage caused to the pavement by the operation of such equipment and shall repair such surfaces. Failure to do so will result in the use of the applicant's performance/warranty guarantee by the City to repair any damage and, possibly, the requirement of additional warranty(s).

L. Protection of property. Each Permittee shall protect from injury any adjoining property by providing adequate support and taking other necessary measures. The Permittee shall, at its own expense, shore up and protect all buildings, walls, fences, or other property likely to be damaged during the Work, and shall be responsible for all damage to public or private property resulting from failure to properly protect and carry out Work in the public way.

M. Cleanup. As the Work progresses, all Rights-of-Way and private property shall be thoroughly cleaned of all rubbish, excess dirt, rock, and other debris. All cleanup operations shall be done at the expense of the Permittee.

N. Preservation of monuments. A Permittee shall not disturb any surface monuments, property marks or survey hubs, and points found on the line of Work, unless approval is obtained from the Director. Any monuments, hubs, and points disturbed will be replaced by a Washington Registered Land Surveyor, at the Permittee's expense in accordance with Applicable Law.

O. Each Permittee shall make provisions for employee and construction vehicle parking, so that neighborhood parking adjacent to a Work site is not impacted.

P. Each Permittee shall provide necessary sanitary facilities for workers.

* * *



EXHIBIT “D”

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 by monitored users.
- 12.08.400 Charge for Commercial/Industrial Wastewater User Groups.
- 12.08.410 *Repealed.*
- 12.08.420 Water source.
- 12.08.430 Reconsideration of wastewater rates.
- 12.08.440 Regular review of wastewater and surface water rates.

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



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

13 **12.08.005 Purpose and policy.**

14 Pursuant to the authority conferred by RCW 90.48, this chapter sets forth uniform requirements for users of
 15 the Publicly Owned Treatment Works (“POTW”) and the storm drainage system of the City of Tacoma, and
 16 allows the City to comply with all applicable state and federal laws including, but not limited to, the Clean
 17 Water Act, the General Pretreatment Regulations, 40 CFR Part 403, and the Stormwater Regulations in
 18 40 CFR Parts 122, 123, and 124. The objectives of this chapter are to:

- 19 A. Prevent the introduction of pollutants into the POTW that will interfere with the operation of the POTW,
 20 or otherwise be incompatible with the POTW;
- 21 B. Prevent the introduction of pollutants into the POTW that will pass through the POTW inadequately
 22 treated, into receiving waters;
- 23 C. Protect personnel who may be affected by wastewater and biosolids in the course of their employment, and
 24 to protect the general public;
- 25 D. Ensure that the quality of POTW biosolids is maintained at a level that allows its use and disposal in
 26 compliance with applicable statutes and regulations;
- 27 E. Improve the opportunity to recycle and reclaim wastewater and biosolids from the POTW;
- 28 F. Support economic development with the establishment of a new program to support conservation of the
 29 municipal sewer system through economic incentives and technical assistance for wastewater source control
 30 and wastewater pretreatment processes;
- 31 G. Fix the price of service for the City’s POTW;
- 32 H. Fix the price of service for the City’s storm water system;
- 33 I. Provide for the control of the quantity and quality of the water discharged into the municipal storm drainage
 34 system so as to comply with the City’s Stormwater Management Program, its NPDES permits, and applicable
 35 state and federal laws;
- 36 J. Manage stormwater to minimize flooding, erosion, and contact with contaminants or pollutants; and to
 37 manage runoff from developed properties and construction sites;



K. Encourage Low Impact Development (“LID”) as the preferred and commonly-used approach for stormwater management.

1 KL. Mitigate the impacts of increased runoff due to urbanization, correct or mitigate existing water quality
2 problems related to stormwater, and to help restore and maintain the chemical, physical, and biological
integrity of the City’s waters for the protection of beneficial uses, including salmon.

3 The purpose of this chapter is to provide for and promote the health, safety, and welfare of the general public.
4 The provisions of this chapter shall be liberally construed to give full effect to the objectives and purposes for
5 which it was enacted. Compliance with the provisions of this chapter and regulations and manuals referenced
6 under this chapter does not necessarily mitigate all impacts to the environment. Compliance with this chapter
7 and related regulations and manuals should not be construed as mitigating all stormwater impacts, and
additional mitigation may be required to protect the environment. This chapter does not create or otherwise
establish or designate any particular class or group of persons who will or should be especially protected or
benefited by the provisions of this chapter. The primary obligation for compliance with this chapter and for
preventing environmental harm on or from property is placed upon responsible parties, as defined by this
chapter.

8 **12.08.007 Applicability and administration.**

9 A. General. This chapter shall apply to all direct and indirect users of the City’s Municipal Sewer System.
10 The Director of the Environmental Services Department is hereby authorized and directed to enforce all
11 provisions of this chapter. The Director shall have the authority to render interpretations of this chapter, and
may adopt reasonable rules and administrative procedures to enforce the provisions of this chapter. Such
interpretations, rules, and administrative procedures shall be in conformity with the intent and purposes of
this chapter.

12 B. The Director may appoint such number of technical officers, inspectors, and other personnel as shall be
authorized from time to time to implement the provisions of this chapter.

13 C. Inspections. All activities regulated by this chapter, except those exempted under TMC 12.08.090, are
14 subject to inspection by the Director to determine that adequate control is being exercised, or to determine
15 whether an approval is warranted. The Director may establish inspection programs to ensure compliance with
16 the requirements of this chapter and to accomplish its purposes. Inspection programs may be established on
17 any reasonable basis including, but not limited to, routine inspections, random inspections, inspections based
18 upon complaints or other notice of possible violations, inspection of drainage basins or areas identified as
19 higher than typical sources of sediment or other contaminants or pollutants, inspections of businesses or
industries of a type associated with higher than usual discharges of contaminants or pollutants or with
discharges of a type which are more likely than the typical discharge to cause violations of state or federal
water or sediment quality standards or the City’s NPDES Phase I Municipal sStormwater pPermit, and joint
inspections with other agencies inspecting under environmental or safety laws. Inspections may include, but
are not limited to, reviewing maintenance and repair records; sampling discharges, surface water, and
material or water in drainage control facilitiesstormwater facilities; and evaluating the condition of drainage
control facilitiesstormwater facilities and other best management practices.

