



**SUBSTITUTE**  
**ORDINANCE NO. 29051**

1 AN ORDINANCE regarding groundwater protections; amending Chapter 13.06  
2 of the Municipal Code, relating to Zoning, by amending various sections  
3 to implement the South Tacoma Groundwater Protection District Code  
4 Update Work Plan, to strengthen groundwater protections, align with  
best available science, and ensure consistency with state and local  
regulations, as recommended by the Planning Commission.

5 WHEREAS the South Tacoma Groundwater Protection District ("STGPD")  
6 was established in 1988 through Ordinance No. 24083 as an overlay zoning  
7 district in response to the area's vulnerability to groundwater contamination, and  
8

9 WHEREAS the district was created to safeguard the South Tacoma aquifer  
10 system, a vital source of public drinking water, and

11 WHEREAS the original ordinance introduced a regulatory framework  
12 governing land use, stormwater infiltration, and the handling, storage, and  
13 disposal of hazardous substances, and also established technical standards,  
14 identified prohibited uses, and included enforcement provisions, and  
15

16 WHEREAS the City is proposing a targeted update to Tacoma Municipal  
17 Code ("TMC") 13.06.070.D, which contains the primary regulatory provisions for  
18 the STGPD, and

19 WHEREAS amendments are also proposed for TMC 13.06.040.J,  
20 13.06.060, 13.06.090.B, and 13.06.090.J to align development standards such as  
21 landscaping, tree canopy, and lot coverage requirements, with the goals outlined  
22 in the updated STGPD Code Update Work Plan, and  
23  
24  
25  
26



1 WHEREAS these coordinated updates are intended to enhance  
2 groundwater protection, address regulatory gaps, and ensure consistency with  
3 current best available science and Washington State mandates, and  
4

5 WHEREAS following a public hearing and deliberative process, the  
6 Planning Commission reviewed the proposed amendments and formally  
7 recommended their adoption, and the updated regulations are now before the City  
8 Council for consideration, and  
9

10 WHEREAS the scope of proposed updates includes:

11 (1) Prohibition of additional high impact land uses including underground  
12 storage tanks and metal recycling/auto wrecking facilities;

13 (2) Improvements to enforcement and monitoring provisions;

14 (3) Defining the timing and frequency of future code review and updates  
15 (also known as a Periodic Update);  
16

17 ~~(4)~~ Evaluating the location of the STGPD code within the TMC and  
18 exploring options for potential relocation;

19 ~~(5)~~(4) Enhancing integration between the STGPD Overlay Zone and the  
20 Critical Areas Preservation Ordinance (TMC 13.11);

21 ~~(6)~~(5) Reviewing infiltration policy and impervious surface standards  
22 stormwater treatment best management practices ("BMPs");  
23

24 ~~(7)~~(6) Updating maps of the STGPD Overlay Zone;  
25  
26



~~(8)~~(7) Improving landscaping and tree canopy standards for industrial zones in STGPD, South Tacoma Manufacturing and Industrial Center (“STMIC”), and Tacoma Mall Regional Growth Center (“RGC”);

~~(9)~~(8) Improving general program awareness; and

~~(10)~~ ~~Strengthening inter-departmental coordination related to permitting and land use amendments, and~~

WHEREAS extensive engagement was conducted to ensure the proposed amendments to the STGPD code are informed by broad community input, technical expertise, and alignments with citywide goals, with outreach efforts focused on engaging residents, businesses, and partner agencies, and

WHEREAS between early 2024 and spring 2025, the City participated in nine wide ranging public events and forums to share information, gather feedback, and answer questions about the STGPD and its connection to public health, environmental protection, and land use policy; these events included:

(1) Spotlight on South Tacoma Series (January-March 2024):

Neighborhood-focused outreach that elevated local concerns and surfaced early feedback on groundwater protection;

(2) Sustainability Expos (April 13, 2024 and April 26, 2025): Opportunities to connect with hundreds of community members around sustainability, water protection, and environmental health;

(3) Día de los Niños/Eastside Mini-Olympic Games (May 4, 2024);

(4) Nine One Tacoma Visioning Workshops (May–June 2024) and Four One Tacoma Workshops (February–March 2025): Citywide



comprehensive planning events where groundwater protection and the STGPD code update were discussed alongside long-range planning goals;

(5) Ocean Fest (August 2024);

(6) South Tacoma Neighborhood Plan Steering Committee (August 22, 2024): Focused discussion on community priorities, including landscaping and tree canopy standards and land use compatibility;

(7) Tacoma Permit Advisory Group (September 18, 2024) and South Tacoma Business District Association (September 19, 2024): Targeted engagement with development, permitting and business stakeholders;

(8) Community Informational Meeting at STAR Center (May 15, 2025): A focused public meeting providing an overview of the STGPD code update, best available science, and ways to provide feedback on the draft code; and

(9) The South Tacoma Neighborhood Council (STNC), as the original applicant for the code amendment, was regularly informed and engaged throughout the process. Their input helped shape the initial work plan and direction of the STGPD code update, and

WHEREAS two advisory groups were also convened to provide focused guidance:

(1) STGPD Health Impact Assessment (HIA) Advisory Group: Formed by the Tacoma-Pierce County Health Department, brought together nine representatives from the public, businesses, and the STNC to ensure



the HIA reflected community health priorities. This group met five times between July 2024 and March 2025; and

(2) Tacoma Water Integrated Resource Plan (IRP) Public Advisory

Committee: Established to support the IRP update, this committee included representatives from local jurisdictions, the Washington State Department of Health, and a member of the STNC. This committee met five times between May 2024 and January 2025 to provide technical input on water supply and demand with consideration of future climate risks, and

WHEREAS feedback gathered through these engagement efforts played a significant role in shaping the draft STGPD code, particularly in identifying high impact uses and refining strategies to better protect South Tacoma's groundwater resources, and

WHEREAS as part of Tacoma Water's Integrated Resource Plan (IRP) update, a Best Available Science (BAS) review was conducted by Tacoma Water's consultant specific to the STGPD. The BAS review, which was presented to the Infrastructure, Planning, and Sustainability (IPS) Committee on January 22, 2025, directly informed the proposed code update, and

WHEREAS the Tacoma-Pierce County Health Department conducted a Health Impact Assessment (HIA) after the City Council allocated funding for this work as part of the STGPD Code Update Work Plan, and the HIA findings also directly informed the development of the proposed code amendments, and



WHEREAS additionally, the Planning Commission conducted a public hearing on the draft STGPD code on May 21, 2025, and during the public comment period leading up to the hearing, City staff hosted one in-person informational event to help community members learn about the draft code and prepare to provide comments, and

WHEREAS in total, 12 people attended these events, and 20 public comments were submitted by community members, business owners and partner agencies, and comments were provided to the Planning Commission through the official meeting packet and summarized in a public debrief presentation on June 4, 2025, both of which are available on the Planning Commission's webpage, and

~~WHEREAS prior to their final recommendation, the Planning Commission considered amendments to the public review draft based on public input and testimony~~ WHEREAS pursuant to TMC 13.05.030.D, the Planning Commission is authorized to recommend amendments to the City's land use regulations in order to implement the goals and policies of the Comprehensive Plan, and

WHEREAS prior to their final recommendation, the Planning Commission considered amendments to the public review draft based on public input and testimony, and

WHEREAS and the City Council conducted a public hearing on August 12, 2025, to accept public comments on the Planning Commission proposal, and

WHEREAS the City Council considered amendments to the draft STGPD code based on public input and testimony;



1 WHEREAS pursuant to TMC 13.05.030.D, the Planning Commission is  
2 authorized to recommend amendments to the City's land use regulations in order  
3 to implement the goals and policies of the Comprehensive Plan, and this  
4 department's recommendation is to adopt the amendments to the STGPD as  
5 recommended by the Planning Commission on June 18, 2025 Now, Therefore,  
6

7 BE IT ORDAINED BY THE CITY OF TACOMA:

8 Section 1. That the City Council hereby adopts the Recitals of this  
9 Ordinance as its formal legislative findings.  
10

11 Section 2. That Chapter 13.06, "Zoning," of the Tacoma Municipal Code  
12 is hereby amended, as set forth in the attached Exhibits "A," "B," "C," and "D."

13 Section 3. That the City Clerk, in consultation with the City Attorney, is  
14 authorized to make necessary corrections to this ordinance, including, but not  
15 limited to, the correction of scrivener's/clerical errors, references, ordinance  
16 numbering, section/subsection numbers, and any references thereto.  
17

