CITY COUNCIL MEETING AGENDA
City Hall – 1104 Maple Street
May 6, 2024 6:00 PM

The city is conducting this public meeting using a hybrid model. The public is welcome to attend tonight's meeting in-person at City Hall (Council Chambers), or virtually by using the meeting access link below.
https://sumnerwa-gov.zoom.us/j/82633704258
Or One tap mobile : +12532050468,,82633704258# US +12532158782,,82633704258# US (Tacoma)
Or Telephone: +1 253 205 0468 US +1 253 215 8782 US (Tacoma)

CALL TO ORDER

Pledge of Allegiance

Invocation - Pastor David Barnes, Eikon Church

Roll Call: Bitetto, Bowman, Brown, Clerget, Cole, and Elfers

OATH OF OFFICE

Greg Reinke

PROCLAMATION

Peace Officers Memorial Week

The following items are distributed to Councilmembers in advance for study and review, and the recommended actions will be accepted in a single motion. Any item may be removed for further discussion if requested by a Councilmember.

CONSENT AGENDA

1. Approval of the checks and electronic payments in the amount of $2,279,227.35.
2. Resolution No. 1681 - Interlocal Agreement with Rainier Communication Commission
3. Approval of the minutes from the regular council meeting of April 15th, the special council meeting and study session of April 22, 2024.

PUBLIC HEARING

1. 2024-2030 Parks & Trails Plan - Public Hearing

REGULAR BUSINESS

1. **Unfinished Business**
2. **Public Comment (Limit 3 minutes)**
   Members of the community who wish to give public comment are strongly encouraged to join the meeting via the ZOOM link or by telephone. If you are unable to join the meeting, please submit your public comment in writing via email to the City Clerk at Michellec@sumnerwa.gov no later than 5:30pm on the day of the meeting. Any written comments received will be provided to the City Council and attached to the meeting minutes. Please contact the City Clerk at 253-299-5590 with any questions.
3. **New Business**

a. Ordinance No. 2885 - Transportation Impact Fees

b. Ordinance No. 2886 - Amending Sumner Municipal Code Chapter 2.100 Personnel Policies

c. Ordinance 2839 - Amending Sumner Municipal Code Chapters 13.16 and 13.18 - Pretreatment Regulations

4. **Reports**
   a. Council
   b. City Administrator
   c. Mayor
5. **Executive Session**
6. **Adjournment**

This meeting is accessible to persons with disabilities. For individuals who may require special accommodations, please contact the City Clerk at (253) 299-5590, 24 hours in advance.

CITY COUNCIL MEETING
DATE: May 6, 2024
AGENDA BILL: 24-83

SUBJECT: Approval of the checks and electronic payments in the amount of $2,279,227.35.

CATEGORY: Consent

BUDGET IMPACT:
Expenditure Required: None

Within Budget Allocation: N/A

ATTACHMENTS:
1. Voucher Signature Page

STAFF CONTACT:

SUMMARY BACKGROUND:

COUNCIL COMMITTEE/STUDY SESSION:
MEETING/STUDY SESSION DATE:
COMMITTEE RECOMMENDATION: Do-Pass

STAFF RECOMMENDATIONS/MOTION:

CITY OF SUMNER WASHINGTON

CLAIMS VOUCHER APPROVAL
City of Sumner
Finance Department

The following check/electronic payments are approved for payment:

Accounts Payable Check #:	From:	33420	To:	33542	$1,420,081.09
Use Tax (paid to WA State Department of Revenue)		n/a		n/a	$716.73
Voided Check(s)		33301		33301	-$75.96
Voided EFT(s)		-		-	-
Voided Wire(s)		-		-	-
AP Electronic (EFTs) Payments:	From:	736	To:	746	$5,630.59
AP Wire(s):	From:	15353 *	To:	15354	$787.55
Payroll & Benefits Electronic Payments	From:	3/22/2024	To:	4/4/2024	$840,740.35
Payroll & Benefits Checks	From:	10036	To:	10037	11,347.00
				TOTAL	$2,279,227.35

* Wire #15352 did not process, will process in the next check run *

I, the undersigned, do hereby certify under penalty of perjury that the materials have been furnished, the service rendered, or the labor performed as described herein, and that the claim is a just, due, and unpaid obligation against the City of Sumner and I am authorized to authenticate and certify to said claim.

DocuSigned by:
Kassandra Raymond — 5/1/2024 | 4:58 PM PDT
Chief Financial Officer — Date

We, the undersigned Finance and Personnel Committee of the City of Sumner City Council, do hereby certify that the check numbers and electronic payments listed above are approved for payment in the amount of: $2,279,227.35

DocuSigned by:
Barbara Bitetto — 4/18/2024 | 8:38 AM PDT
Chair — Date

DocuSigned by:
Carla Bowman — 4/16/2024 | 2:02 PM PDT
Committee Member — Date

DocuSigned by:
Patricia Cole — 4/16/2024 | 2:00 PM PDT
Committee Member — Date

CITY COUNCIL MEETING
DATE: May 6, 2024
AGENDA BILL: 24-93

SUBJECT: Resolution No. 1681 - Interlocal Agreement with Rainier Communication Commission

CATEGORY: Resolution

BUDGET IMPACT:
Expenditure Required: None

Within Budget Allocation: N/A

ATTACHMENTS:
1. Resolution No. 1681 - Interlocal Agreement with Rainier Cable Commission

STAFF CONTACT: Jeff Steffens, Administrative Services Director

SUMMARY BACKGROUND:
The Rainier Communications Commission (RCC) was formed by an inter-local agreement in 1992 and provides members with a large array of advisory, leak and television production services. The vastly outdated inter-local agreement (ILA) was recently revised through a collaborative process involving all RCC member organizations. The new agreement accurately reflects the current operations of the RCC.

COUNCIL COMMITTEE/STUDY SESSION: **Finance & Personnel Committee**
MEETING/STUDY SESSION DATE: 4/18/2024
COMMITTEE RECOMMENDATION: Do Pass

STAFF RECOMMENDATIONS/MOTION:
A motion to adopt Resolution No. 1681 authorizing the Mayor to enter into an interlocal agreement between the City of Sumner and the Rainier Communication Commission in a form as approved by the City Attorney.

RESOLUTION NO. 1681
CITY OF SUMNER, WASHINGTON

A RESOLUTION OF THE CITY OF SUMNER, AUTHORIZING THE EXECUTION OF AN INTERLOCAL AGREMENT BETWEEN THE CITY OF SUMNER AND THE RAINIER COMMUNICATION COMMISSION.

WHEREAS, the City of Sumner has been a member of the Rainier Communication Commission (RCC) since 1997; and

WHEREAS, the RCC is comprised of Pierce County and several municipalities and aids in negotiating franchise agreement with cable operators, video and production of member jurisdiction's public meetings, and advice on cable and communication issues; and

WHEREAS, the RCC is formed via an interlocal agreement ("RCC ILA") between its member jurisdictions, and it has been over twenty years since a revised ILA was developed; and

WHEREAS, recently the RCC approved a final draft of a revised RCC ILA, developed by a team of member attorneys, along with significant input from the RCC board, reflecting changes in law and operations and member needs.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SUMNER, WASHINGTON:

Section 1. **Authorization.** That the Mayor is hereby authorized and directed to enter into an ILA with RCC outlined in Exhibit "A" a copy of which is attached hereto and made a part hereof, all in accordance with RCW 35.94.040.

Section 2. **Corrections by City Clerk or Code Reviser**. Upon approval of the city attorney, the city clerk and the code reviser are authorized to make necessary corrections to this resolution, including but not limited to the correction of clerical errors; or references to other local, state, or federal laws, codes, rules, or regulations.

Section 3. **Effective Date.** This resolution shall take effect and be in force immediately upon passage by the City Council.

ADOPTED AND APPROVED this 6th day of May, 2024.

_____
Kathy Hayden, Mayor

Attest:

_____
Michelle Converse, City Clerk

Approved as to form:

_____
Andrea Marquez, City Attorney

INTERLOCAL AGREEMENT
For
Rainier Communications Commission

This Interlocal Agreement (Agreement) is entered into on the date signed by the last Member (the "Effective Date"), by and between Pierce County, a municipal corporation organized under Title 36 RCW (the "County") and the Cities of DuPont, Fife, Orting, Puyallup, Ruston, Sumner, and University Place, each a municipal corporation organized under Titles 35 and 35A RCW, and any municipal corporation organized under Title 35 or 35A RCW to join this Agreement hereafter (together, the Members).