20 D. Right of Entry. Whenever necessary to make an inspection to enforce any of the provisions of this chapter
21 or monitor for proper function of stormwater facilities, or whenever the Director or the Director’s authorized
22 representative has reasonable cause to believe that there exists in any building or upon any property any
23 condition or violation of this chapter relating to the pollution or the possible pollution of any of the waters of
24 the state, the Director or the Director’s authorized representative may enter such building or premises at all
25 reasonable times to inspect the same, collect samples, or to perform any duty imposed upon the Director by
this chapter, provided that if such building or premises be occupied, the Director shall first present proper
credentials and request entry; and if such building or premises be unoccupied, the Director shall first make a
reasonable effort to locate the owner or other persons having charge or control of the building or premises and
request entry. If such entry is refused, the Director shall have recourse to every remedy provided by law to
secure entry.

26 E. Authority to Stop Work. Whenever work is being done that is contrary to the provisions of this chapter, or
contrary to the provisions of plans, drawings, specifications, or calculations approved by the Director, then
the Director may order the work stopped by notice in writing, served on those persons engaged in or causing



the work to be done. Any such persons shall thereafter stop such work until authorized by the Director to proceed.

1 F. Violations. Violations of this chapter and/or any state and federal regulation the City is authorized to
2 enforce under this chapter may be subject to the enforcement procedures set forth in Tacoma Municipal
3 Code (“TMC”) 12.08.200, assessment of supplemental charges under TMC 12.08.610, the penalty provisions
4 of TMC 12.08.670, and the notification and civil penalty provisions set forth in TMC 12.08.675, and any
5 other enforcement provisions authorized by this chapter.

6 G. Re-inspections. It shall be the duty of the owner or the owner’s agent to notify the Director that violations
7 have been corrected, and to request a re-inspection. The Director may require that such request for re-
8 inspection be filed one working day before such inspection if desired. It shall be the duty of the owner or
9 owner’s agent to provide safe access to and means for inspection of any corrective work.

10 H. Plan Review, Approvals, and Permits. Permits for activities or projects regulated under this chapter may
11 be issued pursuant to sections in this chapter, Title 2 and Title 13 of the Tacoma Municipal Code, or other
12 relevant Tacoma Municipal Code authority. Prior to the commencement of work on any stormwater-related
13 activities or projects regulated by this ordinance, plans shall be submitted to the Director for review and
14 approval. The Director shall approve the plans where they show that adequate control is exercised. Approvals
15 and permits granted under this chapter are not waivers of the requirements of any other laws, nor do they
16 indicate compliance with any other laws. Compliance is still required with all applicable federal, state, and
17 local laws and regulations including rules promulgated under authority of this chapter.

18 The requirements in this chapter are minimum requirements and do not replace, repeal, abrogate, supersede,
19 or affect any other more stringent requirements, rules, regulations, covenants, standards, or restrictions.
20 Where this chapter imposes requirements which are more protective of human health or the environment than
21 those set forth elsewhere, the provisions of this chapter shall prevail.

22 I. Best Management Practices. Pursuant to the [National Pollutant Discharge Elimination System \(“NPDES”\)](#)
23 [Phase I Municipal Stormwater Permit](#) issued by the Washington State Department of Ecology, the [City is](#)
24 [required to adopt and make effective a program to control the impacts of runoff from new development,](#)
25 [redevelopment and construction activities.](#) The Director is authorized to develop and update, as necessary, the
26 City of Tacoma Stormwater Management Manual, hereinafter referred to as the [“SWMM Manual.”](#) The Best
Management Practices (hereinafter “BMPs”) that are set forth in the [Manual/SWMM](#) are intended to control
the quality and quantity of stormwater that is or will [contribute](#) to the City’s [municipal separate stormwater](#)
[system \(“MS4”\) storm drainage system](#) as the result of existing discharges and land uses, new development
and redevelopment, [construction activities,](#) and stormwater maintenance activities. ~~In those instances where
appropriate BMPs are not in the Manual, emerging BMPs may be considered. Emerging BMPs will be
considered under the exceptions process in TMC 12.08.095.~~

J. Regulated Activities. This chapter regulates all direct and indirect discharges to receiving waters and the
Municipal Sewer System, including discharges to privately owned catch basins which discharge directly or
indirectly to receiving waters or the Municipal Sewer System, and any other direct or indirect discharge to
receiving waters or the Municipal Sewer System from real property.

K. Exemptions. In addition to any exemption provided under TMC 12.08.090, development undertaken by
the Washington State Department of Transportation in state highway rights-of-way is exempt from the
requirements of TMC 12.08.090.D, except to the extent those requirements impose more stringent provisions
as provided in Chapter 173-270 WAC, the Puget Sound Highway Runoff Program, and is subject to
municipal and construction NPDES permits issued by the Department of Ecology. The Department of
Transportation shall submit copies of plans for these exempt development activities to the Director.

12.08.010 Definitions.

Words and phrases used in this chapter shall be interpreted as defined below. Where ambiguity exists,
technical words or phrases shall be interpreted in accordance with the City’s [Manual/SWMM](#); nontechnical
words or phrases shall be given their dictionary meaning.