18 Passed \_\_\_\_\_  
19

20 \_\_\_\_\_  
21 Mayor

22 Attest:  
23

24 \_\_\_\_\_  
25 City Clerk

26 Approved as to form:



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Chief Deputy City Attorney

**SUBSTITUTE Exhibit A**

**Tacoma Municipal Code - Chapter 13.06 – Zoning**

\* \* \*

**13.06.070 Overlay Districts.**

\* \* \*

**D. South Tacoma Groundwater Protection District (STGPD).**

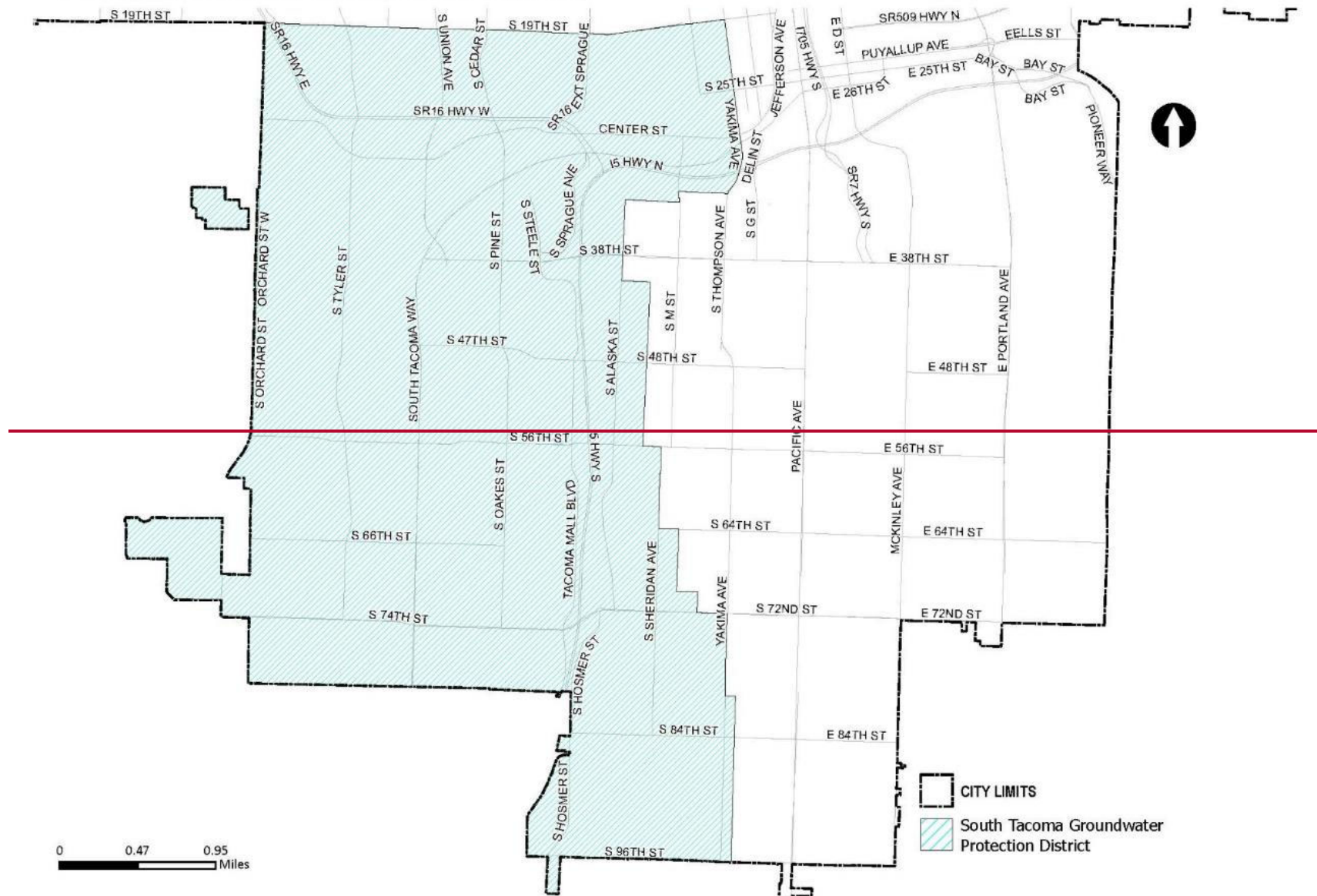
**1. Applicability.**

- a. The mandates of this chapter shall apply to new and existing developments and facilities, and to the alteration and/or expansion of existing uses, when such uses are listed in the “High Impact Use Table” and are located within the South Tacoma Groundwater Protection District (“STGPD”). ~~as defined herein.~~
- b. All property within the ~~South Tacoma Groundwater Protection District~~ STGPD, as defined in Section 13.01.06.090 ~~070(D)(27)~~, shall comply with the requirements of this chapter, the zoning requirements of the ~~South Tacoma Groundwater Protection District~~ STGPD, the Critical Areas Preservation code, and any additional requirements of the zoning district where the property is presently located or may be located in the future. As an overlay district, STGPD regulations shall apply in addition to other city regulations, and in the event of conflict with other regulations, the provisions of this chapter the stricter provisions shall control.

c. Map.

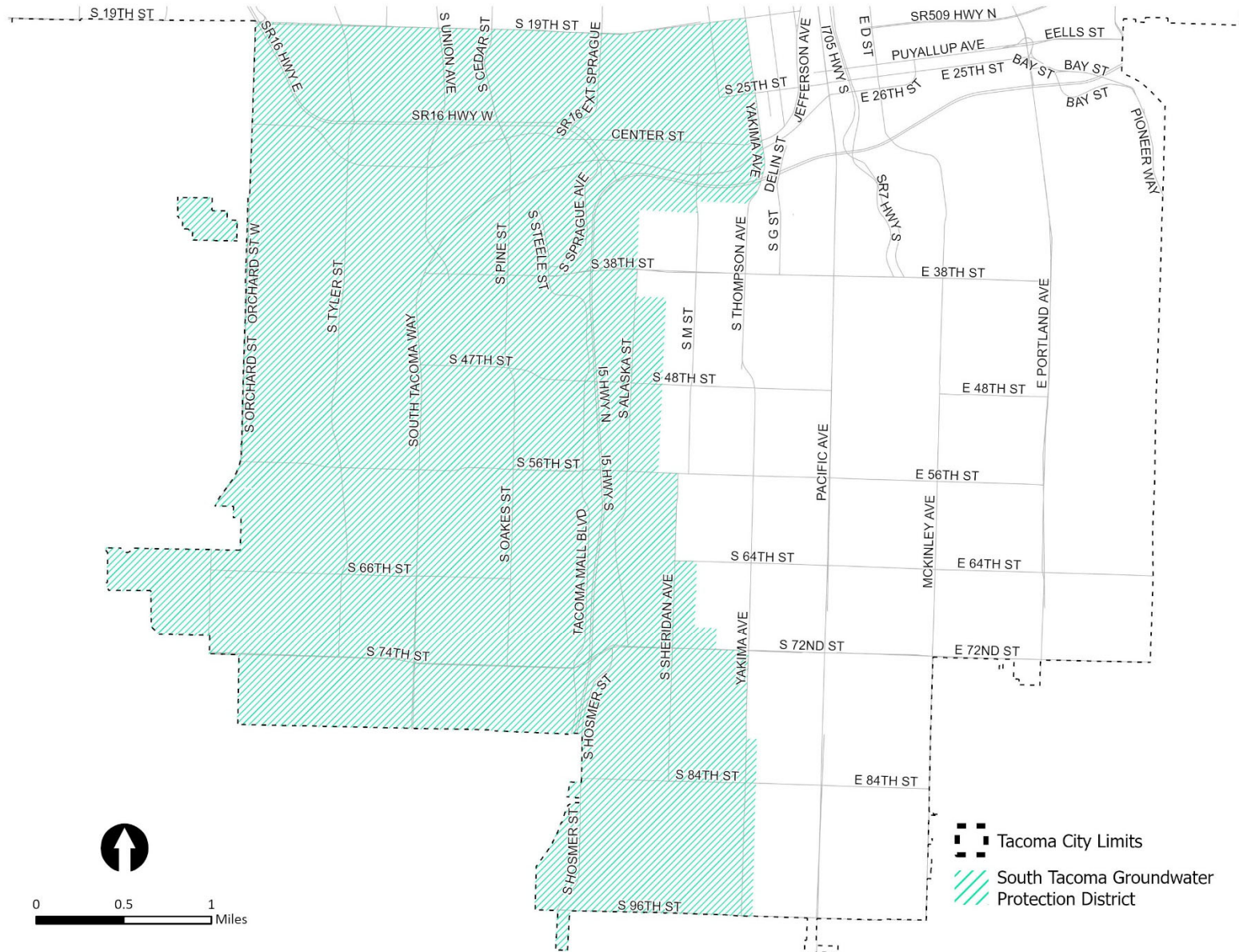
City of Tacoma | Planning and Development Services

**South Tacoma Groundwater Protection District (STGPD)**



Revised Date: 1/6/2023

City of Tacoma | Planning and Development Services  
**South Tacoma Groundwater Protection District (STGPD)**



Revised Date: 1/30/2025

## 2. Background, purpose, and intent.

The Growth Management Act (GMA) mandates the designation and protection of critical areas to prevent harm to the community from natural hazards and to preserve natural resources. Per RCW 36.70A.030 (11), there are five types of critical areas, including Critical Aquifer Recharge Areas (CARAs).

CARAs are defined under WAC 365-190-100 as areas with a critical recharging effect on aquifers used for potable water, including areas where an aquifer that is a source of drinking water is vulnerable to contamination that would affect the potability of the water or is susceptible to reduced recharge. Section 13.01.110A of TMC, defines CARAs as areas that, due to the presence of certain soils, geology, and surface water act to recharge groundwater by percolation.

The South Tacoma groundwater aquifer system serves as a significant source of drinking water for the City of Tacoma. It may supply as much as ~~5040~~ percent of the City's total water demand during periods of peak summer usage. For future growth, supplemental supply, and emergency response, this resource will continue to be extremely important to the City of Tacoma.

The accidental or improper release of hazardous substances through spillage, leaks, or discharges from local industry has ~~It has been identified as found and determined that~~ a major cause of historical groundwater contamination in the South Tacoma aquifer system ~~is from accidental or improper release of hazardous substances from spillage, leaks, or discharges from local industry. Due to the large number of potential sources of toxic and hazardous substances within the area which recharges the aquifer system and the possibility of further contamination, the~~ In response, the City of Tacoma found that it was necessary and in the public interest to establish the South Tacoma Groundwater Protection District in 1988, ~~due to the large number of potential contamination sources and hazardous substances within the aquifer recharge system and the possibility of further contamination.~~

The ~~South Tacoma Groundwater Protection District~~ STGPD is an overlay zoning and land use control district specifically designed to prevent the degradation of groundwater in the South Tacoma aquifer system by controlling the handling, storage and disposal of hazardous substances by businesses. The overlay zoning district imposes additional restrictions on high impact land use development in order to protect public health and safety by preserving and maintaining the existing groundwater supply. This increased level of protection will for current and potential users and to protect the City of Tacoma from costs which might be incurred if unsuitable high impact land uses were to reduce either the quality or quantity of this important public water supply source.

~~It is the intent of~~ This chapter intends to establish ~~orderly~~ procedures that reduce ~~the~~ risks to public health and safety, ~~as well as impacts and~~ to the ~~existing~~ groundwater supply. These procedures shall ensure that within the ~~South Tacoma Groundwater Protection District~~ STGPD, properties that have stormwater infiltration facilities and properties that store hazardous substances meet appropriate performance standards, and those properties are properly maintained, inspected, and tested when necessary.

## 3. Declaration of policy.

In order for the City of Tacoma to maintain its groundwater resources within the ~~South Tacoma Groundwater Protection District~~ STGPD as near as reasonably possible to their natural condition of purity, it is the policy of the City of Tacoma to establish strict performance standards which will reduce or eliminate threats to this resource from improper handling, storage, and disposal of hazardous substances by businesses. The City of Tacoma shall require the use of all practical methods and procedures for protecting groundwater, while encouraging appropriate commercial and industrial uses to locate and conduct business within the ~~South Tacoma Groundwater Protection District~~ STGPD. The Tacoma-Pierce County Health Department ("TPCHD") ~~will shall~~ be responsible for implementing the ~~South Tacoma Groundwater Protection District~~ STGPD regulations established in TMC 13.06.070(D). Tacoma Planning and Development Services shall not make changes or amendments to TMC 13.06.070(D) without documented coordination with TPCHD and Tacoma Water. The Tacoma-Pierce County Board of Health may adopt regulations consistent with this section. It is recommended that the TPCHD work cooperatively through education with owners and operators of regulated facilities to voluntarily reach compliance before initiating penalties or other enforcement action.