WHEREAS, the Members first entered into an interlocal agreement for cable television and communication services in 1992, establishing the Rainier Cable Commission; and

WHEREAS, the stated purpose of the Rainier Cable Commission was to provide superior cable television services, lower rates to users, foster competition within the cable industry for the purpose of network expansion and channel capacity and make available better and more diverse services to users; and

WHEREAS, since its establishment in 1992, the functions of the Rainier Cable Commission, also known as the Rainier Communications Commission, have expanded to include additional functions such as the management of Pierce County Television (PCTV), formerly known as Regional Media Center, the Government Access television producer for the Members, and cooperative negotiation of cable franchising; and

WHEREAS, since 1997, the Rainier Communications Commission has had a partnership with two-year colleges in Pierce County, providing oversight of the College Vision channel for two-year college educational programming; and

WHEREAS, the Members are authorized by RCW 36.55.010, 35.99.020 and 35A.21.245 to execute franchise agreements with cable service providers for use of rights-of-way; and

WHEREAS, the Members are authorized by 47 USC § 531 to establish requirements in a franchise for the designation or use of channel capacity for public, educational, or government use only; and

WHEREAS, the historical cooperation of the Members through the Rainier Communications Commission has demonstrated that franchise negotiation and government access television programming can be accomplished more efficiently and effectively through joint operation; and

WHEREAS, since its establishment in 1992, the functions of the Rainier Communications Commission have changed to adapt to modern developments in the cable, broadband and telecommunications industries; and

WHEREAS, the Members believe that updating the Interlocal Agreement between them to accurately reflect the purposes and functions of the Rainier Communications Commission will

clarify the powers and duties of the Rainier Communications Commission and improve service delivery and efficiency; and

WHEREAS, the Members are authorized by Chapter 39.34 RCW to enter into agreements for the joint exercise of governmental powers.

NOW, THEREFORE, in consideration of their mutual promises set out in this Agreement, the Members agree as follows:

1. Purpose and Scope:

1.1. The above recitals are hereby incorporated into and made a part of this Agreement.

1.2. This agreement repeals and replaces all prior Agreements with respect to the Rainier Cable Commission, also known as the Rainier Communications Commission.

1.3. The purpose of this Agreement is to create and operate a joint undertaking, known as the Rainier Communications Commission (RCC), for: (A) the provision of public, education and government (PEG) broadcasting over cable systems; (B) the development and sharing of expertise and information related to telecommunications, broadband, cable television, and policy changes at the federal, state and local levels; (C) upon request of a Member, to negotiate and obtain franchise and other agreements with cable television and broadband companies; (D) the production of video and shared-use communication systems between participants to this agreement; (E) and to advise participants to this Agreement regarding public, education and government communication services, including video, voice, over the top, small cell wireless, and data services on the cable systems serving the participants to this Agreement.

1.4. The Members agree to create a joint and cooperative undertaking, the RCC, responsible for administering the activities described herein.

1.5. The Members and the RCC shall be governed by this Agreement.

2. Definitions:

The terms used in this Agreement are defined as follows:

2.1. Administering Member: The Administering Member shall be the entity providing the largest amount in RCC funding. The Administering Member shall be responsible for fulfilling the obligations and duties set forth in Section 5 of this Agreement.

2.2. RCC: The RCC is the joint board described in this Agreement and shall provide policy advice and recommendations to the parties to this Agreement pursuant to RCW 39.34.030(4). The joint board shall have the duties and authorities as further stated herein.

2.3. RCC Staff: RCC Staff shall be employees of the Administering Member. Supervision of RCC Staff shall be solely the responsibility of the Administering Member. RCC Staff's intended role is to assist the Commission to fulfill the purpose and scope of this interlocal agreement.

2.4. Member: A signatory to this Agreement that has full rights, privileges, and responsibilities as outlined in this Agreement. Only public agencies, as defined by RCW 39.34.020, may join as members.

2.5. Non-Voting Member: An additional entity that may sit on the RCC as a non-voting member. Non-Voting Members shall have no rights, privileges, or responsibilities under this Agreement.

2.6. Service Agreement: An agreement between the RCC and an individual Member, when that Member wants additional services.

3. Structure of RCC:

3.1. Commission Members: This Agreement shall establish a joint board (hereinafter "RCC" or "Commission"), pursuant to RCW 39.34.030(4) consisting of:

A. Two persons appointed by the Administering Member.

B. One person appointed by each Member, regardless of size.

C. Additional entities may sit on the RCC as non-voting members if approved by a simple majority of the Commission. Such non-voting members have no rights or privileges under this ILA.

3.2. Alternates: Members shall designate alternate representatives to serve in the place of the Member's regular representative during an absence from any meeting. Notice of the designation of an alternate representative shall be provided to the RCC Chair and RCC staff in writing, which allows the alternate representative to vote. It is not intended that alternates will serve on the Commission on an ongoing capacity.

3.3. Term: The term of a representative shall be effective upon appointment by the Member. Representatives shall serve on the Commission for a term of one year and may be reappointed at the discretion of the appointing Member.

3.4. Meetings: The Commission shall establish a regular time and place of public meeting. The Commission shall meet at minimum twice annually. RCC staff shall serve as clerk of the Commission including, but not limited to, preparing agendas, meeting notices, meeting minutes, and staff presentations. Meetings of the Commission shall be conducted in compliance with the Washington Open Public Meetings Act (Chapter 42.30 RCW).

3.5. By-Laws: The Commission shall adopt by-laws that determine the frequency of meeting, leadership positions, and rules of procedure.

4. Functions & Duties of RCC:

4.1. Policy Research & Recommendations: The RCC shall meet as often as necessary to fulfill the duties and exercise the authority delegated under this agreement and provide policy, research, and recommendations to the Members related to cable service, programming, and access, including, but not limited to:

A. Recommendations for the development and distribution of state-of-the-art cable, broadband, and wireless services at the lowest price to Member jurisdictions;

B. Providing a forum of communication and consultation between the Members which may facilitate joint operations, such as expenses, data, expertise, experiences, and plans for cable television and broadband matters; and

C. Providing information and recommendations to the Members with regard to the obligation of cable operators under federal, state, and local laws.

4.2. Production and Programming: The RCC shall provide for the Members the production of video programming for educational and governmental purposes through the operation of Pierce County Television (PCTV) as provided in the budget.

A. The RCC is also authorized to provide additional services to individual Members at current rates and costs.

4.3. Franchise Agreements: The RCC shall provide a model cable television franchise agreement on a schedule determined by the Commission and provide a forum for

cooperation on cable franchising. The Commission may request contracts for special legal counsel only for the purpose of drafting model cable television franchise agreements.

4.4. Fiscal: The RCC shall develop a proposed RCC budget and recommend approval of the budget by the legislative authority of the Administering Member. The RCC is authorized to approve expenditures within the budget, approve changes to the capital asset plan and service pricing.

4.5. RCC Staffing: The RCC budget shall provide funding for RCC staff, which shall be employed by the Administering Member. The Commission shall consult with and provide direction to the Administering Member with respect to the services to be performed by RCC staff. Notwithstanding any other provision in this Agreement, it is intended that RCC staff will, at a minimum, perform the services and functions that are funded in the adopted RCC budget.

4.6. Services to Nonmembers: The Administering Member shall execute agreements on behalf of the RCC to provide RCC services to external nonmembers and non-voting members (Contracting Parties). The RCC will set the rate for services to nonmembers at a minimum percent above Member costs, as set annually by RCC. Capacity to provide production services to Contracting Parties shall be made at the discretion of the Administering Member, with the understanding that services to Members take priority. Notwithstanding the foregoing, the Commission shall have the authority to make the initial decision to provide production services to nonmembers. RCC services may only be provided to the following Contracting Parties:

A. Public agencies, as defined by RCW 39.34.020, located entirely or partially within Pierce County; and

B. Other organizations, as approved by the Commission.

4.7. If the Administering Member determines that expenditures, requests for services, or other decisions made by the Commission are not legally, financially, or logistically feasible, or are otherwise not in the best interest of either the RCC or Administering Member, the Administering Member shall bring those concerns to the Commission for reconsideration. The Administering Member shall not be obligated to perform any services or execute any contracts that it finds unacceptable.

5. Functions & Duties of the Administering Member:

5.1. Administering Member: The Administering Member shall be the entity providing the largest amount in RCC funding, as described in Section 2.1. In the event the current Administering Member withdraws, the Commission shall, by resolution, designate another Member to this Agreement as the party responsible for acting as the Administering Member, upon approval of the legislative body of the proposed new Administering Member.

5.2. The Administering Member shall operate Pierce County Television (PCTV) to produce video programming for educational and governmental purposes for Members or Contracting Parties consistent with the budget and the terms of any individual Service Agreements. The Administering Member shall:

A. Engage in the creation of Education and Government (EG) access programming.

B. Exercise control of all cable channels, video transmission lines, facilities, and equipment made available and necessary for video operations, as described in the Administering Member's cable franchise agreement. This includes PCTV, a city channel (UPTV/TV Tacoma), and College Vision for 2-year colleges.

C. Enter into Service Agreements as necessary with any Member electing to utilize PCTV services over and above their share as represented in the budget. The Administering Member in consultation with the Commission shall provide a menu of service and costs at least biennially.

D. Enter into service agreements, on behalf of RCC, with external Contracting Parties as described in Section 4.6.

5.3. The Administering Member shall contract for additional services, as needed, on behalf of the RCC, including use of outside consultants. Contracts executed by the Administering Member on behalf of the RCC must comply with the Administering Member's normal procurement procedures and requirements.

5.4. The Administering Member shall maintain appropriate records supporting the costs incurred by the Administering Member which are to be reimbursed pursuant to Section 8.4(D) of this Agreement.

5.5. The RCC budget cycle shall match that of the Administering Member. The Commission shall approve a preliminary budget which will then be forwarded to the Administering Member for inclusion in the Administering Member's budget. The Commission shall be notified, during the budget process, if items recommended for approval are denied and the Commission shall be given an opportunity to reconsider and adopt replacement budget items.

5.6. The Administering Member shall maintain a record of capital assets and establish a capital asset plan and a replacement schedule.