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



- 1 “Accessory Dwelling Unit (ADU).” A second subordinate dwelling unit located on the same lot as a single-
family dwelling (hereinafter referred to as the “main dwelling”) and either within the same building as the
main dwelling or in a detached building, with a provision for independent cooking, living, sanitation, and
sleeping.
- 2 “AKART.” The application of all known, available, and reasonable methods of prevention, control, and
treatment to storm and surface water and wastewater discharges as required by chapter 90.48. RCW.
- 3 “Approval.” The determination by the Director that the proposed or completed work or activity conforms to
this chapter.
- 4 “Authorized representative of the user.”
 - 5 1. If the user is a corporation:
 - 6 a. The president, secretary, treasurer, or vice president of the corporation in charge of a principal business
function, or any other person who performs similar policy or decision-making functions for the corporation,
or
 - 7 b. The manager of one or more manufacturing, production, or operation facilities employing more than
8 250 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;
 - 9 2. If the user is a partnership or sole proprietorship: a general partner or proprietor, respectively;
 - 10 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;
 - 11 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
12 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.
- 13 “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.
- 14 “Basin Plan.” A plan to manage the quality and quantity of surface water or stormwater in a watershed or
basin.
- 15 “Batch discharge.” Any single discharge that is specifically allowed under a wastewater permit or Special
16 Approved Discharge authorization and requires the prior written approval of the Director before discharge to
the sanitary sewer system may begin.
- 17 “Best Management Practices” or “BMPs.” Schedules of activities, prohibitions of practices, general good
18 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
19 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
20 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
21 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
22 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.
- 23 “BOD” (Biochemical Oxygen Demand). The quantity of oxygen utilized in the biochemical oxidation of
24 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
25 approved methods in 40 CFR Part 136.
- 26 “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).

1 “City.” The City of Tacoma, Washington, a municipal corporation organized and existing under and by virtue
2 of the laws of the state of Washington. “Within the city” means within the City boundaries as now or
hereafter constituted.

3 “Clean Water Act or “CWA.” The Federal Water Pollution Control Act, as amended (33 USC 1251 et seq.).

4 “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.

5 “Commercial and/or industrial discharger (discharger/user).” Any nonresidential user who discharges an
6 effluent into the Municipal Sewer System by any means including, but not limited to, pipes, conduits,
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.

7 “Commercial and/or industrial waste.” Any liquid, solid, or gaseous substance, or combination thereof,
8 resulting from or used in connection with any process of industry, manufacturing, commercial food
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.

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

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

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

15 “Domestic waste.” Water carrying human wastes including kitchen wastes, bath wastes, and laundry wastes
16 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.

17 “Effluent Limit.” Any restriction, prohibition, or specification established under 40 CFR Part 403,
18 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.

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

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

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

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

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

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

[“Hard Surface.” An impervious surface, a permeable pavement or a vegetated roof.](#)



1 “Illicit Connection.” Any connection to the City’s stormwater drainage system, identified by the Director, that
2 could convey anything not composed entirely of surface water and stormwater directly to surface water,
3 stormwater, or groundwater. Illicit connections are prohibited unless the connection conveys approved
4 discharges, or conveys discharges pursuant to an NPDES permit (other than an NPDES stormwater permit),
5 or State Waste Discharge Permit.

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

10 “Impervious surface.” A [non-vegetated](#) surface area which either prevents or retards the entry of water into
11 the soil mantle as under natural conditions prior to development, and/or a surface area which causes water to
12 run off the surface in greater quantities or at an increased rate of flow from the flow present under natural
13 conditions prior to development. Further definition may be found in the City’s [SWMMManual](#).

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

17 “Interference.” A discharge which:

- 18 1. Alone or in conjunction with a discharge(s) from other sources, inhibits or disrupts the normal operation of
19 the Municipal Sewer System; or
- 20 2. Causes a violation, or increases the magnitude of, or extends the duration of an existing violation, of any
21 requirement of the City’s POTW-NPDES permit(s); or
- 22 3. Prevents the use or disposal of sewage sludge or biosolids in accordance with local, state, and federal
23 regulations and any permits issued thereunder, including the Clean Water Act, Section 405; the Solid Waste
24 Disposal Act (including Title II, also known as the Resource Recovery and Conservation Act, and any state
25 regulations contained in any state sludge management plan); the Clean Air Act; the Toxic Substances Act;
26 and the Marine Protection, Research and Sanctuaries Act.

“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. [Vegetation
Maintenance practices, including landscape maintenance and gardening, are not considered land disturbing
activity. Stormwater facility maintenance is not considered land disturbing activity if conducted according to
established standards and procedures.](#)

“Low Impact Development” or “LID.” [A stormwater and land use management strategy that strives to mimic
predisturbance hydrologic processes of infiltration, filtration, storage, evaporation, and transpiration by
emphasizing conservation, use of onsite natural features, site planning, and distributed stormwater
management practices that are integrated into a project design.](#)

“Low Impact Development Best Management Practices” or “LID BMPs.” [Distributed stormwater
management practices, integrated into a project design, that emphasize predisturbance hydrologic processes
of infiltration, filtration, storage, evaporation and transpiration. LID BMPs include, but are not limited to,
bioretention, rain gardens, permeable pavements, roof downspout infiltration and dispersion, minimum
excavation foundations, vegetated roofs, and water reuse.](#)

“Low Impact Development Principles.” [Land use management strategies that emphasize conservation, use of
onsite natural features, and site planning to minimize impervious surfaces, native vegetation loss and
stormwater runoff.](#)

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

“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~~ [Stormwater
Management Manual for Western Washington \(SWMMWW\)](#).



“Multiple-family residence” is any premise consisting of two or more living units served through a single water meter.

1 “Municipal Sewer System.” The system of conduits, pumps, treatment plants, structures, [facilities](#) and
2 properties including, without limitation, all properties, interests, physical and intangible rights of every kind
3 or nature owned or held by the City and all appurtenances thereto, however acquired, insofar as they relate to
4 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.