## 4. General provisions.

### a. District Designated (Location).

The STGPD is part of Central Pierce County Sole-Source Aquifer. For the purposes of this chapter and to carry out these regulations, the boundaries of the ~~South Tacoma Groundwater Protection District~~ STGPD are delineated on ~~the~~ a map referenced in Section 13.06.070(D)(1)(c). Planning and Development Services shall maintain this map. The boundaries may be updated and supplemented as necessary to reflect the best available science, development, and zoning changes. The City of Tacoma and Planning and Development Services shall review the STGPD boundaries at least every ten years to ensure accuracy and relevance. ~~;~~ ~~and accompanying legal descriptions now or hereafter updated and supplemented, which are made part hereof by this reference. Planning and Development Services shall maintain this map. Note: Copies of the map are available from Planning and Development Services. The boundaries of the South Tacoma Groundwater Protection District will be reviewed by the Department and the City of Tacoma not less frequently than every ten years to account for best available science, development, and zoning changes.~~ The physical boundaries of the ~~South Tacoma Groundwater Protection District~~ STGPD are further more ~~particularly~~ described in the General Guidance and Performance Standards.

b. District Designated (~~Environmentally Sensitive Area~~ Critical Area).

Pursuant to RCW 36.70A.030 (11), RCW 36.70A.060 and Ecology's Chapter 197-11-908 WAC and TMC Section 13.11 2.908 of this title, as may be amended from time to time, the area described above is hereby designated as a Critical Area due to its an environmentally (geohydrologically)-sensitive area ~~geohydrological sensitivity.~~ ;

c. Development and Adoption of Technical Standards.

The TPCHD shall ~~hereafter~~ maintain a document entitled "General Guidance and Performance Standards for the South Tacoma Groundwater Protection District" (hereinafter referred to as the "General Guidance and Performance Standards"). These standards shall prescribe the minimum acceptable best management practices ~~and design solutions~~ which are consistent with the requirements of this chapter. This document, to the extent that it assists in meeting the purposes and intent of this chapter and ~~TMC Chapter 13.11 (Critical Areas Preservation)~~ the Critical Areas Preservation Ordinance, is incorporated herein as though fully set forth. This document is available from the TPCHD. Periodically, the TPCHD shall review these standards to ~~assure that~~ ensure improvements in technology are considered and that the standards are consistent with this chapter.

d. Application Process:

Facilities that use, store, dispose or otherwise handle hazardous substance(s) and/or have a stormwater infiltration unit on-site, and are not categorically exempt under section 13.06.070, D.8, must complete and submit an STGPD permit application to the TPCHD. Application forms shall contain information prescribed by the TPCHD.

~~d. Permits.~~

~~Applications for permits shall be filed with the TPCHD. Application forms shall contain information prescribed by the TPCHD.~~

e. Fees.

At the time of ~~filing such~~ application submission, the applicant shall pay a fee in an amount sufficient to pay the costs of issuing the permits, ~~and~~ conducting an initial inspection, and one follow-up inspection under this chapter. Fees for permits, permit renewals, and other services rendered under this program shall be included in the TPCHD Department's fee schedule, as approved ~~annually~~ by the Tacoma-Pierce County Board of Health. The approved fee schedule is available from the TPCHD Department.

f. Cost Recovery.

In the event that violations of this chapter require the TPCHD or Planning and Development Services Director to spend more time (including but not limited to repeat inspections, spill response, remedial action plan review, or other enforcement actions) at a regulated facility than anticipated in the permit fee, permit renewal fee, or other properly established fee, the TPCHD may bill ~~such~~ the regulated facility for additional time ~~to the regulated facility~~ at an hourly rate approved ~~annually~~ by the Tacoma-Pierce County Board of

Health. ~~Such a~~The bill shall ~~be accompanied by~~include a detailed description of the time and activities for which the regulated facility is being billed. Failure to pay cost-recovery bills shall be considered a violation of this chapter.

5. ~~Prohibited~~ High Impact Uses.

~~a. The following “high impact” uses of land shall hereafter be prohibited from locating within the boundaries of the South Tacoma Groundwater Protection District. Exceptions will be considered by Planning and Development Services, in consultation with the TPCHD, only upon conclusive demonstration that the high impact use will result in no greater threat to the groundwater resource than that posed by a compliant nonprohibited use.~~

~~(1) Chemical manufacture and reprocessing.~~

~~(2) Creosote/asphalt manufacture or treatment.~~

~~(3) Electroplating activities.~~

~~(4) Manufacture of Class 1A or 1B flammable liquids as defined in the Fire Code.~~

~~(5) Petroleum and petroleum products refinery, including reprocessing.~~

~~(6) Wood products preserving.~~

~~(7) Hazardous waste treatment, storage, or disposal facilities. (“Designated Facility” per Ecology’s Chapter 173303 WAC et seq.).~~

~~(8) Underground storage tanks (see e. below).~~

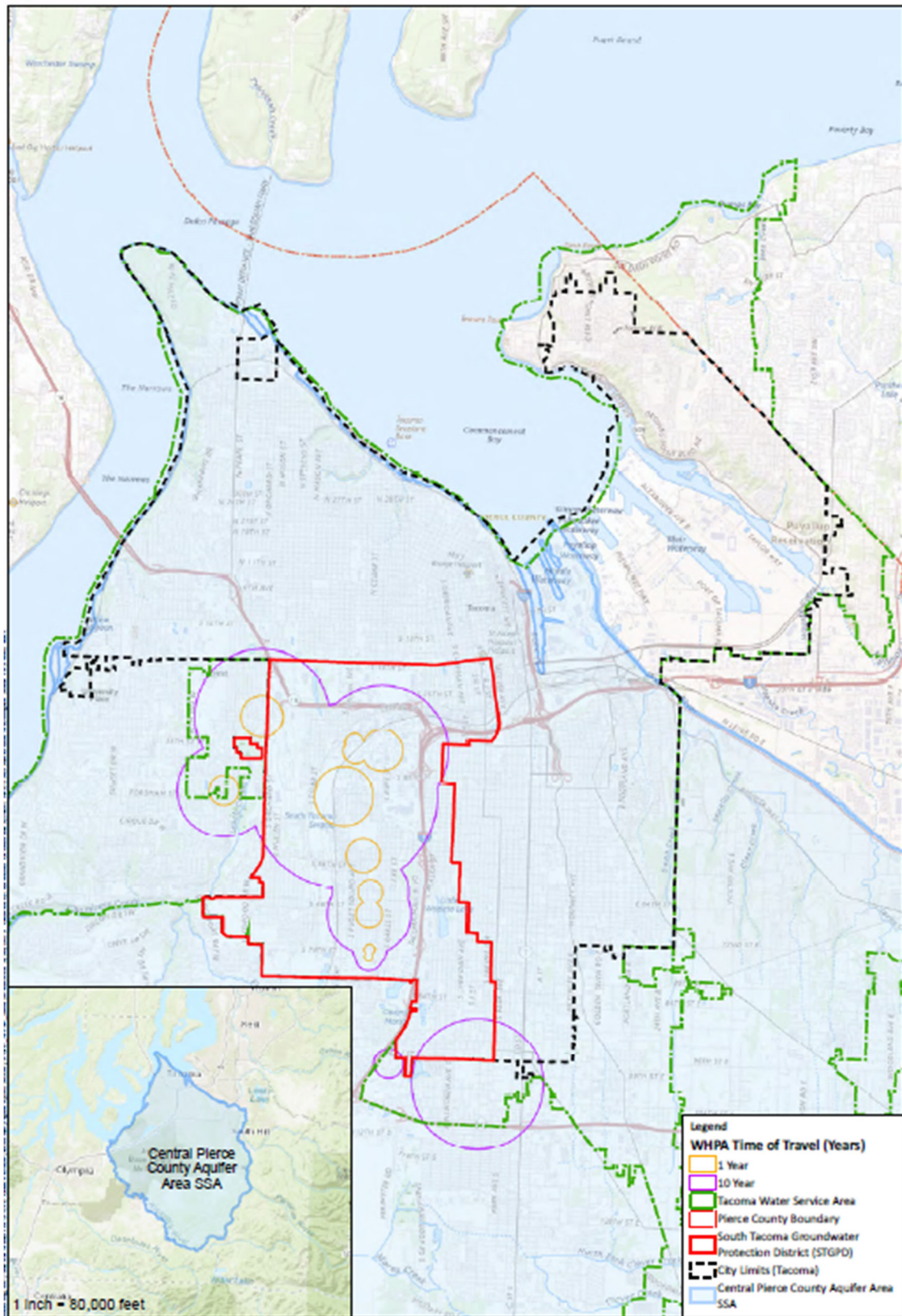
~~(9) Metal recycling/auto wrecking facilities (see e. below).~~

~~b. The Director of Planning and Development Services, or designee, shall consult the North American Industry Classification System (“NAICS”) Manual for assistance in reviewing and making use interpretations pursuant to this subsection.~~

Map of Wellhead Protection Areas and Time of Travel Zones

The following map (Figure 1) identifies the boundaries of the STGPD, including the 1-Year and 10-Year Time of Travel Zones and associated Wellhead Protection Areas (WHPAs). This map shall be used in conjunction with the High Impact Use Table to determine use restrictions based on location. The City shall maintain the official GIS version of this map, which may be updated as necessary to reflect best available science and changes to the aquifer system.

Figure 1. STGPD Wellhead Protection Areas and Time of Travel Zones



b. The High Impact Use Table below identifies the new, expanded, or altered land uses and activities that are restricted or prohibited within the STGPD and WHPAs. The table distinguishes between different zones of protection, including the 1-Year and 10-Year Time of Travel Zones within designated WHPAs, and the remaining areas of the STGPD outside those zones. The Director of Planning and Development Services, or designee, shall consult the North American Industry Classification System (“NAICS”) Manual for assistance in reviewing and making use interpretations pursuant to this subsection.