5.7. The Administering Member in consultation with the Commission shall be responsible for development and administration of the RCC budget, and maintaining RCC accounting and other finances. Changes to the budget, capital asset plan and service pricing shall be approved by the Commission. Dues shall be set by the Commission.

5.8. The Administering Member employs the RCC staff and is responsible for all HR processes including hiring, firing, and disciplinary actions, of which the RCC Chair shall be notified and consulted. RCC Staff shall be regular employees of the Administering Member, with compensation and benefits set by the Administering Member. The RCC Manager shall be confirmed by the Commission prior to final appointment.

5.9. The Administering Member shall provide access to a broadband head end, office space, studio space, equipment storage, and production vehicle parking. The Administering Member shall provide other services as allowed in the RCC budget and as requested by the Commission.

5.10. The Administering Member shall receive and process cable complaints for Members, as allowed in the Cable Act and prescribed in the Members' franchises. The Administering Member shall also work with Cable Providers to resolve customer complaints on behalf of the RCC. Cable customers must live within the boundary of an RCC jurisdiction.

6. Termination & Withdrawal:

6.1. Termination: This Agreement shall continue until terminated by unanimous consent of the Members by December 31 of a given calendar year.

6.2. Property Distribution: Upon termination of this Agreement, any money or asset derived from the payment of dues or fees under this Agreement, including operations and capital fund balances, and held by the Administering Member shall, after payment of all liabilities, costs, expenses, and charges validly incurred under this Agreement, be returned

to all contributing Members in proportion to their assessment determined at the time of termination.

A. RCC Fund Property: All items of RCC property which are purchased by the Administrative Member or other Member, the cost of which is reimbursed or paid with monies from the RCC Fund, shall, if not consumed in the proper and ordinary course of carrying out the activities and services authorized by this Agreement, be joint property of the Members to be disposed of upon termination of this Agreement.

B. Creative Property: Members maintain ownership of all their creative property (for example raw video, finished videos, meetings on the RCC server and online archive), and that creative property will be returned to the Member(s) upon Withdrawal or Termination.

6.3. Withdrawal: Any Member shall have the right to withdraw from this Agreement by giving written notice to the RCC Chair and RCC Staff no later than June 1st of the year in which withdrawal will occur and such withdrawal will be effective as of December 31st of that year. Regularly scheduled dues and fees will be collected until December 31. Upon withdrawal, a Member shall return any RCC Property within a reasonable time.

7. Dues and Fees:

7.1. Members shall annually pay membership dues in the amount of one-half of one percent (0.5%) of any cable franchisee fee collected by the Member. This is for operational costs.

A. The annual period for which membership dues are payable shall be January 1 to December 31 of each year. Membership dues shall be billed and paid quarterly.

B. For the initial year in which any party subsequently joins this Agreement, the quarterly membership dues shall begin with the current quarterly billing cycle.

7.2. Each Member shall make capital contributions (Capital PEG) in the amount as provided in the cable franchise agreement, collected from cable franchisee's gross cable revenues, which are collected by that Member, paid quarterly.

7.3. Each Member shall pay a matching operations fee (Operations PEG) in the amount of the Capital PEG contribution collected from cable franchisee's gross cable revenues, which are collected by that Member, paid quarterly.

7.4. An RCC Member joining only for legislative and policy services, not video services, may do so by paying quarterly membership dues. PEG fees will not apply.

7.5. RCC receives some funding from additional cable franchises, including but not limited to Rainier Connect, formerly Click, and YCOM, as described in those franchises.

7.6. The Administering Member is responsible for calculating the annual dues owed by each Member and providing to each Member supporting documentation. In the event of a dispute as to the correct amount of the annual dues payable by a Member to this Agreement, unless objected to in writing by the legislative body of such Member, the Commission shall sit as a board of arbitration to render a decision as to the annual dues payable by such Member with the decision rendered to be final and binding.

8. RCC Accounting:

8.1. Rainier Communications Commission (RCC) Fund: A special fund, identified as the Rainier Communications Commission Fund (RCC Fund) shall be created by the Administering Member, into which (A) all annual dues and operations fees, (B) interest and income from investment of Fund deposits, (C) gifts and donations to the RCC Fund, (D) and monies received pursuant to a Service Agreement shall be deposited. RCC Fund

shall be a special fund, kept separate from the Administering Member's general fund. Expenditures, including accounts payable and receivable, from the RCC Fund shall be used exclusively for the purposes specified in this Agreement, any Service Agreement, and as authorized and set forth in the approved budget.

8.2. Restricted Capital Fund. The Administering Member shall maintain a separate restricted Capital Fund into which shall be deposited the capital PEG contributions of each Member as provided as Section 7.2 of this Agreement. Expenditures from the Member Capital Fund shall be used for equipment and other capital needs authorized by this Agreement.

8.3. Surplus Funds: Any unspent and unencumbered funds at the end of the fiscal period will become part of the RCC fund balances. There shall be separate fund balances for the RCC Fund and the Restricted Capital Fund.

8.4. Budgets: Operating (RCC Fund) and Capital (Restricted Capital Fund) budgets shall be authorized on a biennial basis unless and until the Administering Member changes the frequency. The Administering Member shall develop an operating budget of proposed programs and services to be funded from the monies in the RCC Fund. The Administering Member shall develop a capital budget of proposed capital expenditures to be funded from monies in the Restricted Capital Fund. The RCC Fund and the Restricted Capital Fund budgets shall be included in the Administering Member's budget.

A. The Administering Member shall allocate to each Member video programming and production services in proportion to their share of the total budget allocated to said purposes.

B. The proposed budgets shall be considered by the Commission and recommended to the legislative body of the Administering Member for appropriation. The RCC Board shall be notified during the Administering Member's budget process if any items recommended for approval are denied or modified, giving Members an opportunity to discuss or recommend further changes.

C. Budget amendments shall be proposed by the Administering Member, considered by the Commission, and recommended for appropriation in the same manner as that described in Section 5.7.

D. The Administering Member shall be entitled to reimbursement of its actual and reasonable operational costs incurred in the administration of the RCC Fund, and the collection of annual dues from Members, which shall be reimbursed monthly from the RCC Fund and included in the budget.

E. If the legislative body of the Administering Member fails to approve the proposed RCC budget, and fails to resolve the issue to the satisfaction of the Commission, that would be considered a material breach of this Agreement which may be remedied by withdrawal of the Administering Member.

9. Public Records:

9.1. Members shall be responsible for retaining the records they create, own, or use, in accordance with applicable public records access and retention laws and regulations. Nothing in this Section is intended to require a Member to collect or produce records that are not prepared, owned, used, or retained by that agency as defined by the Public Records Act (Chapter 42.56 RCW), other than as provided for herein. Parties shall be responsible for maintaining and storing, in compliance with the state Public Records Act (Chapter 42.56 RCW), those records in connection with this Agreement. Nothing in this Section is intended to require a Member to collect or produce records it does not have.

9.2. Upon receipt of a request for records pertaining to the RCC, a Member shall timely respond and produce any responsive documents it prepared, owned, used, or retained, consistent with the Public Records Act. If the request asks for records not in the possession of that Member, but likely in the possession of another Member, the Member that received the request shall inform the requestor it does not have the records and inform the requestor which Member likely does have the records.

9.3. The Administering Member shall be responsible for retaining and producing records in its possession that relate to RCC activities (RCC Records). RCC records may include, but are not limited to, Commission agendas, meeting summaries, reports, plans, proposed budgets, and other related documents.

9.4. Each Member shall indemnify and hold the other Members to this Agreement harmless for any and all claims, demands, damages, lawsuits, liabilities, losses, liens, and expenses, including reasonable attorney's fees and costs, arising from a public records request (collectively "Claims"), to the extent attributed to the indemnitor party's acts. This obligation to indemnify and hold the other Members harmless shall survive termination of this Agreement.

10. Additional Parties:

10.1. Additional public agencies, as defined by RCW 39.34.020, may join this Agreement as Members or Non-Voting Members, at any time upon proper adoption consistent with RCW 39.34.030.

10.2. Upon approval by the Commission, new Members shall be assessed the quarterly membership dues and PEG fees, as described above. Upon payment, the Commission shall add the new Member pursuant to Section 3.1 of this Agreement.

11. General Terms & Conditions:

11.1. Release of liability: It is acknowledged and agreed that the Members in this Agreement are undertaking a joint and cooperative effort to accomplish a common goal, and that no Member shall be liable to any other Member for the negligent act or omissions of any such Member or its respective officers, employees, or volunteers by reason of activities undertaken pursuant to this Agreement, and, accordingly, each Member releases and holds harmless any other Member and such Member's officers, employees, volunteers, agents, or contractors from any liability in the carrying out of any activity in connection with or arising out of this Agreement except to the extent of any gross negligence or intentional misconduct.

11.2. Ethics in public service: Each party to this Agreement, and each representative appointed to the Commission, shall comply with the Ethics in Public Service Act, RCW chapter 42.52, including but not limited to, the prohibition on receipt of prohibited gifts or payments and conflicts of interest.

11.3. Amendments: No amendment or modification of this Agreement shall be of any force or effect absent appropriate action by ordinance, resolution or otherwise pursuant to law of the governing bodies of all the participating Members as provided in Chapter 39.34 RCW.