5 “New development.” Land-disturbing activities, [including Class IV – general forest practices that are](#)
6 [conversions from timber land to other uses](#); structural development including construction, installation, or
expansion of a building or other structure; creation of [impervioushard](#) surfaces; and subdivision and short
subdivision of land as defined in RCW 58.17.020.

7 “New source.” Any building, structure, facility, or installation from which there is or may be a discharge of
8 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:

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

14 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
15 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:

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

21 “New user.” A person that submits an application for and receives a new building permit from the City for a
22 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
23 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.

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

26 “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.

1 “NPDES permit.” A permit issued to the City of Tacoma by the Department of Ecology under the National
2 Pollutant Discharge Elimination System program. Examples of NPDES permits include a ~~POTW~~-NPDES
3 ~~Waste Discharge p~~Permit, a ~~NPDES m~~Municipal ~~s~~Stormwater ~~General NPDES~~-permit, a ~~NPDES~~
4 ~~e~~Construction ~~s~~Stormwater ~~General NPDES P~~permit, a ~~NPDES s~~Sand and ~~g~~Gravel ~~General NPDES p~~Permit,
5 and an ~~NPDES i~~Industrial ~~s~~Stormwater ~~General NPDES p~~Permit.

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

10 “Owner.” Any individual, corporation, or entity that holds the title to a real property as shown by the Pierce
11 County Assessor’s records.

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

16 “Person.”

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

21 Singular includes plural; male includes female.

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

26 “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 TMC 12.08.080.

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

“Pretreatment.” The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of
the nature of pollutant properties in wastewater prior to or in lieu of discharging or otherwise introducing
such pollutants 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 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 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 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).

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

“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 “pretreatment
standard” also includes any prohibited discharge standards, categorical pretreatment standards, BMPs, local
limits established by the City, and Effluent Limits.



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

1 “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 reclamation of wastewater.

2 “Receiving Water(s).” ~~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. The naturally and/or reconstructed naturally occurring surface water bodies, such as creeks, streams, rivers, lakes, wetlands, estuaries, and marine waters, or ground water, which receiveing stormwater drainage water from and/or~~ within Tacoma ~~C~~city limits.

3
4
5 “Redevelopment.” ~~The creation or addition of impervious surfaces on a site that has already been substantially developed, including structural development, construction, installation or expansion of a building or other structure, and/or replacement of impervious surface that is not part of a routine maintenance activity, and land disturbing activities associated with structural or impervious redevelopment. On a site that is already substantially developed (defined as having 35% or more of existing hard surface coverage – when determining percentage, only include those areas that are buildable): The creation or addition of hard surfaces, the expansion of a building footprint or addition or replacement of a structure, structural development including construction, installation or expansion of a building or other structure, replacement of hard surface that is not part of a routine maintenance activity, and/or land disturbing activities.~~

6
7
8
9 “Residential user.” Any single-family or multi-family customer discharging wastewater limited to kitchen wastes, human wastes, and housekeeping cleaning materials, in volumes and/or concentrations normally discharged from these classes of customers.

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

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

14
15 “Sanitary sewers.” 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. Sanitary sewers are also referred to in this chapter and have the same definition as wastewater sewers.

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

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

18 2. Any other industrial user which discharges an average of 25,000 gallons per day or more of process wastewater to the POTW (excluding domestic, noncontact cooling and boiler blowdown wastewater); or contributes a process waste stream which makes up 5 percent or more of the average dry weather 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).

19
20
21 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.

22
23 “Significant noncompliance” with applicable pretreatment requirements exists when a violation by an industrial user meets one or more of the following criteria:

24
25 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(1);



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

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);

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);

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;

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;

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;

7. Failure to accurately report noncompliance;

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. "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:

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;

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.

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.

"Single-family residence."

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;

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

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

"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.

"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.

"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.

"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 conveyance and



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

1
2 “Storm drains.” Those portions of the Municipal Sewer System which do, or are designated by the Director
3 to, detain or retain, carry or dispose of stormwater and surface water and such other waters as are not required
4 by or under this chapter or other applicable law to be disposed of through sanitary sewers, in accordance with
5 the provisions hereinafter set forth. Storm drains shall, without limitation, include all properties, interests and
6 rights of the City insofar as they relate to or concern storm or surface water sewerage, whether natural or
7 constructed, in and to the drainage or storage, or both, of storm or surface waters, or both, including without
8 limitation through, under or over lands, landforms, watercourses, sloughs, streams, ponds, lakes and swamps.

9 “Stormwater.” ~~That portion of precipitation, including snowmelt, that does not naturally percolate into the
10 ground or evaporate, but flows via overland flow, interflow, pipes, and other features of a stormwater
11 drainage system into a receiving water or stormwater facility. Runoff during and following precipitation and
12 snowmelt events, including surface runoff, drainage, and interflow.~~

13 ~~“Stormwater drainage system.” Constructed and natural features which function together as a system to
14 collect, convey, channel, hold, inhibit, retain, detain, infiltrate, divert, treat, or filter stormwater.~~

15 ~~“Stormwater facility” A component of the stormwater system constructed to perform a particular function
16 such as water quality treatment, flow control, or conveyance.~~

17 “Stormwater Pollution Prevention Plan (SWPPP).” A document which describes the best management practices
18 and activities to be implemented by a person to identify sources of pollution or contamination at a premises or
19 parcel and the actions to eliminate or reduce pollutant discharges to stormwater, stormwater conveyance
20 systems, and/or receiving waters to the maximum extent practicable. A SWPPP may be used as a construction
21 SWPPP for activities during construction or as an operational SWPPP for ongoing activities at a site.

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

24 “SWMM.” The City of Tacoma’s Stormwater Management Manual, as amended.

25 “TMC.” The Tacoma Municipal Code.