High Impact Use Table abbreviation:

P: Permitted use, subject to STGPD permit and requirements of this title

N: Prohibited use

High Impact Use Table – STGPD

| <u>Restricted Uses and Activities<sup>1</sup></u>                                                                                                                           | <u>Wellhead Protection Areas</u>  |                                      |                                             |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------|--------------------------------------|---------------------------------------------|
|                                                                                                                                                                             | <u>1-Year Time of Travel Zone</u> | <u>10- Year Time of Travel Zones</u> | <u>Remaining STGPD Area (Outside WHPAs)</u> |
| <u>Agricultural Uses</u>                                                                                                                                                    | <u>N</u>                          | <u>N</u>                             | <u>P</u>                                    |
| <u>Animal slaughter and fat rendering facilities</u>                                                                                                                        | <u>N</u>                          | <u>N</u>                             | <u>N</u>                                    |
| <u>Asphalt plants/cement and concrete plants</u>                                                                                                                            | <u>N</u>                          | <u>N</u>                             | <u>N</u>                                    |
| <u>Boat refinishing</u>                                                                                                                                                     | <u>P</u>                          | <u>P</u>                             | <u>P</u>                                    |
| <u>Cemeteries and funeral facilities</u>                                                                                                                                    | <u>N</u>                          | <u>P</u>                             | <u>P</u>                                    |
| <u>Chemical manufacture and reprocessing.</u>                                                                                                                               | <u>N</u>                          | <u>N</u>                             | <u>N</u>                                    |
| <u>Chemical storage facilities (not include fuel)</u>                                                                                                                       | <u>N</u>                          | <u>N</u>                             | <u>N</u>                                    |
| <u>Chemical/hazardous waste reprocessing and disposal</u>                                                                                                                   | <u>N</u>                          | <u>N</u>                             | <u>N</u>                                    |
| <u>Coal Facility</u>                                                                                                                                                        | <u>N</u>                          | <u>N</u>                             | <u>N</u>                                    |
| <u>Creosote/asphalt manufacture or treatment.</u>                                                                                                                           | <u>N</u>                          | <u>N</u>                             | <u>N</u>                                    |
| <u>Drycleaner facilities</u>                                                                                                                                                | <u>N</u>                          | <u>N</u>                             | <u>N</u>                                    |
| <u>Electroplating activities</u>                                                                                                                                            | <u>N</u>                          | <u>N</u>                             | <u>N</u>                                    |
| <u>Fire training center</u>                                                                                                                                                 | <u>N</u>                          | <u>N</u>                             | <u>N</u>                                    |
| <u>Greenhouse – commercial/nursery – wholesale/retail</u>                                                                                                                   | <u>N</u>                          | <u>P</u>                             | <u>P</u>                                    |
| <u>Hazardous waste treatment, transfer, storage, or disposal facilities including radioactive wastes (“Designated Facility” per Ecology’s Chapter 173-303 WAC et seq.).</u> | <u>N</u>                          | <u>N</u>                             | <u>N</u>                                    |
| <u>Infiltration of reclaimed water</u>                                                                                                                                      | <u>N</u>                          | <u>N</u>                             | <u>N</u>                                    |
| <u>Landfill—demolition (inert), municipal sanitary waste, solid waste, wood waste, hazardous waste</u>                                                                      | <u>N</u>                          | <u>N</u>                             | <u>N</u>                                    |
| <u>Machine shops, fabricating, metal processing with etchers and chemicals</u>                                                                                              | <u>N</u>                          | <u>P</u>                             | <u>P</u>                                    |
| <u>Manufacture of Class 1A or 1B flammable liquids as defined in the Fire Code.</u>                                                                                         | <u>N</u>                          | <u>N</u>                             | <u>N</u>                                    |
| <u>Mining and quarrying</u>                                                                                                                                                 | <u>N</u>                          | <u>N</u>                             | <u>N</u>                                    |
| <u>Metal recycling/auto wrecking facilities</u>                                                                                                                             | <u>N</u>                          | <u>N</u>                             | <u>N</u>                                    |
| <u>Pesticide/fertilizer storage facilities</u>                                                                                                                              | <u>N</u>                          | <u>N</u>                             | <u>N</u>                                    |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                               |                               |                               |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------|-------------------------------|-------------------------------|
| <a href="#">Petroleum and petroleum products refinery, including reprocessing and petroleum fuel facilities.</a>                                                                                                                                                                                                                                                                                                                                                                         | <a href="#">N</a>             | <a href="#">N</a>             | <a href="#">N</a>             |
| <a href="#">Pulp and Paper Mill</a>                                                                                                                                                                                                                                                                                                                                                                                                                                                      | <a href="#">N</a>             | <a href="#">N</a>             | <a href="#">N</a>             |
| <a href="#">Railroad yards-cargo transfer areas</a>                                                                                                                                                                                                                                                                                                                                                                                                                                      | <a href="#">N</a>             | <a href="#">P</a>             | <a href="#">P</a>             |
| <a href="#">Sewage lift stations</a>                                                                                                                                                                                                                                                                                                                                                                                                                                                     | <a href="#">N</a>             | <a href="#">P</a>             | <a href="#">P</a>             |
| <a href="#">Smelting</a>                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | <a href="#">N</a>             | <a href="#">N</a>             | <a href="#">N</a>             |
| <a href="#">Solid waste processing/handling/transferring/recycling</a>                                                                                                                                                                                                                                                                                                                                                                                                                   | <a href="#">N</a>             | <a href="#">P</a>             | <a href="#">P</a>             |
| <a href="#">Storage Tanks – above ground (hazardous substances)</a>                                                                                                                                                                                                                                                                                                                                                                                                                      | <a href="#">N</a>             | <a href="#">P</a>             | <a href="#">P</a>             |
| <a href="#">Storage Tanks – underground (hazardous substances)</a>                                                                                                                                                                                                                                                                                                                                                                                                                       | <a href="#">N<sup>2</sup></a> | <a href="#">N<sup>2</sup></a> | <a href="#">N<sup>2</sup></a> |
| <a href="#">Vehicle and boat repair/service/garages/body shops</a>                                                                                                                                                                                                                                                                                                                                                                                                                       | <a href="#">N</a>             | <a href="#">P</a>             | <a href="#">P</a>             |
| <a href="#">Wood products preserving</a>                                                                                                                                                                                                                                                                                                                                                                                                                                                 | <a href="#">N</a>             | <a href="#">N</a>             | <a href="#">N</a>             |
| Footnotes:<br>1. In addition to use restrictions under base zoning, the above uses are subject to additional limitations or prohibitions within the STGPD.<br>2. USTs are prohibited in all areas of the STGPD. An exception may be granted for USTs associated with Essential Public Facilities, as described in RCW 36.70A.200(1). Such uses require an STGPD Permit. <a href="#">Existing USTs may be replaced so long as the replacement meets the standards TMC 13.06.070.D.10.</a> |                               |                               |                               |

#### [c. Split Parcels:](#)

[When a parcel is located in more than one zone or protection area within the STGPD:](#)

- [1. The portion of the parcel within the 1-Year Time of Travel Zone shall be subject to all regulations applicable to that zone.](#)
- [2. The portion of the parcel within the 10-Year Time of Travel Zone shall be subject to all regulations applicable to that zone.](#)
- [3. The portion of the parcel within the remainder of the STGPD outside of Time of Travel zones shall be subject to all regulations applicable to that area.](#)

[d. The uses and activities listed in the High Impact Use Table shall not be allowed within the STGPD if Planning and Development Services, in consultation with other qualified experts, determines that the proposed use poses a risk to groundwater quality, consistent with the provisions of this chapter.](#)

#### [e. Pre-existing Nonconforming Uses and Structures](#)

[An established use or existing structure that was lawfully permitted prior to adoption of this ordinance, but that does not comply with the provisions of this chapter, may continue subject to TMC Chapter 13.11, Critical Areas Preservation, and Section 13.06.010.L. Continued operation is permitted as long as the use or structure does not result in contamination of the site or the groundwater, as determined by the TPCHD regulations and other applicable environmental regulations and agencies.](#)

[e.f. The ~~above high impact~~ uses listed in the High Impact Use Table shall ~~should~~ be periodically reviewed and revised, ~~updated, and amended, if needed~~ ~~as appropriate~~, by Planning and Development Services or its successor agency, in consultation with the TPCHD, Environmental Services, and Tacoma Water. This review shall occur at least once every ten years, in accordance with the Growth Management Act \(RCW 36.70A.130\) periodic update cycle, using Best Available Science \(BAS\) ~~in order to take into account to evaluate other~~ potential high impact uses or improvements in technology, pollution control, and management.](#)

d. Permanent or temporary storage of hazardous substances on sites with pervious surfaces, the disposal of hazardous substances, and the disposal of solid waste is prohibited, unless such discharge or disposal is specifically in accordance with a valid discharge permit, is approved for discharge into the City's municipal wastewater system pursuant to Chapter 12.08 of the Tacoma Municipal Code as may be amended ~~from time to time~~ or is conducted in compliance with the requirements of a solid waste handling permit issued by the TPCHD.

~~e. Per Ordinance No. 28872, the establishment of new underground storage tanks and metal recycling/auto wrecking facilities are temporarily prohibited. Expansion of existing underground storage tanks and metal recycling/auto wrecking facilities is prohibited, except insofar as existing uses may conduct normal maintenance, repair, and replacement activities, and may conduct site and facility improvements for the purpose of complying with building code, stormwater management requirements, or other environmental requirements that reduce risks to groundwater resources. (Code Reviser's note: Interim land use regulations effective Mar. 20, 2023, for an initial period of up to one year, per Ord. 28872; six-month extensions were passed per Ord. 28958 and Ord. 28977.)~~

#### 6. Stormwater infiltration.

a. Infiltration shall be considered the preferred method of stormwater management in aquifer recharge areas, provided that the quality of the infiltrated water is sufficient to protect groundwater resources.

b. Infiltration of runoff from non-pollution generating hard or pervious surfaces is not restricted in the STGPD and will continue to be regulated per the requirements of the City of Tacoma's Stormwater Management Manual (SWMM).

c. Stormwater from pollution-generating surfaces may be allowed to infiltrate under specific circumstances and ~~shall may~~ be subject to additional treatment and monitoring requirements as described in City Policy ESD17-1, "South Tacoma Groundwater Protection District Infiltration Policy," dated January 9, 2017, or as hereafter amended from time to time. If a property owner proposes to infiltrate and in the opinion of the City of Tacoma Planning and Development Services and Environmental Services, or its successor agency, infiltration would be an appropriate and reasonable stormwater management technique for the site, then City of Tacoma Environmental Services, with concurrence of the TPCHD, may approve the stormwater management system subject to construction permit review and approval of a design by a licensed professional engineer.

d. In determining the feasibility of stormwater infiltration, City and TPCHD staff shall consider known soil assessments where available or, where soil assessments have not been conducted, shall require an assessment of soil contaminants to determine the risk to groundwater.

~~b.e.~~ If approved, additional and/or more restrictive design criteria, treatment, monitoring, and permitting requirements may be imposed upon the facilities. A Covenant and Easement Agreement, ~~to-allowing~~ for periodic inspection and/or sampling of a regulated facility, shall will be required for private facilities. Sampling may be performed by Environmental Services, Tacoma ~~Public Utilities~~ Water, or the TPCHD. The Covenant and Easement Agreement shall be recorded ~~to-on~~ the property title.