11.4. Severability: If any term or provision of this Agreement or the application thereof to any person or circumstance shall, to any extent, be held to be invalid or unenforceable by a final decision of any court having jurisdiction on the matter, the remainder of this Agreement or the application of such term or provision to persons or circumstances other than those as

to which it is held invalid or unenforceable shall not be affected thereby and shall continue in full force and effect, unless such court determines that such invalidity or unenforceability materially interferes with or defeats the purposes hereof, at which time any party shall have the right to terminate the Agreement.

11.5. Interpretation: The terms and provisions of this Agreement shall be liberally construed to accomplish the purposes intended.

A. All captions, headings, or titles in the paragraphs or sections of this Agreement are inserted for convenience of reference only and shall not constitute part of this Agreement or act as a limitation on the scope of the particular paragraph or sections to which they apply.

B. As used herein, where appropriate, the singular shall include the plural and vice versa and masculine, feminine, and neuter expressions are interchangeable.

C. Interpretation or construction of this Agreement shall not be affected by any determination as to who is the drafter of this Agreement, this Agreement having been drafted by mutual agreement of the Members.

11.6. Applicable Law and Venue: This Agreement and any rights, remedies, or obligations provided for in this Agreement will be governed, construed, and enforced in accordance with the substantive and procedural laws of Washington State. The Parties agree that the venue for any legal action under this Agreement is Pierce County.

11.7. Attorneys' Fees: In any suit or action instituted to enforce any right granted in this Agreement, each party shall bear its own costs and attorneys' fees.

11.8. Extent of Agreement: This Agreement, together with attachments or addenda, represents the entire and integrated Agreement between the parties hereto and supersedes all prior negotiations, representations, or agreements, either written or oral.

11.9. Notice: Any notice or communication required by this Agreement must be in writing and may be given either personally, electronically with evidence of receipt, by express delivery service, or by registered or certified mail, return receipt requested. Notice to the RCC will be addressed to RCC staff and the Administering Member. Any notice to a Member will be sent to the address specified by the chief executive officer of the Member.

11.10. Assignment: No Member may sell, transfer, or assign any of its rights or benefits under this Agreement without RCC Board approval.

IN WITNESS WHEREOF, this Agreement has been executed by each party subscribing to membership, as indicated on the signature page affixed to this document, which may be executed in counterparts.

Approved and executed:

Name of Members:

Pierce County
By: _____
Its: _____
Date: _____

City of Puyallup
By: _____
Its: _____
Date: _____

City of University Place
By: _____
Its: _____
Date: _____

City of Fife
By: _____
Its: _____
Date: _____

City of Sumner
By: _____
Its: _____
Date: _____

City of DuPont
By: _____
Its: _____
Date: _____

City of Orting
By: _____
Its: _____
Date: _____

City of Ruston
By: _____
Its: _____
Date: _____

CITY COUNCIL MEETING
DATE: May 6, 2024
AGENDA BILL: 24-110

SUBJECT: Approval of the minutes from the regular council meeting of April 15th, the special council meeting and study session of April 22, 2024.

CATEGORY: Consent

BUDGET IMPACT:
Expenditure Required: None

Within Budget Allocation: N/A

ATTACHMENTS:
1. Minutes - April 15, 2024 Council Meeting
2. Minutes - April 22, 2024 Study Session
3. Minutes - April 22, 2024 Special Council Meeting

STAFF CONTACT: Michelle Converse, City Clerk

SUMMARY BACKGROUND:

COUNCIL COMMITTEE/STUDY SESSION:
MEETING/STUDY SESSION DATE:
COMMITTEE RECOMMENDATION: Do-Pass

STAFF RECOMMENDATIONS/MOTION:
Approve the minutes of the regular council meeting of April 15th, and the special council meeting and study session of April 22, 2024.

CITY COUNCIL MEETING AGENDA
City Hall – 1104 Maple Street
April 15, 2024 6:00 PM

The city conducted this public meeting using a hybrid model, in-person and on the Zoom platform.

Staff present: Wilson, Marquez, Steffens, Palmer, Windish, Kosa, Moericke, Barry, Leach, and Converse

THE REGULAR MEETING OF THE SUMNER CITY COUNCIL WAS CALLED TO ORDER BY MAYOR HAYDEN AT 6:04PM.

CALL TO ORDER

Pledge of Allegiance
Invocation by Pastor David Barnes
Roll Call: Bitetto, Bowman, Brown, Clerget, Cole, and Elfers

OATH OF OFFICE

Police Brad Moericke introduced two new public safety officers and Mayor Hayden administered the Oath of Office.
Community Services Officer Kurt O'Connor
Police Officer Codie Mendenhall

PROCLAMATION

Arbor Day 2024, celebrating City Tree Designation Proclamation, was read into the record by Community Services Manager Derek Barry.

Mr. Barry also shared with the Council there will be a tree planting on Silver Street, Saturday, April 20th from 9am-11am.

CONSENT AGENDA

MOVED BY DEPUTY MAYOR COLE SECONDED BY BOWMAN TO APPROVE THE CONSENT AGENDA CONSISTING OF:

1. Conduit Lease Agreement
2. Resolution No. 1680 – Stormwater Capacity Grant Acceptance
3. Resolution No. 1679 – Transportation Improvement Board Grant Acceptance (Sidewalk Repair Program)
4. Video Surveillance System Contract – Security Solutions Northwest
5. Operations Facility North Parcel – Construction Contract Award
6. Approval of the minutes from the April 1, 2024 regular council meeting and the April 8, 2024, study session

PASSED BY VOICE VOTE.

DRAFT

PUBLIC HEARING

There was none tonight.

REGULAR BUSINESS

1. **Unfinished Business**

a. Resolution No. 1677 – Equipment Surplus Authorization

MOVED BY BITETTO, SECONDED BY ELFER TO PASS RESOLUTION NO. 1677 – EQUIPMENT SURPLUS AUTHORIZATION.

Administrative Services Director Jeff Steffens addressed the Council.

PASSED BY ROLL CALL VOTE.

2. **Public Comment**

Ryan House:
Randall Adams, Sumner
Melody Adams Forstrom, Federal Way
Nick Biermann, Parker Road

3. **New Business**

a. **Re-appointment to the Sumner Lodging Tax Advisory Committee (Burke)**

MOVED BY CLERGET, SECONDED BY BOWMAN TO REAPPOINT DEAN BURKE TO THE SUMNER LODGING TACT ADVISORY COMMITTEE FOR A PERIOD OF ONE-YEAR.

Communications Director Carmen Palmer spoke to the Council.

PASSED BY ROLL CALL VOTE.

b. **Re-appointment to the Sumner Lodging Tax Advisory Committee (Sutton)**

MOVED BY BOWMAN, SECONDED BY ELFERS TO REAPPOINT TREVOR SUTTON TO THE SUMNER LODGING TACT ADVISORY COMMITTEE FOR A PERIOD OF ONE-YEAR.

Communications Director Carmen Palmer spoke to the Council.

PASSED BY ROLL CALL VOTE.

c. **Re-appointment to the Sumner Lodging Tax Advisory Committee (Anderson)**

MOVED BY ELFERS, SECONDED BY BOWMAN TO REAPPOINT MEILEE ANDERSON TO THE SUMNER LODGING TACT ADVISORY COMMITTEE FOR A PERIOD OF ONE-YEAR.

Communications Director Carmen Palmer spoke to the Council.

PASSED BY ROLL CALL VOTE.

DRAFT

d. **Reappointment to the Sumner Lodging Taz Advisory Committee (Lopez)**

MOVED BY BITETTO, SECONDED BY COLE TO REAPPOINT CARMELO LOPEZ TO THE SUMNER LODGING TACT ADVISORY COMMITTEE FOR A PERIOD OF ONE-YEAR.

Communications Director Carmen Palmer addressed the Council.

PASSED BY ROLL CALL VOTE.

e. **Appointment to the Salary Commission (Lomax)**

MOVED BY BOWMAN, SECONDED BY ELFERS TO APPROVE THE APPOINTMENT OF GEORGIA LOMAX TO THE SALARY COMMISSION FOR A 5-YEAR TERM ENDING APRIL 30, 2029.

Administrative Services Director Jeff Steffens addressed the Council.

PASSED BY ROLL CALL VOTE.

f. **Appointment to the Salary Commission (Anderson)**

MOVED BY CLERGET, SECONDED BY BOWMAN TO APPROVE THE APPOINTMENT OF BRIAN ANDERSON TO THE SALARY COMMISSION FOR A 5-YEAR TERM ENDING APRIL 30, 2029.

Administrative Services Director Jeff Steffens addressed the Council.

PASSED BY ROLL CALL VOTE.

g. **Appointment to the Salary Commission (Dobb)**

MOVED BY ELFERS, SECONDED BY COLE TO APPROVE THE APPOINTMENT OF MICHAEL DOBB TO THE SALARY COMMISSION FOR A 5-YEAR TERM ENDING APRIL 30, 2029.

Administrative Services Director Jeff Steffens addressed the Council.

PASSED BY ROLL CALL VOTE.

h. **Council Vacancy**

MOVED BY COLE, SECONDED BY BITETTO TO SUSPEND COUNCIL RULE 24.4 AND 24.5 BY UTILIZING THE LIST OF COUNCILMEMBER APPLICANTS FROM THE FEBRUARY 2024 PROCESS, AND AMEND RULE 24.6 TO CONDUCT THE NOMINATION AND APPOINTMENT PROCESS AT A SPECIAL COUNCIL MEETING TO BE HELD ON APRIL 22, 2024.