26 “Toxic pollutant.” Those pollutants, or combinations of pollutants, including disease-causing agents, which
after discharge and upon exposure, ingestion, inhalation, or assimilation into any organism, either directly
from the environment or indirectly by ingestion through food chains, will, on the basis of information
available to the Director, cause death, disease, behavioral abnormalities, cancer, genetic mutations,
physiological malfunctions (including malfunctions in reproduction) or physical 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 others
2 under its control to throw, drain, spill, or otherwise discharge in the municipal storm drain system and/or
3 surface and ground waters any materials other than stormwater. Examples of prohibited discharges are
4 discharges that are contaminated with the following pollutants:

- 5 1. Petroleum products including, but not limited to, oil, gasoline, grease, fuel oil, and heating oil;
- 6 2. Antifreeze and other automotive products;
- 7 3. Metals in either particulate or dissolved form;
- 8 4. Flammable or explosive materials;
- 9 5. Radioactive material;
- 10 6. Batteries;
- 11 7. Acids, alkalis, or bases;
- 12 8. Paints, stains, resins, lacquers, or varnishes;
- 13 9. Degreasers and/or solvents;
- 14 10. Drain cleaners;
- 15 11. Pesticides, herbicides, or fertilizers;
- 16 12. Soaps, detergents, or ammonia;
- 17 13. Steam-cleaning wastes;
- 18 14. Swimming pool or spa filter backwash;
- 19 15. Chlorine, bromine, or other disinfectants;
- 20 16. Heated water;
- 21 17. Domestic animal wastes;
- 22 18. Sewage;
- 23 19. Recreational vehicle waste;
- 24 20. Animal carcasses;
- 25 21. Food wastes or products, trash, or debris not otherwise enumerated in this section;
- 26 22. Bark and other fibrous materials;
- 27 23. Lawn clippings, leaves, or branches;
- 28 24. Silt, sediment, concrete, cement, gravel, asphalt, or construction materials;
- 29 25. Chemicals not normally found in uncontaminated water;
- 30 26. Any other process-associated discharge, except as otherwise allowed in this section;
- 31 27. Any other material that is regulated as a hazardous substance or hazardous or dangerous waste by federal,
32 state, or local laws and regulations.

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

- 36 1. Diverted stream flows;
- 37 2. Rising ground waters;
- 38 3. Uncontaminated ground water infiltration- as defined in 40 CFR 35.2005(20);
- 39 4. Uncontaminated pumped ground water;
- 40 5. Foundation drains;
- 41 6. Air conditioner condensation;
- 42 7. Irrigation water from agricultural sources that is commingled with urban stormwater;
- 43 8. Springs;



9. Uncontaminated 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 and re-oxygenated 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.

F. It shall be a violation of this chapter for any person to cause “track out” materials to be deposited on 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.

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

12.08.090 Stormwater program requirements.

A. Pursuant to the terms of its ~~municipal stormwater~~ NPDES Phase I Municipal Stormwater pPermit, the City of Tacoma has implemented a stormwater management program that includes the use of the SWMMManual. The Director of the Environmental Services Department is authorized to enforce the provisions of the stormwater management program through reasonable rules and administrative procedures, pursuant to TMC 12.08.007.

B. The following activities are regulated through the stormwater management program under this chapter:



1. ~~Existing discharges and land uses that discharge~~ Discharges to the City of Tacoma stormwater drainage system-storm drains, either directly or indirectly, ~~or that discharge~~ to receiving waters within Tacoma city limits, either directly or indirectly.
2. ~~Discharges from new development, redevelopment, and construction activities~~
3. ~~32.~~ Stormwater maintenance activities that discharge, either directly or indirectly, to the City of Tacoma stormwater drainage system or that discharge to receiving waters within Tacoma city limits, either directly or indirectly.
4. C. Minimum Source Control Requirements for Existing Discharges ~~and Land Uses~~. Source Controls shall be implemented by all property owners, residents, businesses, and public entities engaged in pollution generating activities.
5. 1. If the Director determines that discharges from ~~an existing property or right-of-way commercial or industrial facility~~ cause or contribute to an illicit discharge, a nuisance, a threat to public health and safety, or a violation of the City’s municipal stormwater NPDES permit or this chapter, the Director shall require the responsible party to implement and maintain operational BMPs in accordance with Volume ~~4IV~~ of the Manual SWMM.
6. 2. The Director may also require persons responsible for “track-out” conditions on paved public streets or alleys to implement and maintain operational BMPs in accordance with Volume ~~4IV~~ of the SWMM Manual to prevent polluted matter from entering the municipal storm drain system. If the Director determines that the discharges causing or contributing to the problem cannot be adequately addressed by operational BMPs, the Director may require the responsible party to undertake more stringent or additional BMPs, which may include structural BMPs or other actions necessary to cease causing or contributing to the problem or violation.
7. ~~23.~~ Source control activities shall be implemented to the extent necessary to prevent prohibited discharges, as described in TMC 12.08.080, and to prevent contaminants from coming in contact with stormwater. Source control actions include, but are not limited to, segregating or isolating wastes to prevent contact with stormwater; enclosing, covering, or containing the activity to prevent contact with stormwater; developing and implementing inspection and maintenance programs; sweeping; and taking management actions, such as training employees on pollution prevention.
8. ~~34.~~ Spill prevention shall be required for all businesses and public entities, as defined in rules promulgated by the Director. Minimum requirements for spill prevention shall include developing and implementing plans and procedures to prevent spills and other accidental releases of materials that may contaminate stormwater. This requirement may be satisfied by a Stormwater Pollution Prevention Plan prepared in compliance with an NPDES stormwater permit for the site; the implementation of procedures for immediate containment and other appropriate action regarding spills and other accidental releases to prevent contamination of stormwater; providing necessary containment and response equipment on-site; and training of personnel regarding procedures and equipment to be used.
9. D. Minimum Requirements for New Development and Redevelopment. New development and redevelopment activities that meet or exceed the thresholds outlined in Volume 1 of the SWMM are required to obtain City permits shall comply with the following ~~m~~Minimum ~~r~~Requirements, in accordance with the City’s ~~municipal stormwater~~ NPDES Phase I Municipal Stormwater pPermit and in accordance with the ~~thresholds and~~ requirements of the City’s SWMM Manual.
10. In addition, performance bonding and/or other appropriate financial security may be required for all projects to ensure timely and proper completion of improvement, to ensure compliance with the Minimum Requirements of this chapter, or to warranty materials, workmanship, and performance of design.
11. 1. Preparation of a Stormwater Site Plan. All projects shall prepare a stormwater site plan for review and approval by the Director in accordance with the applicable provisions of the SWMM.
12. 2. Construction Stormwater Pollution Prevention Plan (“SWPPP”). All new development and redevelopment projects are responsible for preventing erosion and discharge of sediment and other pollutants into receiving waters. A SWPPP shall be required in accordance with the applicable provisions of the SWMM. The SWPPP shall be designed to comply with the requirements and purposes of the SWMM and this section. Seasonal Work Limitations – From October 1 through April 30, clearing, grading, and other soil disturbing activities