~~e.f.~~ Facilities with onsite stormwater infiltration facilities shall will be considered regulated facilities within the ~~South Tacoma Groundwater Protection District~~ STGPD. Such regulated facilities will be permitted and receive inspections by the TPCHD, or Environmental Services, ~~or Tacoma Public Utilities~~ to verify maintenance of the facility, business practices, ~~or-and compliance with~~ other requirements outlined in the General Guidance and Performance Standards.

~~d.g.~~ Existing stormwater infiltration facilities installed before December 31, 2006, shall be exempt from the requirements of this section, except that a change of use or change of ownership shall trigger review and additional requirements, as appropriate.

~~e.h.~~ If ownership or site operations change at a facility with a stormwater infiltration facility, the new operations shall be reviewed by Environmental Services and the TPCHD, or their successor agencies, to ensure continued use of the stormwater infiltration facility does not present a risk to groundwater quality. If continued use of the stormwater infiltration facility is not acceptable under the new operations, a new

private stormwater management system and/or public storm system extension and connection may be required to be designed and constructed pursuant to the City of Tacoma Stormwater Management Manual to permit new operations on the site.

#### 7. Permits – Construction, modification, operation, change in use.

a. It is a violation of this chapter for any person to construct, install, substantially modify, or change the use of a facility or regulated facility as defined herein, or part thereof, without a valid permit or authorization issued by or acceptable to the TPCHD. ~~A permit issued for a facility will include appropriate conditions and limitations as may be deemed necessary to implement the requirements of this chapter.~~

b. It is a violation of this chapter for any person to use, cause to be used, maintain, fill, or cause to be filled any facility with a hazardous substance without having registered the facility on forms provided by the TPCHD and without having obtained or maintaining a valid permit issued by the TPCHD to operate such facility or part thereof.

c. No permit or authorization to operate a regulated facility as required herein shall be issued by the TPCHD or shall be satisfactory to the TPCHD unless and until the prospective permittee, at a minimum:

- (1) Provides a listing to the TPCHD of all of the hazardous substances and amounts to be stored, used, or handled at the facility; and
- (2) Demonstrates that the facility complies with all the provisions of this chapter and the standards set forth in the General Guidance and Performance Standards.

d. It is a violation of this chapter for any person in possession of or acting pursuant to a permit or authorization issued to allow or cause another person to act, in any matter contrary to any provision of said permit or authorization.

#### 8. Exemptions.

The following facilities shall be exempt from all provisions of this chapter:

a. Any handling, storing, disposing, or generating of 220 pounds (100 kilograms) or less of a hazardous substance per month or batch unless specifically ruled otherwise by the TPCHD on a case-by-case basis.

b. Farm or residential tanks of 1,100 gallons or less capacity used for storing motor fuel and heating oil tanks for non-commercial purposes. Any small quantity of hazardous substances intended solely for personal use.

~~c. Existing on-site tanks of 1,100 gallons or less capacity which store heating oil, motor diesel, or new (non-waste) lubricating oils, subject to documentation that the tank meets the integrity standards contained in the General Guidance and Performance Standards or established by Underwriters Laboratories or another nationally recognized independent testing organization.~~

~~d.~~ Gasoline or diesel tanks attached to private or commercial motor vehicles and used directly in the propulsion of that vehicle, including tank trucks in transit.

~~e. All petroleum underground or aboveground storage tanks and/or other containers of 660 gallons or less capacity per tank, or 1,100 gallons total, which are privately stored and intended for personal use.~~

~~f.~~ A pipeline facility (including gathering lines) regulated under: (1) the Natural Gas Pipeline Safety Act of 1968 reauthorized in 1996 as the Accountable Pipeline Safety and Partnership Act as may be amended from time to time, or (2) the Hazardous Liquid Pipeline Safety Act of 1979 as may be amended from time to time; or which is an interstate pipeline facility regulated under State laws comparable to the provisions of law referred to in (1) and (2) above.

~~g.~~ The City's municipal sewer system, in accordance with Chapter 12.08 of Tacoma Municipal Code as may be amended from time to time.

~~h.~~ Any municipal solid waste landfill or other regulated solid waste handling activities, when permitted and operated in compliance with Chapter 173-351 WAC et seq. or 173-350 WAC et seq. as adopted locally by the Tacoma-Pierce County Health Department Board of Health, and as may be amended from time to time.

ig. The application of fertilizer, plant growth retardants and pesticides in accordance with label directions and requirements of the Washington State Department of Agriculture.

j. ~~A retail business use, as defined in Section 13.01.090.R, unless otherwise included as a regulated facility.~~

k. ~~Any small quantity of hazardous substance intended solely for personal use, unless specifically ruled otherwise by the TPCHD on a case-by-case basis, in accordance with the General Guidance and Performance Standards.~~

h. Septic tank On-site sewage system

## 9. Hazardous substance storage and management.

Owners and operators of regulated facilities shall ~~as applicable:~~

- a. Store hazardous substances in ~~a containers~~ that are ~~is~~ in good condition.
- b. Label containers in a manner that adequately identifies the major risk(s) associated with the ir contents ~~of the containers~~. Labels shall not be obscured, removed, or otherwise unreadable.
- c. Remove or destroy labels from empty containers ~~that will~~ no longer ~~be~~ used for hazardous substance storage, and label such containers as "Empty" or otherwise provide a clear indication acceptable to the TPCHD that the containers are not useable.
- d. Use ~~a containers~~ made of, or lined with, materials that will not react with, and are otherwise compatible with, the hazardous substance being stored.
- e. Always have containers closed except when it is necessary to add or remove hazardous substances.
- f. Maintain a minimum 30-inch separation between rows of containers holding hazardous substances and ensure that each ~~a~~ row of drums is no more than two drums deep.
- g. Provide and maintain containment systems for container storage areas that are capable of collecting and holding spills and leaks with sufficient capacity to contain 10 percent of the volume of all containers, or 100 percent of the volume of the largest container, whichever is greater.
- h. Store all hazardous substance containers in a covered area where they will not be degraded by the weather or exposed to stormwater.
- i. At closure of the facility, all hazardous substances ~~and residues~~ must be removed from the containment system. Remaining containers, liners, bases, and soil containing or contaminated with hazardous substances or residues must be decontaminated or removed to the satisfaction of the TPCHD.
- j. Ensure that business practices and stormwater infiltration facility maintenance minimizes potential releases of hazardous substances to the environment.
- k. Comply with additional storage and management requirements that may be required by ~~t~~ The TPCHD ~~may require additional storage and management requirements~~ on a case-by-case basis as deemed necessary to reduce risks to public health and safety and to the existing groundwater supply.

## 10. Underground storage tanks.

a. ~~New~~ Replacement of Existing Underground Storage Tanks.

(1) Existing underground storage tanks may be replaced. Any underground storage tank installed to replace an existing tank for the storage of hazardous substances. All new underground storage tanks used, or to be used, for the underground storage of hazardous substances shall be designed and constructed ~~so as~~ to:

- (a) Prevent releases due to corrosion or structural failure for the operational life of the tank;
- (b) Be cathodically protected against corrosion, constructed of noncorrosive material, steel clad with a noncorrosive material, or designed in a manner to prevent the release, or threatened release, of any stored substance; and

(c) Use material in the construction or lining of the tank which is compatible with the substance to be stored.

(2) Design, construction, installation, repair, monitoring, release detection, corrosion, and compatibility standards for underground storage tanks installed as replacements ~~new underground storage tanks~~, including piping, shall be in accordance with the requirements and standards set forth in the General Guidance and Performance Standards and the rules of the Department of Ecology's 173-360A WAC as may be amended from time to time, whichever is more stringent; and shall further comply with all applicable permit requirements of the Tacoma Fire Department.

(3) All new underground storage tanks installed as replacements must use release detection method(s) specified in the General Guidance and Performance Standards.

b. Existing Underground Storage Tanks.

All existing underground storage tanks must comply with the release detection requirements, including the compliance schedule, in the General Guidance and Performance Standards.

c. Underground Storage Tank Closures.

(1) No person shall abandon or close an underground storage tank, temporarily or otherwise, except as provided in this subsection and in compliance with the General Guidance and Performance Standards and the TPCHD's Environmental Health Code Chapter 4 ~~(UST regulation, (BOH Resolution 88-1056, as may be amended from time to time))~~.

(2) An underground storage tank that is temporarily closed, but that the operator intends to return to use within one year, shall continue to be subject to all the permit, corrosion protection, and release detection requirements of this chapter and those established pursuant to the General Guidance and Performance Standards. If the underground storage tank is out of service for more than one year, TPCHD, in consultation with the regulated facility owner or operator, will determine whether to implement final closure of the tank or grant an additional one-year period of temporary closure. The TPCHD will not allow an underground storage tank at a regulated facility to exist in a temporary closure state for a period greater than two years.

(3) No person shall permanently close an underground storage tank unless the person undertakes all of the following actions:

(a) Notifies the TPCHD and other appropriate agencies at least 60 days in advance of any closing and obtains the proper authorization or permit according to the ~~Board of Health Resolution 88-1056~~ TPCHD Environmental Health Code Chapter 4, as may be amended from time to time.

(b) Demonstrates to the TPCHD that all residual amounts of the hazardous substance which were stored in the tank prior to its closure have been removed and properly disposed.

(c) Permanently removes the tank unless the tank is located under a permanent building and cannot be removed without removing the building.

11. Aboveground storage tanks.

a. New Aboveground Storage Tanks.

(1) All new aboveground storage tanks shall be fabricated, constructed, installed, used, and maintained to prevent the release of a hazardous substance to the ground, groundwaters, and surface waters of the ~~South Tacoma Groundwater Protection District~~. STGPD.

(2) All new aboveground storage tanks shall be installed, used, and maintained with an impervious containment area enclosing or underlying the tank ~~or part thereof~~, conforming to the requirements set forth in the General Guidance and Performance Standards.

b. Existing Aboveground Storage Tanks.

(1) It shall be a violation of this chapter to substantially modify or cause the substantial modification of any existing aboveground storage facility or part thereof without obtaining a permit or authorization

from the TPCHD and the Fire Department and without complying with the provisions of this section and the General Guidance and Performance Standards.

(2) Inspections, release detection, and corrective action requirements for aboveground storage tanks shall be followed as set forth in this chapter and the General Guidance and Performance Standards.

c. Aboveground Storage Tank Closures.

(1) No person shall abandon or close an aboveground storage tank, temporarily or otherwise, except as provided in this section and in compliance with the General Guidance and Performance Standards.

(2) No person shall close an aboveground storage tank unless the person demonstrates to the TPCHD that all residual amounts of the hazardous substance that were stored in the tank prior to its closure have been removed and properly disposed.