City Administrator Jason Wilson spoke to the Council.

PASSED BY ROLL CALL VOTE.

DRAFT

4. **Reports**

a. **Council**

Councilmember Brown thanked those who volunteer for the City's Commissions and Committees.

Councilmember Bitetto welcomed the new officers and reminded the public of the Community Summit on April 30th at Calvary Church.

Deputy Mayor Cole had no report tonight.

Councilmember Elfers had several thanks tonight; the attendees of the Daffodil Parade, volunteers on the committees/commissions adding, it's an important function, those who serve in the Police Department (new officers) and finally, acknowledged the citizens who keep attending the meeting to speak about the Ryan House. He wanted to reiterate the point that the City is not opposed to the Ryan House, we spent over 5-years trying to figure out the best solution. He hopes that we can stay collaborative, there is some time between now and when the Comprehensive Plan is done.

Councilmember Bowman, "Ditto, ditto, ditto, plus". She thanked Pastor Barnes who shares the invocation, it's an important part of her life, and she appreciates that. She also appreciates the working together attitude, it helps to hear what's being said instead of feeling like there is a wall there. Ms. Bowman ended her report by thanking staff for all the work they do to keep the City running.

Councilmember Clerget had nothing at this time.

b. **City Administrator**

City Administrator Jason Wilson shared the following:

Upcoming Policy Issues:

- April 22nd – Special Council Meeting
  - Nominations and appointment of a new councilmember
- April 22nd – Study Session
  - Sewer Pretreatment Regulations
  - Wastewater Treatment Facility Biosolids Dryer Project Update
- April 29th – 5th Monday, no meeting
- May 4th – Council Budget Retreat 9-3pm at the YMCA
- May 6th – Regular Council Meeting
  - Councilmember Oath of Office
  - Proclamation for National Public Works Week
  - Proclamation for Peace Officers Memorial Week
  - Public Hearing for the 2024 Parks and Trail Plan Update
  - Resolution authorizing the Rainier Cable Commission ILA
  - Ordinance Amending the Personnel Policies
  - Ordinance Adopting Sewer Pretreatment Regulations
  - Ordinance Amending the Transportation Impact Fees
- May 6th – Special Study Session
  - Ryan House Update

DRAFT

Commission Updates:

- The planning commission will be holding a public hearing on the proposed 2024 Parks and Trail Plan update this Thursday at 6pm.

Significant Development Activity:

- The Riverfront Mixed Use development project pulled their building permit. This project includes 123 apartment units.

Miscellaneous:

- Heritage Park fountain and brick history.

c. **Mayor**

Mayro Hayden shared the following comments:

Events –

- Thank you to everyone who participated in the Daffodil Parade last week;
- April 16, 2024, City Hall Spring Open House from 5-7om, during which the Police Department will be hosting a pizza party and talking about public safety;
- April 17, 2024, extra garbage and yard waste pick up for Sumner customers of Murray's Disposal;
- April 18, 2024, the Planning Commission is holding a Public Hearing for the updated Parks and Trail Plan starting at 6pm at City Hall;
- Finally, on April 20th the City's DEI Committee will be participating in Sumner High School's Community Cultural Celebration.

Mayor Hayden ended her comments by asking for donations of hygiene items for the Community Summit.

5. **Executive Session**

At 6:47pm, Mayor Hayden adjourned the regular meeting into Executive Session for the purpose of evaluating the qualifications of a candidate for appointment to elective office, per RCW 42.30.110(1)(h) for a period of 15 minutes. There will be no action to follow.

6. **Adjournment**

At 7:02pm, Mayor Hayden reconvened the regular meeting. With no additional business, the meeting was adjourned at 7:02pm.

ATTEST:

_____

Kathy Hayden, Mayor

_____

Michelle Converse, CMC City Clerk

DRAFT

STUDY SESSION MINUTES
City Hall – 1104 Maple Street
April 22, 2024 6:00 PM

The city conducted this public meeting using a hybrid model, in-person and on the Zoom platform.

Staff present: Marquez, Steffens, Beagle, Windish, Kosa, Johnstone, Barber, Moericke, Bassinger, and Hannegan

THE STUDY SESSION SUMNER CITY COUNCIL WAS CALLED TO ORDER BY MAYOR HAYDEN AT 6:09PM.

CALL TO ORDER

Roll Call: Bitetto, Bowman, Brown, Clerget, Cole, and Elfers

COUNCILMEMBER BROWN WAS PREVIOUSLY EXCUSED AT THE SPECIAL MEETING SESSION.

REGULAR BUSINESS

1. Biosolids Equipment Modernization Project
2. 2024 Pretreatment Program Update

CITY ADMINISTRATOR REPORT

AGENDA SETTING

1. Council Meeting Agenda Calendar
2. Council Committee Meeting Calendar

EXECUTIVE SESSION

ADJOURNMENT

WITH NO OTHER BUSINESS BEFORE THE COUNCIL, MAYOR HAYDEN ADJOURNED THE MEETING AT 7:01PM. COUNCILMEMBERS CONCURRED.

_____
Kathy Hayden, Mayor

_____
Michelle Converse, CMC
City Clerk

DRAFT

CITY COUNCIL SPECIAL MEETING AGENDA
City Hall – 1104 Maple Street
April 22, 2024 6:00 PM

The city conducted this public meeting using a hybrid model, in-person and on the Zoom platform.

Staff present: Marquez, Steffens, Beagle, Windish, Kosa, Johnstone, Barber, Moericke, Bassinger, Hannegan and Converse

THE SPECIAL MEETING OF THE SUMNER CITY COUNCIL WAS CALLED TO ORDER BY MAYOR HAYDEN AT 6:00PM.

CALL TO ORDER

Roll Call: Bitetto, Bowman, Brown, Clerget, Cole, and Elfers

COUNCILMEMBER BROWN WAS ABSENT FROM TONIGHT'S MEETING. MOVED BY ELFERS SECONDED BY COLE TO EXCUSE COUNCILMEMBER BROWN. PASS BY VOICE VOTE.

SPECIAL BUSINESS

1. **Council Vacancy**

ADMINISTRATIVE SERVICES DIRECTOR JEFF STEFFENS WALKED COUNCIL THROUGH THE PROCESS.

MAYOR HAYDEN ASKED COUNCIL FOR NOMINATIONS FROM THE CANDIDATES INTERVIEWED FEBRUARY 12, 2024.

COUNCILMEMBERS BITETTO NOMINATED GREG REINKE. DEPUTY MAYOR COLE MOVED TO CLOSE THE NOMINATIONS; COUNCILMEMBER BOWMAN SECONDED. MAYOR HAYDEN THEN ASKED THE CLERK TO CALL THE ROLE, WITH EACH COUNCILMEMBER STATING THE NAME THEY WISH TO APPOINT FROM THE NOMINATIONS. A ROLL CALL VOTE WAS TAKEN AND IT WAS UNANIMOUS FOR NOMINEE GREG REINKE.

With no additional business before the council, Mayor Hayden adjourned the meeting at 6:07pm. Reminding the public and Council of the Study Session immediately following. Councilmembers concurred.

ATTEST:

_____
Kathy Hayden, Mayor

_____
Michelle Converse, CMC City Clerk

Draft

CITY COUNCIL MEETING
DATE: May 6, 2024
AGENDA BILL: 24-108

SUBJECT: 2024-2030 Parks & Trails Plan - Public Hearing **CATEGORY:** Public Hearings

BUDGET IMPACT:
Expenditure Required: None Within Budget Allocation: N/A

ATTACHMENTS:
1. Presentation Sumner Parks & Trails Plan
2. 2024 Parks & Trails Plan (Draft Version)
3. Plan Edits (Staff & Consultants)