many only be authorized by the Permittee if silt laden runoff will be prevented from leaving the site through a combination of the following:

1 a. Site conditions including existing vegetative coverage, slope, soil type, and proximity to receiving waters;
and

2 b. Limitations on activities and the extent of disturbed areas; and

3 c. Proposed erosion and sediment control measures.

4 Based on the information provided and/or local weather conditions, the seasonal work limitations on site disturbance may be expanded or restricted.

5 3. Source Control of Pollution. All known, available and reasonable source control BMPs are required for all projects approved by the City. Source control BMPs shall be selected, designed, applied, and maintained in accordance with the SWMM.

6 4. Preservation of Natural Drainage Systems and Outfalls. Natural drainage patterns shall be maintained, and discharges from the site shall occur at the natural location to the maximum extent practicable. The manner by which runoff is discharged from the project site must not cause a significant adverse impact to downstream receiving waters and down gradient properties. All outfalls require energy dissipation.

7 5. Onsite Stormwater Management. Onsite Stormwater Management BMPs to infiltrate, disperse, and retain stormwater runoff onsite to the maximum extent feasible without causing flooding, erosion, water quality or groundwater impacts shall be required. Onsite Stormwater Management BMPs shall be designed to comply with the requirements and purposes of the SWMM and this section.

8 6. Water Quality Treatment. All projects that meet the thresholds for runoff treatment in Volume 1 of the SWMM shall provide Water Quality Treatment in accordance with the SWMM. Water Quality Treatment BMPs shall be designed to comply with the requirements and purposes of the SWMM and this section.

9 7. Flow Control. All projects that meet the thresholds and applicability for flow control in Volume 1 of the SWMM shall provide flow control in accordance with the SWMM and this section.

10 8. Wetlands Protection. All projects that meet the thresholds for wetlands protection in Volume 1 of the SWMM and directly or indirectly discharge to wetlands shall provide wetlands protection in accordance with the SWMM and this section. Wetlands are also regulated by Chapter 13.11 of the Tacoma Municipal Code. The most protective requirements of either TMC Section 12.08.090 or TMC Chapter 13.11 shall be applied.

11 9. Operations and Maintenance. An operation and maintenance manual (O&M manual) consistent with the SWMM shall be provided for all proposed stormwater facilities and BMPs and the party, or parties, responsible for operation and maintenance shall be identified in the O&M Manual. For private facilities, a copy of the O&M manual shall be retained onsite or within reasonable access to the site, shall be referenced in real property records filed with the Pierce County Auditor, and shall be transferred with the property to the new owner. For public facilities, a copy of the O&M manual shall be retained in the appropriate department. A log of maintenance activity that indicates what actions were taken shall be kept and be available for inspection by the City.

12 10. Offsite Analysis and Mitigation. All projects shall include an analysis of offsite water quality and quantity impacts resulting from the project and shall mitigate these impacts as required by the SWMM. The analysis shall extend a minimum of one-fourth of a mile downstream from the project. The Director may require that the analysis be extended further if deemed necessary. The type of analysis shall be as required by the SWMM based on project impacts.

13 2. Preparation of a Construction Stormwater Pollution Prevention Plan for erosion and sediment control. This plan shall be designed to comply with the requirements and purposes of the Manual, this section, any other applicable sections of Titles 2 and 13 of the Tacoma Municipal Code, and any departmental guidelines promulgated by the Director. The plan shall be designed, submitted, and implemented to address the following:

14 a. Mark clearing limits;

15 b. Establish construction access routes and controls;

16 c. Control flow rates;

17 d. Install sediment controls;