12. Inspections and testing.

a. Any owner or operator of a regulated facility shall, upon request of any representative of the TPCHD, Planning and Development Services, the Environmental Services, Tacoma Water Department, or the Tax and License Division of the Finance Department, or their successor agencies whose duties entail enforcing the provisions of this chapter, ~~furnish~~ provide information relating to the regulated facility, conduct monitoring or testing, and permit such representative ~~to have access to~~ the facility and to copy all records relating to the hazardous substances or stormwater infiltration facility at all reasonable times. ~~For the purpose of~~ To implementing this chapter, including determining whether a facility is a regulated facility, representatives of the above-referenced departments are hereby authorized to:

(1) Enter ~~at reasonable times~~ any property, regulated facility, establishment or other place where tank(s) or hazardous substances in regulated quantities, or stormwater infiltration facilities are located, at reasonable times;

(2) Inspect and obtain samples of any known or suspected hazardous substances at the facility; and

(3) Conduct monitoring or testing of the tanks and/or hazardous substances containers, associated equipment, contents, or surrounding soils, air, surface water, stormwater or groundwater.

b. During inspections the TPCHD will, to the degree practical, provide education and technical assistance and work cooperatively to help the regulated facility's owner or operator achieve voluntary compliance before initiating enforcement action, imposing penalties, or seeking other remedies.

c. Each inspection shall be commenced and completed with reasonable promptness. If the above-referenced department representative obtains any samples prior to leaving the premises, they shall give to the owner or operator a receipt describing the sample(s) obtained and, if requested, a portion of each sample equal in volume or weight to the portion retained. If any analysis is made of the sample(s), a copy of the results of the analysis shall be furnished promptly to the owner or operator. Copies of TPCHD inspection forms and reports will be provided to the regulated facility owner or operator upon request.

d. In addition to, ~~or instead of,~~ the inspections specified in subsection a. above, the TPCHD may require the owner or operator of an underground storage tank or aboveground storage tank to employ, periodically, a service provider certified by the International Code Council to conduct an audit or assessment of the tank(s) to determine whether the facility complies with the design and construction standards of subsection 13.06.070.D.10 (Underground Storage Tanks) and 13.06.070.D.11 (Aboveground Storage Tanks), whether the owner or operator has monitored and tested the tank required by this permit, and whether the tank is in a safe operating condition. The inspector shall prepare an inspection report with recommendations concerning the safe storage of hazardous substances at the regulated facility. The report shall contain recommendations consistent with the provisions of this chapter where appropriate. A copy of the report shall be filed with the TPCHD at the same time the inspector submits the report to the owner or operator of the regulated facility. The owner or operator shall file with the TPCHD a plan to implement all recommendations contained in the report, along with any additional requirements imposed by the TPCHD within 30 days after receiving the report or within 30 days of receiving additional requirements imposed by the TPCHD, whichever is later. Alternatively, the owner or operator may demonstrate within the same period, to the satisfaction of the TPCHD, why one or more of these recommendations should not be implemented.

### 13. Spill prevention and management.

#### a. General guidance and performance standards.

Owners and operators of regulated facilities including businesses, wholesale distributors, processors, and manufacturers, must adopt and comply with appropriate spill or leak prevention and management practices in accordance with the General Guidance and Performance Standards. Regulated facilities will be evaluated by the TPCHD during an initial inspection, routine inspections (not less frequently than biennially) and ~~and subsequent inspections (not less frequently than biennially)~~ in response to spills or releases to the environment, or as a result of substantial modification or changes in operation, to determine if additional requirements are necessary to comply with appropriate spill prevention and management standards.

#### b. Spill Prevention Requirements.

Owners and operators of regulated facilities must prepare and follow a schedule for the following activities as set forth in the General Guidance and Performance Standards:

##### (1) Facility Inspection

- (a) Loading, unloading, and transfer areas
- (b) Container storage, handling, and integrity
- (c) Container labeling
- (d) Secondary containment
- (e) Bulk storage

##### (2) Employee training

##### (3) Recordkeeping and hazardous substances inventory

#### c. Spill Management Requirements.

~~Before obtaining a~~ As part of the South Tacoma Groundwater Protection District-STGPD permitting process, owners and operators of regulated facilities must prepare and submit a written spill management plan, which explains the procedures ~~to that will~~ be followed in response to an unexpected release of hazardous substances. The spill management plan must contain facility and site-specific information, an inventory or description of spill response equipment, and response procedures, all in accordance with the General Guidance and Performance Standards.

### 14. Release reporting, investigation, corrective actions.

#### a. Release Reporting.

~~The~~ Owners and operators of a regulated facility shall report to the TPCHD and Environmental Services within 24 hours, unless otherwise indicated:

##### (1) All belowground releases of a hazardous substance in any quantity, including:

- (a) Testing, sampling, or monitoring results from a release detection method that indicates a release may have occurred.
- (b) Unusual operating conditions, such as the erratic behavior of product-dispensing equipment, the sudden loss of product from the underground storage tank, an unexplained presence of water in the tank, or the physical presence of the hazardous substance or an unusual level of vapors on the site that are of unknown origin.
- (c) Impacts in the surrounding area, such as evidence of hazardous substances or resulting vapors in soils, basements, sewer and utility lines, and nearby surface water.
- (d) Other conditions as may be established by the TPCHD and incorporated into the General Guidance and Performance Standards.

The TPCHD, in administering and enforcing this section, may, if appropriate, take into account types, classes, and ages of underground storage tank(s). In making such distinctions, the TPCHD

may take into consideration factors including, but not limited to: location of the tank(s), soil conditions, use of the tank(s), history of maintenance, age of the tank(s), current industry-recommended practices, hydrogeology, water table, size of the tank(s), quantity of hazardous substance periodically deposited in or dispensed from the regulated facility, the technical capability of the owners and operators, the compatibility of the hazardous substance, and the materials of which the tank(s) is fabricated.

(2) All above-ground releases of petroleum to land in excess of 25 gallons, or less than 25 gallons if the release reaches a pervious surface or drain or the owners and operators are unable to contain or clean up the release within 24 hours.

(3) All above-ground releases which result in a sheen on the surface water or stormwater.

(4) All above-ground releases to land or surface waters of hazardous substances other than petroleum in excess of the reportable quantity established under 40 CFR 302 as may be amended from time to time for the released substance shall be reported immediately.

(5) Any known or suspected discharge of hazardous substance to a stormwater infiltration facility.

(6) The owners or operators shall provide, within 30 days, any additional information on corrective action as may be required by the TPCHD and referenced in the General Guidance and Performance Standards.

#### b. Investigation and Confirmation.

Unless corrective action is initiated by the owner or operator or is otherwise directed by the TPCHD, all suspected releases requiring reporting, as set forth above, must be immediately investigated by the owner or operator. ~~using an appropriate procedure as set forth by the TPCHD in accordance with the General Guidance and Performance Standards.~~ Such procedures may include, but shall not be limited to, the following:

(1) A site-specific investigation of surrounding soils, groundwater, wastewater, sewer and other utility lines and structures, and nearby surface water.

(2) An investigation of the secondary containment area, if applicable.

(3) Testing of the tank(s) and piping for tightness or structural soundness.

Confirmation of a release by one of these methods will require the owner and operator to comply with the requirements for corrective action as set forth below.

#### c. Corrective Action.

All owners or operators of a regulated facility shall, in response to a suspected or confirmed release, comply with the directives and requirements of the TPCHD in accordance with the General Guidance and Performance Standards.

d. A report to the TPCHD shall not be deemed compliance with any reporting requirements of any federal, ~~or state~~ or local law.

### 15. Recordkeeping.

a. A regulated facility must maintain written records of the following:

(1) Hazardous ~~Waste-Substance~~ Disposal Records. Hazardous ~~waste-substance~~ disposal records documenting proper disposal must be retained for at least five years from the date the waste was accepted by the transporter. Records may include but are not limited to manifests, bills of lading, and receipts. (Note: The TPCHD encourages businesses to retain hazardous waste disposal or recycling records indefinitely.)

(2) Release Detection Method Records. Records documenting the equipment manufacturer or installer's leak detection devices performance, including all monitoring or sampling results and tank tightness test results must be retained for a period of no less than five years. ~~All monitoring or~~

~~sampling results must be maintained for at least one year. Tank tightness test results must be kept until the tank is tested again.~~

(3) Corrosion Protection System Records. Reporting periods for corrosion protection systems must be retained for a minimum of ~~one~~ five years or as proposed by the Environmental Protection Agency pursuant to 40 CFR 280 as may be amended from time to time.

(4) Tank Repair Records. Records demonstrating that the tank was properly repaired and passed ultrasonic and vacuum tests must be retained until closure.

(5) Facility and Underground Storage Tank Closure Records. Records showing samples collected during the closure process must be kept for ~~one~~ three years in the case of a temporary closure and ~~three~~ five years in the case of a permanent closure.

(6) Stormwater Infiltration Facility Records. Operation and maintenance inspections by owner or stormwater management professionals.

b. Any other recordkeeping requirement that may be required by a permit issued pursuant to this chapter or as established in the General Guidance and Performance Standards.

(1) All records required by this subsection must be maintained:

(a) On-site and be immediately available for inspection; or

(b) At a readily available alternative site and be provided for inspection by the TPCHD within 24 hours; and

(c) Retained for no less than five years, unless otherwise specified.

c. All records and information are subject to public disclosure unless protected from disclosure by RCW 42.~~56.230~~17.310 as may be amended from time to time, RCW 19.108 et seq., or other state or federal law.

d. Excavation operations within the boundaries of this district shall be subject to the permit requirements and standards contained in Titles 2 and 3 ~~Section 3.06.040 or 2.02.480~~ of the City Code as considered appropriate.

#### 16. ~~Waivers~~Variances.

Any request for deviation from the requirements of this chapter shall be processed in accordance with the variance procedures set forth in TMC 13.05.010.B. Any person may apply to the TPCHD for a waiver of any requirement imposed by this chapter or any regulation, standard, or ruling generated hereunder; provided, that the waiver request does not conflict with any other local, State, or Federal requirement. In determining whether a waiver is appropriate, the TPCHD shall require an applicant to demonstrate by clear and convincing evidence that, because of special circumstances, not generally applicable to other property or facilities, including size, shape, design, topography, location, or surroundings, the application of the standards of this chapter would be unnecessary to adequately protect the soil and groundwaters of the South Tacoma Groundwater Protection District from an unauthorized release, or that strict application would create practical difficulties not generally applicable to other facilities or properties, and that the proposed alternative method or process will still adequately protect the soil and groundwaters of the South Tacoma Groundwater Protection District.