STAFF CONTACT: Derek Barry, Community Services Manager

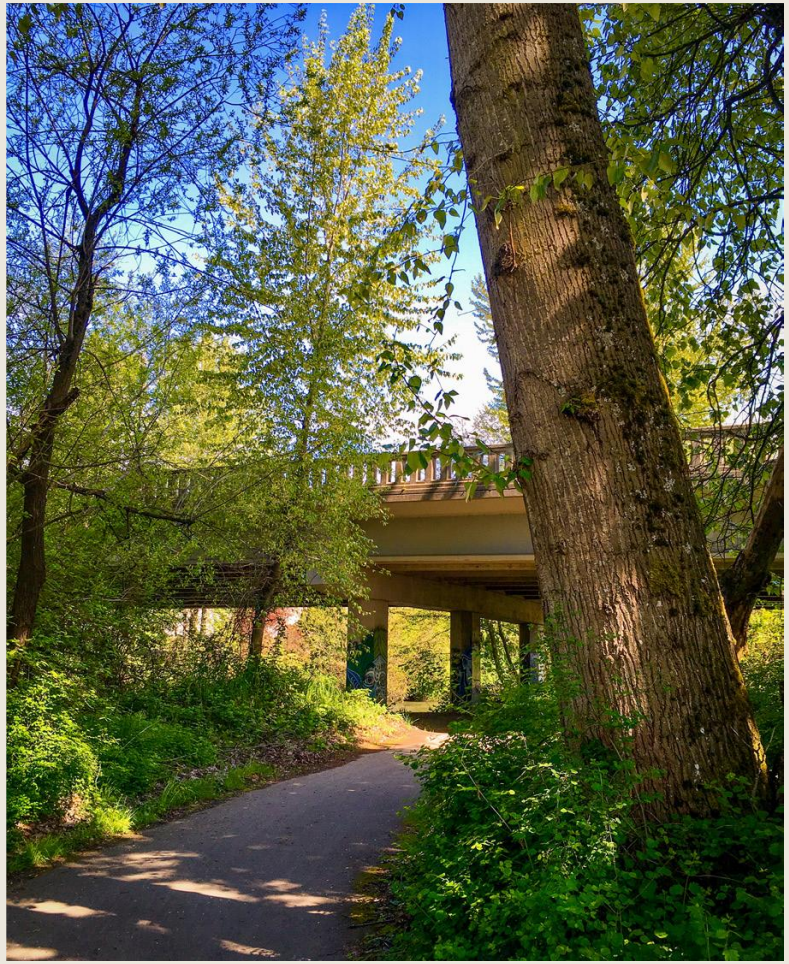
SUMMARY BACKGROUND:
This Public Hearing is regarding the 2024-2030 Parks & Trails Plan. The Plan sets near and long-term goals for improvements to current and future parks and trails. The plan is required to be updated every 6 years to be eligible for state grants for developing and improving parks. The Planning Commission held a public hearing on April 18, 2024, and all of the comments received during that process will be provided to the City Council for the May 13, 2024 Study Session.

COUNCIL COMMITTEE/STUDY SESSION: Forestry & Parks Commission
MEETING/STUDY SESSION DATE: 3/14/2024
COMMITTEE RECOMMENDATION: Do Pass

STAFF RECOMMENDATIONS/MOTION:
Public Hearing only.

2024-2030 Parks & Trails Plan

What is a Parks & Trails Plan and why should we have one?



Plan Contents

- Summary & Introduction
- Existing Conditions
- Public Input
- Goals & Objectives
- Demand & Needs Analysis
- Capital Improvement Program
- Plan Implementation
- Appendices

Process

- Public Input
- Analysis of data and comments
- Vision for future
- Draft Plan
  - *Recommendation from Forestry & Parks Commission March 14th*
  - *Planning Commission Public Hearing April 18th & Recommendation May 2nd*
  - *City Council Public Hearing May 6th*
- Plan Adoption May 20th

Questions / Comments

City of Sumner

PARKS, TRAILS, & OPEN SPACE PLAN UPDATE

PARKS DEPARTMENT
1104 Maple Street
Sumner, WA 98390
www.sumnerwa.gov

CITY OF SUMNER WASHINGTON

ACKNOWLEDGEMENTS

CITY COUNCIL

Barbara Bitetto
Carla Bowman
Curt Brown
Pat Clerget
Pat Cole
Andy Elfers
Earle Stuard

PARKS & FORESTRY COMMISSION

Ashli Austin
Ben Bridges
Marty Child
Jennifer Crawford
John Gamon
Theresa Haase (Chair)
Scott Haines
LaTeefah Johnson
Gene McCaul

MAYOR

Kathy Hayden

STAFF

Derek Barry, Community Services Manager
Ryan Windish, Community & Economic Dev. Director
Carmen Palmer, Communications Director
Jason Wilson, City Administrator
Joseph McKinney III, Communications Coordinator
John Morgan, GIS Specialist

CONSULTANTS & OUTREACH

SCJ Alliance
Berk Consulting
Sumner-Bonney Lake School District
Community of Sumner

TABLE OF CONTENTS

SUMMARY

Sumner updates this plan every six years to assess changes in community needs, track changes in recreational preferences and ensure goals outlined in the City's Comprehensive Plan are being sought through efforts to maintain, grow and evolve Sumner's parks/trail system.

This plan covers the period of 2024-2030 and will help the City of Sumner seek funding and prioritize projects over this period. It has been prepared in compliance with the State of Washington Growth Management Act requirements and developed in compliance with the Washington State Recreation and Conservation Office (RCO) guidelines.

This plan provides an inventory and analysis of the City's existing assets. It examines the City's parks and recreation service levels in comparison to its current and future projected demographics as well as other cities and national recreational standards. Sumner has a lower-than-average ratio of park acres to population with less than 5% of the city's overall land area being used for parks and recreation. The national average is three times this number. While residents show satisfaction with the City's amenities, they often rely on neighboring communities and travel outside Sumner to meet their interests or access specific recreational facilities.

For this plan's current update, Sumner engaged residents through a variety of tools including an on-line survey, a series of park "pop up events," open houses and a project webpage with opportunities to map suggestions. Although the City's current acreage falls short, the public holds a high level of enthusiasm for the system and were very interested in specific additions and improvements.

INTRODUCTION

Parks, trails and open space are critical to a community's quality of life as well as the physical and mental wellbeing of its residents, businesses and visitors. Whether you use Sumner's recreational amenities to walk your dog or to enjoy a lunch break on a sunny day, these are the spaces that help connect you to nature, to other people and to the community. We thank all the people who helped update this plan.

PURPOSE

This plan assesses how well the City of Sumner's parks, open spaces, and trails serve the community now and into the future. This plan is a dynamic and fluid strategic guide for managing and enhancing the City of Sumner's parks, trails, open space, and recreation services. It updates the framework to prioritize projects and seek funding so that enhancements made over these years serve the community's desired quality of life.

This plan provides a vision for the City's parks and trail system, proposes updates to benchmarking standards for park and facility classifications, and ensures these efforts align with Sumner's mission, vision, strategic priorities and comprehensive plan.

REGULATORY REQUIREMENTS

GROWTH MANAGEMENT ACT

The State of Washington RCW 36.70A.070 outlines the components that each city's Comprehensive Plan must include. The items specific to parks and recreation are as follows:

A park and recreation element that implements, and is consistent with, the capital facilities plan element as it relates to park and recreation facilities. The element shall include:

a) Estimates of park and recreation demand for at least a ten-year period;
b) an evaluation of facilities and service needs; and
c) an evaluation of intergovernmental coordination opportunities to provide regional approaches for meeting park and recreational demand.

RCO

The Washington State Recreation and Conservation Office (RCO) is a state agency that "manages several grant programs to create outdoor recreation opportunities, protect the best of the state's wildlife habitat and farmland, and help return salmon from near extinction." The agency awards approximately 270 grants, many of which the City of Sumner is eligible, totaling $78M each year. To apply for grant funding, a municipality or agency must have adopted a recreation or conservation plan before applying for a grant, and plans must meet specified requirements. The methodology, organization, and content of this plan address RCO eligibility guidelines.

CITY OF SUMNER

This 2024-2030 Parks & Trails Plan is incorporated into the City of Sumner's Comprehensive Plan by reference. It also aligns with existing Municipal Code.

This plan establishes the City's 6-year and 20-year Capital Improvement Plans (CIP) with regard to parks, trails, and open space, which assists the City in seeking grant funding and informs the City's own processes for budgeting, procurement, and construction needs. This plan leaves enough flexibility to allow the City to adapt to unforeseen opportunities that may present themselves during this plan's performance period.

This document does not dictate nor promise any specific future park development, acquisition, or maintenance needs that the City will undertake over the next six years. Rather, it provides insight into how potential programs could be developed to best align with the community's needs and wishes.

PROCESS

This update was conducted following the six minimum elements identified in RCO *Manual 2, Planning Policies & Guidelines*.

Existing Conditions (Systems Inventory)
A description of the planning or service area, including physical setting, historic context, community profile, planning/zoning, and an inventory of each existing asset or program with a summary of conditions.

Public Involvement
A description of how the process gave the public ample opportunity to be involved in plan development and adoption.

Demand & Needs Analysis
An analysis that balances public demand with current capacity and future expectations.

Goals and Objectives
Broad statements of intent that capture a community's desired outdoor resources.

Capital Improvement Program
The capital improvements or facility programs desired/needed for at least 6 years that prioritizes land acquisition, development, renovation, and restoration projects.

Plan Adoption & Approvals
A resolution, ordinance, or other adoption instrument showing formal approval of the plan and planning process by the governing entity.