- e. Stabilize soils;
- f. Protect slopes;
- 1 g. Protect storm drain inlets;
- 2 h. Stabilize channels and outlets;
- 3 i. Control pollutants;
- 4 j. Control de-watering;
- 5 k. Maintain BMPs; and
- 6 l. Manage the project.
- 7 3. Source Control of Pollutants. Source control BMPs shall be selected, designed, applied, and maintained in accordance with the Manual and any departmental guidelines promulgated by the Director.
- 8 4. Preservation of Natural Drainage Systems. Natural discharges from the site shall be maintained, shall occur at the natural location to the maximum extent practicable, and must not cause a significant adverse impact downstream or down gradient.
- 9 5. On site Stormwater Management. Where appropriate, projects shall employ on site stormwater management BMPs to infiltrate, disperse, and retain stormwater runoff onsite to the maximum extent feasible without causing flooding, erosion, water quality or groundwater impacts. Prior approval of the Director is required for such BMPs.
- 10 6. Runoff Treatment. All projects that meet the thresholds for runoff treatment in Volume I of the Manual shall provide water quality treatment in accordance with that Manual.
- 11 7. Flow Control (detention). All projects that meet the thresholds for flow control in Volume I of the Manual shall provide flow control in accordance with the Manual. Additionally, all projects shall address the need to provide water quantity controls according to the design criteria as determined by the Director. The requirement for stormwater detention will also be determined by pipe capacity and stormwater discharge location, as provided in the Manual.
- 12 8. Wetlands. Discharges to wetlands shall maintain the hydrologic conditions, hydrophytic vegetation, and substrate characteristics necessary to support existing and designated functions. Wetland areas are also regulated by Chapter 13.11 of the Tacoma Municipal Code, Critical Areas Preservation.
- 13 9. Geographic Specific Requirements. Projects may be subject to equivalent or more stringent minimum requirements for erosion control, source control, treatment, wetlands protection, and operation and maintenance, and alternative requirements for flow control as a result of basin or watershed plan, in accordance with Volume I of the Manual.
- 14 10. Operation and Maintenance Plan. An operation and maintenance manual consistent with City standards shall be provided for all proposed stormwater facilities and BMPs and party, or parties, responsible for operation and maintenance shall be identified. A copy of the Manual shall be retained on site or within reasonable access to the site and shall be transferred with the property to the new owner.
- 15 11. Off-site Analysis and Mitigation. All projects shall include an analysis of off-site water quality and quantity impacts resulting from the project and shall mitigate these impacts if necessary. The analysis shall extend a minimum of one fourth of a mile downstream from the project. The Director may require that the analysis shall extend further if deemed necessary. The existing or potential impacts to be evaluated and mitigated under this section shall include, but are not limited to:
- 16 a. Impacts on conveyance system capacity;
- 17 b. Localized flooding;
- 18 c. Aquatic habitat (wetlands) impacts;
- 19 d. Erosion impacts, including landslide hazards;
- 20 e. Stream bank and channel erosion; and
- 21 f. Impacts to known water quality or erosion problems;
- 22
- 23
- 24
- 25
- 26



~~12. Financial Liability. Performance bonding and/or other appropriate financial security may be required for all projects to ensure timely and proper completion of improvement, to ensure compliance with the minimum requirements of this chapter, or to warranty materials, workmanship and performance of design.~~

E. Stormwater Maintenance Activities. Maintenance of all storm drainage facilities or controls shall be required in accordance with the Manual SWMM. The proper maintenance of these controls or facilities is essential for the protection of the City’s municipal storm drainage system and the environment. Storm drainage controls or facilities are either privately or publicly owned and maintained. All storm drainage facilities that serve commercial and industrial sites are private. Storm drainage facilities or controls that are privately owned by a homeowner’s association or similar organization also are private.

1. Maintenance and Inspection. All privately owned storm drainage facilities or controls shall be maintained by the owner, or the homeowner and/or owner association, if one is established as part of a residential or commercial development. All private storm drainage facilities shall be regularly inspected to ensure proper operation and ~~shall monitor~~the facility or control as required or as set forth in the Manual SWMM or Operations and Maintenance O&M Manual. The owner, or homeowner and/or owner association shall maintain records of inspection and maintenance, disposal receipts, and monitoring results. The records shall catalog the action taken, the person ~~completing the action who took it~~, the date said action was taken, how ~~the action was completed it was done~~, results of any monitoring effort, and any problems encountered or follow-up actions required. The records shall be made available to the City upon request. The owner, or homeowner and/or owner association shall maintain a copy of the Stormwater Operations and Maintenance Manual on site, and shall make reference to such document in real property records filed with the Pierce County Auditor, so others who acquire real property served by the privately owned storm drainage facilities or controls are notified of their obligation to maintain such facilities or controls.

2. City Inspection. The regular inspection of privately owned storm~~water drainage~~ facilities or BMPseontrols is essential to ~~ensure enable the City to evaluate the~~ proper operation of the City’s municipal storm drainage system and ~~prevent potential impacts to~~ the environment. The City shall have the right to enter the property to regularly inspect all private stormwater drainage facilities to ensure they are properly operating and are being properly yed and maintained. The City may offer an incentive program to owners to encourage the proper maintenance of private storm drainage facilities.

F. Requirement to Report Spills, Releases, or Illicit Discharges. A responsible party shall report to the Environmental Services Department any spill, release, illicit discharge, or other incident causing a discharge that has contributed or is likely to contribute pollutants to the Municipal Sewer System or receiving water immediately, but no later than twenty-four (24) hours after first becoming aware of such event. Spills shall be reported to the Environmental Services Department. This reporting requirement is in addition to any other reporting requirement imposed, pursuant to federal, state, or local laws and regulations.

12.08.095 Exceptions procedure.

A. General. Requests for exceptions from the requirements of TMC 12.08.090 may be made according to the requirements of the SWMM and this section. An exception may be requested to allow a waiver, a reduction or modification of a requirement, or to permit an alternative requirement. Any such request must be made in writing and, at a minimum, contain the information outlined in the Exceptions Section of Volume 1 of the SWMM. The Director shall approve or deny such requests in writing and shall only approve an exception to the extent it is necessary to meet the criteria set forth in this section. An applicant is not entitled to an exception, whether or not the criteria for approval of an exception are met. The Director may require the applicant to submit a Washington State licensed engineer’s report or analysis with a request for an exception. As a condition of approving an exception, the Director may impose new or additional requirements to offset or mitigate harm that may be caused by approving the exception.

B. Exception Criteria. Exceptions must meet the following criteria:

1. Application of the Minimum Requirement(s) would impose a severe and unexpected economic hardship; and

2. The exception will not increase risk to the public health and welfare, nor be injurious to other properties in the vicinity and/or downstream, and to the quality of waters of the state; and



3. The exception is the least possible exception that could be granted to comply with the intent of the Minimum Requirements.