#### 17. Deferral.

The TPCHD may, at its discretion, elect to defer enforcement of specific ~~South Tacoma Groundwater Protection District~~ STGPD requirements if other state, local, or federal regulations or permits provide an equivalent or superior level of environmental protection. Such deferrals shall be subject to periodic review by the TPCHD and may be revoked or modified upon a finding that an equivalent or superior level of environmental protection is no longer provided.

#### 18. Enforcement Responsibility.

a. It shall be the duty of the TPCHD Director, the Planning and Development Services Director, or their designees, to enforce and administer the provisions of this chapter, except that:

- (1) It shall be the duty of the Director of ~~the Environmental Services Department~~, or designee, to enforce the specific provisions of Section 13.06.070.D.6 of this chapter.
- (2) It shall be the duty of the Tax and License Division of the Finance Department of the City or any successor department to suspend or revoke a business license when deemed necessary by the TPCHD and the Tax and License Division pursuant to Section 13.06.070.D.25.(b) of this chapter.
- (3) It shall be the duty of the Legal Department of the City or any successor department to enforce the criminal penalties as set forth in Section 13.06.070.D.24 of this chapter.

#### 19. Enforcement Process.

a. Each violation requires a review of all relevant facts ~~in order to~~ to determine the appropriate enforcement response. When enforcing the provisions of this Chapter the TPCHD Director or the Planning and Development Services Director shall, as practical, seek to resolve violations without resorting to formal enforcement measures. When formal enforcement measures are necessary, the TPCHD Director or the Planning and Development Services Director shall seek to resolve violations administratively prior to imposing civil penalties or seeking other remedies. The TPCHD Director or the Planning and Development Services Director shall generally seek to gain compliance via civil penalties prior to pursuing criminal penalties. The TPCHD Director or the Planning and Development Services Director will consider a variety of factors when determining the appropriate enforcement response, including but not limited to:

- (1) severity, duration, and impact of the violation(s);
- (2) compliance history, including any similar violations at the same facility or caused by the same operator;
- (3) economic benefit gained by the violation(s);
- (4) intent or negligence demonstrated by the person(s) responsible for the violation(s);
- (5) responsiveness in correcting the violation(s); and,
- (6) other circumstances, including any mitigating factors.

#### b. Voluntary Compliance.

The TPCHD Director or the Planning and Development Services Director may pursue a reasonable attempt to secure voluntary compliance by contacting the owner or other person responsible for the violation, explaining the violation and requesting compliance. This contact may be in person or in writing or both.

#### c. Notice of Violation.

When the TPCHD Director or the Planning and Development Services Director determines that a violation has occurred or is occurring the TPCHD Director, or the Planning and Development Services Director may issue a Notice of Violation to the person(s) responsible for the violation. A Notice of Violation may be issued without having attempted to secure Voluntary Compliance based upon an assessment of the factors listed in section 13.06.070.D.19.a above.

##### (1) Documentation of Violations.

A Notice of Violation shall: include a description of the regulated facility; document the nature of the violation(s); cite the particular section(s) or provision(s) of this Chapter or of the General Guidance and Performance Standards which has been violated; describe the required corrective action(s); specify a date or time by which the violation(s) must be corrected; describe penalties and other remedies available pursuant to this chapter; and, describe applicable administrative review or appeal processes.

##### (2) Service of Notice of Violation.

(a) Whenever service is required or permitted to be made upon a person responsible for the violation represented by an attorney, the service shall be made upon the attorney unless otherwise ordered by the court. Service upon the attorney or upon a person responsible for the violation shall be made by delivering a copy ~~to him~~ or by mailing it to them at their last known address or, if no address is known, filing with the clerk of the court an affidavit of attempt to serve. Delivery of a copy within this Chapter

means: handing it to the attorney or to the person responsible for the violation; or leaving it at their office with their clerk or other person in charge thereof; or, if there is no one in charge, leaving it in a conspicuous place therein.

(b) If service is made by mail, the papers shall be deposited in the post office addressed to the person on whom they are being served, with the postage prepaid. The service shall be deemed complete upon the third day following the day upon which they are placed in the mail, unless the third day falls upon a Saturday, Sunday, or legal holiday, in which event service shall be deemed complete on the first day other than a Saturday, Sunday or legal holiday, following the third day.

(c) Proof of service of all papers permitted to be mailed may be by written acknowledgement of service, by affidavit of the person who mailed the papers, or by certificate of an attorney. If by personal service or by posting, proof of service may be by written declaration, under penalty of perjury, executed by the person affecting the service, declaring the time and date of service and the manner in which the service was made. If by posting the written declaration shall include the facts showing that due diligence was used in attempting to serve the person(s) responsible for the violation personally or by mail.

#### 20. Administrative Review.

a. Any person to whom a Notice of Violation or civil penalty has been issued may request an administrative review of the Notice of Violation or civil penalty.

b. A request for an Administrative Review shall be filed with the TPCHD no later than 14 days following the date of the Notice of Violation or the first assessed civil penalty. The request shall be in writing and shall state the reasons the [TPCHD or the Planning and Development Services](#) Director should review the Notice of Violation or issuance of the civil penalty. Failure to state a basis for the review shall be cause for dismissal of the review.

c. Following review of the information provided the [TPCHD Director or the Planning and Development Services](#) Director shall determine whether a violation occurred. The [TPCHD Director or the Planning and Development Services](#) Director may affirm, vacate, suspend, or modify the Notice of Violation or the amount of any monetary penalty assessed. The [TPCHD Director or the Planning and Development Services](#) Director's written decision shall be delivered to the appellant by first-class mail and by certified mail, return-receipt requested.

#### 21. Appeals.

a. Procedures for appeals to the Tacoma-Pierce County Board of Health's Hearing Examiner from any ruling or decision of the TPCHD pursuant to this Chapter shall be taken in accordance with Tacoma-Pierce County Board of Health Resolution No. 2002-3411 as may be amended from time to time.

b. Procedures for appeals to the City of Tacoma Hearing Examiner from any ruling or decision by the [Planning and Development Services](#) Director ~~of Planning and Development Services~~ or the Tax and License Division shall be taken in accordance with Chapter 1.23 TMC as may be amended from time to time.

c. Criminal appeals may be taken in accordance with the law.

#### 22. Penalties.

Any person responsible for a violation shall be subject to civil and/or criminal (misdemeanor) penalties or additional enforcement procedures on each offense. Each day that a violation continues, or that a person responsible for a violation fails to comply with any of the provisions of this Chapter or refuses or neglects to obey any of the orders, rules or regulations issued by the TPCHD or the Tacoma-Pierce County Health Department Board of Health may be considered a separate violation. Imposition of penalties or other enforcement action under this Chapter does not preclude other violations or penalties of law that may be available pursuant to various Federal and State statutes or other laws.

#### 23. Civil Penalty.

a. Any person responsible for a violation may be assessed one or more civil penalties.

b. Determination of civil penalty.

The person(s) responsible for a violation shall incur a monetary penalty for each violation as follows:

- (1) First day of each violation: \$250.00
- (2) Second day of each violation: \$500.00
- (3) Each additional day of each violation beyond two days: \$500 per day

c. Collection of monetary penalties.

(1) The monetary penalty constitutes a personal obligation of the person to whom a Notice of Violation is directed. Any monetary penalty assessed must be paid within 10 calendar days from the date of notice from the TPCHD that penalties are due.

(2) The [TPCHD Director or the Planning and Development Services](#) Director or designee is authorized to take appropriate action to collect the monetary penalty.

d. Continued Duty to Correct.

Payment of a monetary penalty pursuant to this Chapter does not relieve the person(s) responsible for the violation of the duty to correct the violation(s).

24. Criminal Penalty – Misdemeanor.

In addition to or as an alternative to the civil penalty provided herein or by law any person responsible for a violation may be guilty of a misdemeanor. Each violation may be prosecuted by the authorities of the city in the name of the people of the state of Washington or the city of Tacoma. The maximum misdemeanor penalty, upon conviction thereof, shall be punished by a fine in any sum not exceeding \$1,000.00, or by imprisonment in the Pierce County Jail for a term not exceeding 90 days, or by both such fine and imprisonment.

25. Other Remedies.

The TPCHD, [Planning and Development Services, and Environmental Services](#) reserves the right to pursue other remedies in order to reduce or eliminate threats to the groundwater resource from improper handling, storage, and disposal of hazardous substances by regulated businesses. Pursuit of other remedies shall generally be reserved for instances in which civil penalties have not been or are deemed unlikely to be effective. Other remedies include, but are not limited to:

a. Utility Holds.

Pursuant to Chapter 12.10 TMC, the [TPCHD Director or the Planning and Development Services](#) Director may request that water service to a regulated facility be discontinued.

b. Revocation or suspension of City-issued licenses.

The [TPCHD Director or the Planning and Development Services](#) Director may request suspension or revocation of City-issued licenses, including but not limited to the Business License issued by the Tax and License Division of the Finance Department or its successor department.

c. Petition for revocation of permits or licenses issued by state or federal agencies.

The [TPCHD Director or the Planning and Development Services](#) Director may petition state or federal permitting agencies to suspend or revoke permits or licenses held by persons responsible for violations or issued to regulated facilities.

d. Stop Work Order/ Stop Use Order:

The TPCHD Director or the Planning and Development Services Director may issue a Stop Work or Stop Use Order consistent with the authority and procedures outlined in TMC Section 1.82.060.

26. General program awareness:

The City of Tacoma, in collaboration with TPCHD, shall implement innovative public outreach efforts to educate businesses and residents on best practices for CARA protection and promote water conservation and water use efficiency programs.

## 27. Definitions

### **~~13.01.090~~ South Tacoma Groundwater Protection District Definitions.**

For the purpose of Chapter 13.06, Section 13.06.070.D, South Tacoma Groundwater Protection District (STGPD), the following words and terms are defined as follows:

#### **~~13.01.090.A~~**

“Abandoned tank” means an aboveground storage tank, underground storage tank, or other container used for storage of hazardous substances left unused for more than one year, without being substantially emptied or permanently altered structurally to prevent reuse.

“Aboveground storage tank” means a device meeting the definition of “tank” in this section and that is situated in such a way that the entire surface area of the tank is completely above the plane of the adjacent surrounding surface and the entire surface area of the tank (including the tank bottom) is able to be visually inspected as defined in Chapter 173-303 WAC.

“Act” means doing or performing something.

“Aquifer” means a geological formation, group of formations, or part of a formation capable of yielding a significant amount of groundwater to wells or springs.

#### **~~13.01.090.C~~**

“Container” means any portable device in which a material is stored, transported, treated, disposed of, or otherwise handled.

“Contamination” means the degradation of any component of the environment by a release of hazardous substance in sufficient quantity to impair its usefulness as a resource or to be a hazard.