SECTION I

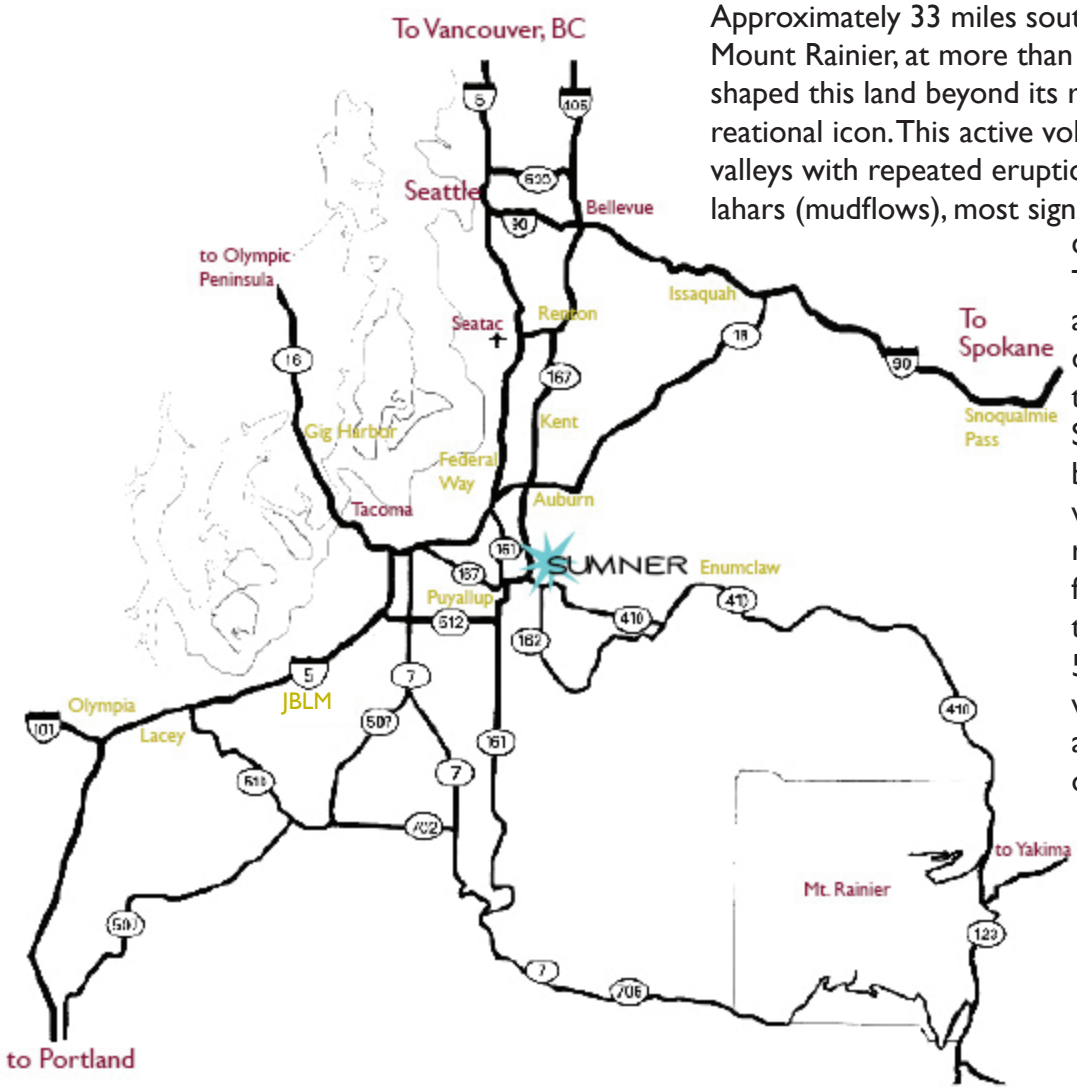
EXISTING CONDITIONS

This chapter evaluates the current conditions of Sumner's parks, recreation, opens space and trails. It analyzes the population that the parks are serving while providing regional context for recreation. Currently, the City manages six named parks, one large trail system and two land-banked properties anticipated for additional parks.

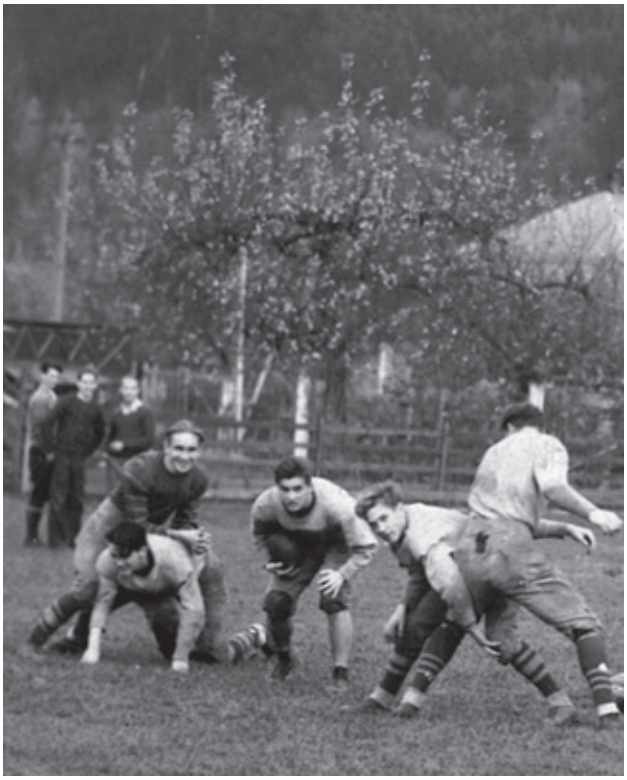
PHYSICAL CONTEXT

Sumner is located in north central Pierce County, Washington, approximately 40 miles south of Seattle, and 10 miles east of Tacoma, at the confluence of the Puyallup and White Rivers. The City encompasses 4,870 acres or 7.6 square miles with an additional designated urban growth area of approximately 925 acres or 1.44 square miles.

Below Sumner are many feet of Pleistocene Epoch glacial deposits of sands, gravels and clay lenses. After repeated glacial retreats and melts, the valley in which Sumner sits became an open water fjord, reaching to present-day Orting.



Approximately 33 miles southeast of Sumner, Mount Rainier, at more than 14,410 feet, shaped this land beyond its role as a recreational icon. This active volcano filled the valleys with repeated eruptions and resulting lahars (mudflows), most significantly the Osceola Mudflow. These lahars, still a possibility today, deposited silt into the valleys. Today, Sumner is framed by steep slopes with elevations rising sharply from 70 feet at the valley floor to 500+ feet to the west of Sumner and 600-700 feet on the east side.



HISTORIC DEVELOPMENT

This land was home to the Coast Salish tribes with this area the traditional homeland of the Puyallup Tribe and the Muckleshoot Tribe. The silt from lahars formed fertile farmland that attracted European settlers across the Oregon Trail. Agricultural industries over the years have grown hops, berries, daffodils and rhubarb.

The city began developing around Main Street in the historic downtown core in the 1880s. The Northern Pacific railway was finally convinced to stop in Sumner and commerical and residential development radiated from the station. Sumner remained quite small for a number of years, growing with residential to the east of Valley Avenue and later, commercial industrial to the north. While some farmland remains south of the City, within the city limits, most of the land is developed with limited availability remaining for additional parks and trails.

CLIMATE PROFILE

The Puget Sound region, including Sumner, experiences weather often called "Modified Mediterranean." This pattern is a maritime climate of mild, wet winters and relatively cool, dry summers. The rainy season runs late October through late February with a second, shorter rainy season from early May to early June. Drier weather dominates the summer until September brings cooler temperatures until November when winter arrives.

The average precipitation is 38.3 inches/year and the average temperature is 50.8 degrees F. As with other areas, Sumner is experiencing more extreme weather patterns over time. Traditionally threatened by flooding and lahars, wildfire has now become a more common threat.

DEMOGRAPHIC CONTEXT

Incorporated in 1891, Sumner had 531 residents in the 1900 Census. According to the 2022 Census, the population has grown to 10,585 residents, making Sumner the 124th most populated city in Washington. All statistics below are based on the 2022 Census data. For more up-to-date statistics, visit www.sumnerwa.gov/statistics.

RACE AND ETHNICITY

In 2022, 79.9% of Sumner was White, 18% Hispanic, 10.9% two or more races, 1.6% American Indian, 1.1% Native Hawaiian/Pacific Islander, 1% Asian and 0.8% Black.

AGE AND GENDER

In Sumner, 56.4% of residents are between the ages of 19 and 64. The median age is 35.8 years while Washington State's median is 37.7. Gender in Sumner is 48.7% male and 51.4% female.

HOUSING & HOUSEHOLDS

Half of the housing units are owner-occupied with a median value of $442,800. With 4,413 households, the average household contains 2.39 persons.

INCOME

In 2021, the median household income was $77,601, which is less than the average in Pierce County ($85,823) and King County ($99,158). Approximately 6.5% of Sumner families live in poverty, based on the 2021 American Community Survey 5-year estimates.

EDUCATION

Most residents (91.3%) have a high school diploma with 24.2% having a bachelor's degree or higher.

COMMUTERS

A variety of commuters pass through Sumner each day. People who live in Sumner typically commute out of the city for jobs in Seattle, Tacoma and other areas in Puget Sound. Conversely, Sumner's Manufacturing Industrial Center (MIC) houses over 17,000 jobs with most employees commuting into the city.

The original Northern Pacific railway station in downtown Sumner is now a Sound Transit station. Residents from Bonney Lake, Orting, Buckley, Tehaleh, unincorporated Pierce County, and even portions of Puyallup drive through Sumner, either to catch a commuter train or to continue to other areas of employment.

Ridership at the Sumner Sounder Station includes residents from Bonney Lake, Orting, Buckley, and unincorporated Pierce County. As of 2022, average annual daily traffic counts on SR 167 through Sumner were over 91,000. In addition, the nature of the MIC means thousands of long-haul and short-haul deliveries come through Sumner, often seeking amenities to rest, relax and take a break.