~~B. Equally Protective Exceptions. The Director may approve a request for an exception if the Director determines that it is likely to achieve an equal level of protection of public health, safety and welfare, the environment, and public and private property as the requirement from which an exception is sought.~~

~~C. Other Exceptions. The Director also may approve a request for an exception where the criteria in subsection B are not met, or where the Director cannot determine whether the criteria are met, if the Director determines in his or her sole discretion that substantial reasons exist for approving the requested exception and the exception will not cause significant harm. Substantial reasons may include, but are not limited to,~~

~~1. The requirement is not technically feasible;~~

~~2. An emergency situation necessitates approval of the exception;~~

~~3. No reasonable use of the property is possible unless the exception is approved;~~

~~4. The requirement would cause harm or a significant threat of harm to public health, safety and welfare, the environment, or public and private property, or would cause extreme financial hardship which substantially outweighs its benefits.~~

DC. The approval of an exception shall not be construed to be an approval of any violation of any of the other provisions of this chapter nor approval of any violation of any other ordinance of the City nor approval of any violation of any other valid law of any governmental entity having jurisdiction. The approval of plans, specifications, and calculations for an exception shall not prevent the Director from thereafter requiring the correction of errors in such plans, specifications, or other data, or from preventing operations being carried on thereunder when in violation of this chapter, or any other ordinance of the City.

ED. The following public notice requirements apply whenever a request for an exception to the Minimum Requirements contained in TMC 12.08.090.D (“Request”) is received by the City:

1. Public notice (“Notice”) shall be made to inform the public about the contents of the Request and the Director’s decision to grant or deny it. Notice of the Request and the Director’s decision to grant or deny the Request may be combined.

2. The Notice shall be published, at the requester’s cost, in the City’s newspaper of record and a local newspaper of general circulation within Tacoma. The Notice shall also be published on the surface water section of the City’s website.

3. The Notice shall include: (i) a brief description of the Request; (ii) a brief description of the Director’s decision to grant the Request and the reasons supporting the decision, or a statement that the Request is denied; (iii) where the Request and the Director’s decision to grant or deny the Request can be reviewed; and (iv) the name and contact information of a City employee who can answer questions regarding the Request.

4. The City shall provide a hardcopy of the Director’s decision to grant or deny a Request to the requester. The Director’s decision to approve or deny a Request shall include a reference to the procedures in TMC 12.08.678 for contesting such decision.

FE. Appeals to the Hearing Examiner. Appeals of the Director’s decision on Request for an exception shall be made to the Hearing Examiner in accordance with TMC 12.08.678.

* * *

12.08.560 Low impact development ~~stormwater and surface water~~ rate reductions systems.

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



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

8 A. For parcels that provide additional low impact development BMPs and features beyond that required by
9 the SWMM to mitigate the impacts of development or redevelopment, or if low impact development is used
10 to mitigate existing stormwater discharges that were not required to install low impact development BMPs at
11 the time of development or redevelopment, a rate reduction in the surface water rates applicable to those
12 parcels shall be allowed as approved by the Director, or designee, in accordance with this section. All
13 facilities shall be designed in accordance with the applicable BMPs and requirements of the SWMM. All
14 designs shall be reviewed and approved by the City of Tacoma Environmental Services Department prior to
15 installation.

16 In order to qualify under this section:

17 1. The applicant shall submit the request for a rate reduction per this section to Environmental Services prior
18 to construction of the proposed improvements and obtain all applicable permits.

19 2. Where the system is built for mitigating the impacts of stormwater based on new or redevelopment that has
20 met the thresholds for Minimum Requirement #5 as defined in the most recent version of the SWMM, the
21 owner of the parcel must have obtained the proper permits and constructed the system according to plans
22 approved by the Director, and the system must include LID BMPs or features beyond those required by the
23 minimum requirements of the City's SWMM in effect at the time of development or redevelopment.

24 3. Where the system is built to provide mitigation for existing stormwater flows and not as a requirement of
25 any new or redevelopment action that requires compliance with SWMM, the system must be approved by the
26 Director prior to construction, the applicant shall obtain proper permits if applicable, the design shall be
27 reviewed and accepted by Environmental Services prior to construction, the applicant shall notify and allow
28 Environmental Services to inspect the system during and after construction and the system shall comply with
29 the applicable BMPs and requirements of the SWMM or the approved plans.

30 4. The owner shall develop an O&M Manual for the facilities, be responsible for all costs of construction and
31 proper operation and maintenance of such system, and shall submit annual maintenance reports to the
32 Director or designee.

33 5. The Owner shall enter into a Covenant and Easement Agreement with the City. Due to the voluntary nature
34 of this program, the C&E Agreement shall be recorded to title of the property by the City.

35 B. The Director or designee reserves the right to inspect all stormwater systems approved or sought to be
36 approved under this section at any time to ascertain that they have been installed in accordance with the
37 approved documents and function properly. If at any time such system fails to function as designed as
38 determined by the Director by appropriate engineering standards, or if the owner fails to submit the annual
39 maintenance reports, the Director may reduce or revoke the rate reduction to reflect the effectiveness, if any,
40 of such system, or the Director may revoke approval of the system irrespective of prior approval by the
41 Director of either the system or plans therefor.

42 C. The rate reduction allowed under this section shall be as follows:

43 1. The rate reduction for using low impact development BMPs as designated in the SWMM to mitigate for a
44 portion of stormwater from the site shall be one category of rate reduction.

45 2. The rate reduction for using low impact development BMPs as designated in the SWMM for full
46 mitigation, defined as mitigation of all surfaces and disturbed areas, shall be two categories of rate reduction.

47 B3. Notwithstanding any rate reduction authorized, permitted or provided for in this section, no rate
48 computation shall be reduced below that applicable to undeveloped land.