“Closure” means to cease a facility’s operations related to hazardous substances by complying with the closure requirements in this Chapter and the General Guidance and Performance Standards or to take an underground storage tank out of operation permanently, in accordance with Washington Administrative Code (“WAC”) 173-360-385, the Washington State Department of Ecology’s Underground Storage Tank regulations, and the Tacoma-Pierce County Board of Health Resolution 88-1056, all as may be amended from time to time.

#### **~~13.01.090.D~~**

“Development” means the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any building or structure; any use or change in use of any building or land; any extension of any use of land, or any clearing, grading, or other movement of land for which permission may be required pursuant to this chapter.

~~“Director” means the Director of Health at Tacoma Pierce County Health Department, or designee(s).~~

“Disposal” means the discharging, discarding, or abandoning of hazardous ~~waste~~-substance or the treatment, decontamination, or recycling of such ~~waste~~-substance once they have been discarded or abandoned. This includes the discharge of any hazardous ~~waste~~-substance into or on any land, air, or water.

#### **~~13.01.090.E~~**

“Ecology” means the Washington State Department of Ecology. “Environment” means any air, land, water, or groundwater.

#### **~~13.01.090.F~~**

“Facility” means all structures, contiguous land, appurtenances, and other improvements on or under the land within the South Tacoma Groundwater Protection District used as a stormwater infiltration facility, or for recycling, reusing, reclaiming, transferring, storing, treating, disposing, or otherwise handling a hazardous

substance which is not specifically excluded by the exemptions contained in Section 13.06.070.D.

“Final Closure” means the proper permanent removal of an underground storage tank that is no longer in service.

**~~13.01.090.G~~**

“General Guidance and Performance Standards” means the Health Department’s most recent publication of the technical standards document “General Guidance and Performance Standards for the South Tacoma Groundwater Protection District.”

“Groundwater” means water in a saturated zone or stratum beneath the surface of land or below a surface water body.

**~~13.01.090.H~~**

“Hazardous substance(s)” means any liquid, solid, gas, or sludge, including any material, substance, product, commodity, or waste, regardless of quantity which may pose a present or potential hazard to human health or to the quality of the drinking water supply in the South Tacoma aquifer system when improperly used, stored, transported, or disposed of or otherwise mismanaged, including without exception:

1. Those materials that exhibit any of the physical, chemical or biological properties described in Department of Ecology’s 173-303-082 WAC, 173-303-090 WAC, or 173-303-100 WAC as may be amended from time to time; and
2. Those materials set forth in the General Guidance and Performance Standards hereinafter referred to;
3. Petroleum products and by-products, including crude oil or any fraction thereof such as gasoline, diesel, and waste oil which is liquid at standard conditions of temperature and pressure (60 degrees Fahrenheit and 14.7 pounds per square inch absolute); and
4. Any substance or category of substances meeting the definition of a hazardous substance under Chapter 173-340 WAC as may be amended from time to time.

“Hard surface” means an impervious surface, a permeable pavement, or a vegetated roof.

“High-impact use” means a business establishment that is considered to be hazardous and/or noxious due to the probability and/or magnitude of its effects on the environment. For purposes of this chapter, these uses or establishments possess certain characteristics, which pose a substantial or potential threat or risk to the quality of the ground and surface waters within the South Tacoma Groundwater Protection District.

**~~13.01.090.I~~**

“Impervious surface” means a non-vegetated surface area which either prevents or retards the entry of water into the soil mantle as under natural conditions prior to development. A non-vegetated surface area which causes water to run off the surface in greater quantities or at an increased rate of flow from the flow present under natural conditions prior to development. Common impervious surfaces include, but are not limited to, rooftops, walkways, patios, driveways, parking lots, or storage areas, concrete or asphalt paving, gravel roads, packed earthen materials, and oiled, macadam, or other surfaces which similarly impede the natural infiltration of stormwater.

**~~13.01.090.M~~**

“Manifest” means the shipping document, prepared in accordance with the requirements of Department of Ecology’s 173-303- 180 WAC as may be amended from time to time, which is used to identify the quantity, composition, origin, routing, and destination of a hazardous waste while it is being transported to a point of transfer, disposal, treatment, or storage.

“Misdemeanor” means any crime punishable by a fine not exceeding \$1,000, or imprisonment not exceeding 90 days, or both, unless otherwise specifically defined.

**~~13.01.090.O~~**

“Omission” means a failure to act.

“On-site” means the same or geographically contiguous property which may be divided by public or private right of way, provided that the entrance and exit between the properties is at a cross-roads intersection, and access is by crossing as opposed to going along the right of way. Noncontiguous properties owned by the same person but connected by a right of way, which they control and to which the public does not have access, are also considered on-site property.

“Operator” means the person responsible for the overall operation of a facility.

#### **13.01.090.P**

“Pervious surface” means any surface material that allows stormwater to infiltrate into the ground. Examples include lawn, landscape, pasture, native vegetation areas, and permeable pavements.

“Person” means any individual, trust, joint stock company, corporation (including government corporation), partnership, association, consortium, joint venture, commercial entity, state, municipality, commission, political subdivision of a state, interstate body, the federal government, or any department or agency of the federal government.

“Person responsible for the violation” means any person that commits any act or omission which is a violation or causes or permits a violation to occur or remain on the property or regulated facility, and includes but is not limited to owners(s), lessor(s), tenant(s), or other person(s) entitled to control, use, and/or occupy property or the regulated facility where a violation occurs, and any person who aids and abets in a violation.

“Pollution-generating hard surface (PGHS)” means those hard surfaces considered to be a significant source of pollutants in stormwater runoff. PGHS includes permeable pavement subject to vehicular use. See the listing of surfaces under pollution- generating impervious surface.

“Pollution-generating impervious surface (PGIS)” means those impervious surfaces considered to be a significant source of pollutants in stormwater runoff. Such surfaces include those that are subject to: regular vehicular use; industrial activities (involving material handling, transportation, storage, manufacturing, maintenance, treatment or disposal); or storage of erodible or leachable materials, waste or chemicals, and which receive direct rainfall or the run-on or blow-in of rainfall.

Metal roofs are also considered to be PGIS unless they are coated with an inert, non-leachable material. Roofs that are subject to venting significant amounts of dusts, mists, or fumes from manufacturing, commercial, or other indoor activities are considered PGIS.

“Pollution-generating pervious surfaces (PGPS)” means any non-impervious surface subject to vehicular use, industrial activities (involving material handling, transportation, storage; manufacturing; maintenance; treatment; or disposal); or storage of erodible or leachable materials, wastes, or chemicals, and which receive direct rainfall or runoff or blow-in of rainfall, use of pesticides and fertilizers, or loss of soil. Typical PGPS include lawns and landscaped areas, including: golf courses, parks, cemeteries, and sports fields (natural and artificial turf).

#### **13.01.090.R**

“Recharge areas” means areas of permeable deposits exposed at the surface which transmit precipitation and surface water to the aquifer.

“Regulated facility” means any facility with one or more of the following: underground storage tank(s), aboveground storage tank(s), hazardous substances at regulated quantities, or stormwater infiltration facility subject to regulation under Section 13.06.070.D.

“Release” means any intentional or unintentional entry of any hazardous substance into the environment, including but not limited to the abandonment or disposal of containers of hazardous substances.

Should the definition of “release” in RCW 70A.305.020(32) be amended from time to time, then such amendment is incorporated herein by reference as if set forth at length. ~~means intentional or unintentional entry, spilling, leaking, pouring, emitting, emptying, discharging, injecting, pumping, escaping, leaching, dumping, or disposing of a hazardous substance, as defined in this section, into the environment and includes the abandonment or discarding of barrels, containers, and other receptacles containing hazardous substances. Should the definition of “release” in RCW 70.105D.020(20) be amended from time to time, then such amendment is incorporated herein by reference as if set forth at length~~

“Release detection” means a method or methods of determining whether a release or discharge of a hazardous

substance has occurred from a regulated facility into the environment.

“Retail business use” means a use in which individually packaged products or quantities of hazardous substances are ~~rented or~~ sold at retail to the general public and are intended for personal or household use.

#### **13.01.090.S**

“Solid waste” means all putrescible and non-putrescible solid and semi-solid waste, including, but not limited to, garbage, rubbish, ashes, industrial waste, swill, sewage sludge, demolition and construction wastes, abandoned vehicles or parts thereof, contaminated soils and contaminated dredged material, and recyclable materials [as defined in Chapter 173-350 WAC](#).

“Stormwater” means that portion of precipitation, including snowmelt, that does not naturally percolate into the ground or evaporate, but flows via overland flow, interflow, pipes, and other features of a stormwater drainage system into a receiving water or stormwater facility.

“Stormwater infiltration facility” means a component of the stormwater system designed to fully or partially infiltrate stormwater runoff into the native underlying soils.

“Substantial modifications” means the construction of any additions to an existing facility, or restoration, refurbishment, or renovation which:

1. Increases or decreases the in-place storage capacity of the facility;
2. Alters the physical configuration;
3. Impairs or affects the physical integrity of the facility or its monitoring systems; or
4. Alters or changes the designated use of the facility.

“Surface water” means water that flows across the land surface, in natural channels not considered a stormwater conveyance system, or is contained in depressions in the land surface, including but not limited to wetlands, ponds, lakes, rivers, and streams.

#### **13.01.090.T**

“Tank” means a stationary device designed to contain an accumulation of hazardous substances, and which is constructed primarily of non-earthen materials ([e.g. concrete, steel, plastic](#)) to provide structural support [as defined in Chapter 173-360A-0150 WAC](#).

“Temporary closure” means to take a tank out of service for more than one month and less than one year.

“TMC” means the Tacoma Municipal Code.

“TPCHD” means the Tacoma-Pierce County Health Department.

“Underground storage tank” means any one or a combination of tanks (including underground pipes connected thereto) which are used to contain or dispense an accumulation of hazardous substances, and the volume of which (including the volume of underground pipes connected thereto) is 10 percent or more beneath the surface of the ground, [as defined in Chapter 173-360 WAC](#). Specific exemptions to this definition are contained in Section 13.06.070.D.

#### **13.01.090.V**

“Violation” means an act or omission contrary to the requirement of the chapter, and includes conditions resulting from such an act or omission.

#### **W**

[“Wellhead Protection Area” is defined as the surface and subsurface area surrounding a water well or wellfield, supplying a public water system, through which contaminants are reasonably likely to move toward and reach such water well or wellfield. The Washington State Department of Health outlines that Wellhead Protection Areas are delineated into zones based on the time it takes for groundwater to travel to the well. These zones include 6-month, 1-year, 5-year, and 10-year time-of-travel \(TOT\) areas. Each zone represents the estimated time for a particle of water, or a potential contaminant, to reach the well from that boundary.](#)

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