LAND-USE CONTEXT

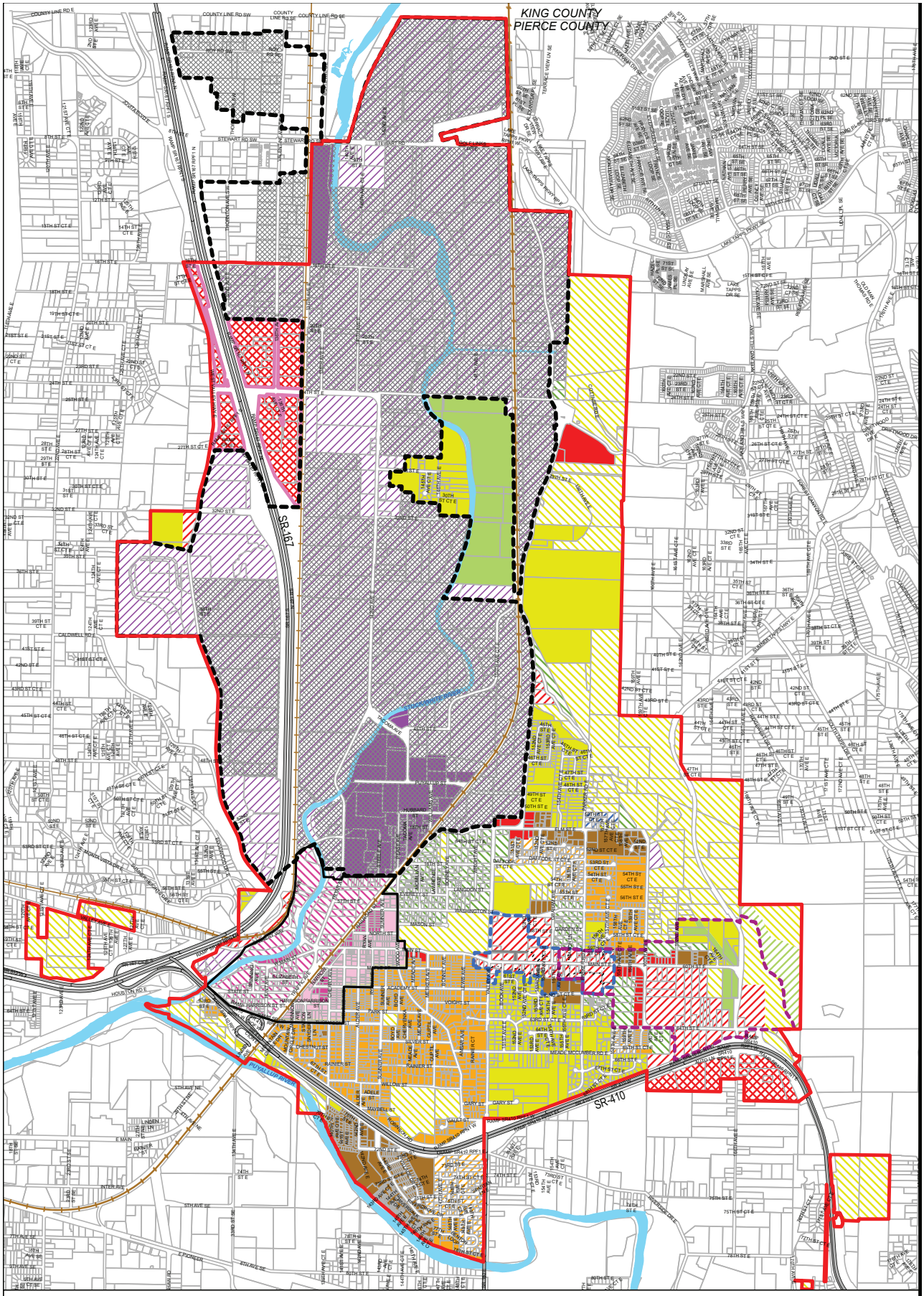
Residential neighborhoods dominate the southern portion of the city with a classic downtown surrounding Main Street and neighborhoods with housing, churches and schools radiating from there. Sumner's Housing Action Plan further outlines housing options which were dominated by single-family homes and are now transitioning to more multi-family options.

The northern portion of the City is the largest Manufacturing Industrial Center in Pierce County with major manufacturing and distribution for companies including Amazon.com, Helly Hansen, REI, Dillanos Coffee, Bellmont Cabinets, Costco and more with an estimated 17,000 employees working in that area and an estimated 6,000 trucks accessing the warehouses daily. In Sumner, State highways SR 167, SR 512, SR 162 and SR 410 meet, carrying large amount of vehicles on each route as well as on Sumner's surface streets as "cut-through" traffic. The City also includes regional services such as the Gordon Family YMCA, the largest in the state, and the Sound Transit commuter rail station. Sumner's Urban Growth Area (UGA) includes 925 acres of land that could be incorporated into Sumner in the future, most of it residential.

ZONING DISTRICTS AND SUBAREA PLANS

The City of Sumner is made up of a variety of land use and zoning classifications and includes three subarea plans in the Manufacturing/Industrial Area, Town Center and East Sumner. The Industrial Zone is the largest in the City with almost half of the total area within that zone. The next largest are residentially zoned properties, with about 1/3 of the city in Low Density Residential which is primarily single-family homes. Finally, the commercial zones, that are further divided between interchange and freeway commercial zones, general commercial zones, and "mixed-use" zones which are a combination of commercial on the ground floor and residential on floors above.

Zone Type	Acres	Percent
Low Density Residential	1418	34.0%
Medium Density Residential	117	2.8%
High Density Residential	109	2.6%
Commercial/Mixed Use	440	10.6%
Industrial	1985	47.7%
Resource Protection	97	2.3%
Total	**4165**	



City of Sumner

Zoning Map

Adopted: 02-15-2023
Ordinance: #2832
Plotted: 06-01-2023

Source: City of Sumner Community Development Department. 2023

Disclaimer:
Map features are approximate only. The City of Sumner does not guarantee the accuracy of this map nor assume any liability from the use of or reliance on the information herein.

Scale:
0 0.25 0.5 Miles

ZONING AMENDMENTS/OVERLAYS:

- Cross-Access Corridors/Combined Driveways (deeded)
- Cross-Access Corridors/Combined Driveways (not deeded)
- East Main St Design Strategy Area
- East Sumner Neighborhood
- MIC Zone
- MIC Core Overlay
- Town Center Area
- Truck Parking Overlay

TOWN CENTER ZONING:

- 3 Stories, Single Family/Multi-Family
- 4 Stories, Multi-Family/Commercial
- 5 Stories, Multi-Family/Commercial
- 6 Stories, Multi-Family/Commercial

ZONING DESIGNATIONS:

- General Commercial
- Interchange Commercial
- Neighborhood Commercial
- Heavy Industrial
- Light Industrial
- Resource Protection
- Residential Protection
- High Density Residential
- Medium Density Residential
- Low Density Residential 12000
- Low Density Residential 8500
- Low Density Residential 7200
- Low Density Residential 6000
- Low Density Residential 4000
- Sumner City Limits
- Parcels

The following are more detailed descriptions of specific areas of the City and the Urban Growth Area (UGA).

NORTH PORTION

The North Portion of the city is mostly comprised of the Sumner-Pacific MIC, which is zoned predominantly Light Industrial with some areas of Heavy Industrial. Areas of the North Portion outside of the MIC are zoned Light Industrial, Interchange Commercial, Low Density Residential, and Resource Protection.

EAST PORTION

In the East Sumner neighborhood, zoning is predominantly General Commercial and Medium Density Residential. Outside of the East Sumner neighborhood in the East Portion are mostly Low Density Residential, with some areas of Medium and High Density Residential, Neighborhood Commercial, and General Commercial. In the area immediately south of East Sumner and south of 410, there is also Interchange Commercial zoning.

SOUTH PORTION

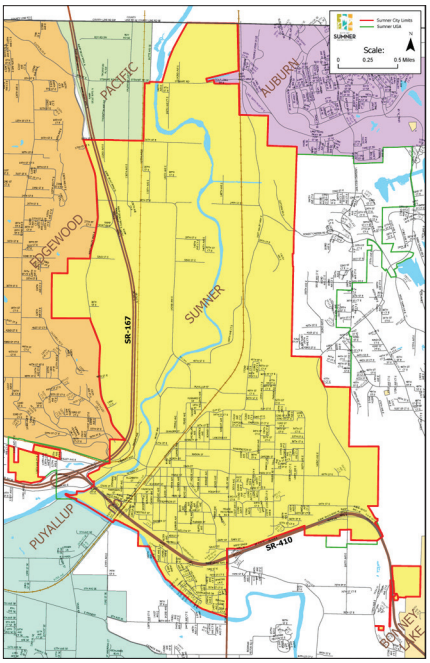
The South Portion is zoned Low Density Residential and Medium Density Residential.

WEST PORTION

The West Portion includes the Town Center, which is zoned for mixed residential and commercial from up to three to six stories. Outside of Town Center, the West Portion includes mostly Low Density Residential zoning with some areas of Medium Density Residential and General Commercial.

SUMNER UGA

Unincorporated UGA zoning (shown in map at right as outside the red city limits but inside the green UGA boundary) is determined by Pierce County. The portion of the UGA to the east of the City (towards Lake Tapps) is zoned Moderate Density Single Family, with a small area of Public Institutional zoning where there is Puget Sound Energy utilities infrastructure. The portion of the UGA to the south off of 166th Avenue East is zoned Community Center. The portion to the west is zoned Employment Center and Moderate Density Single Family.



PARK CLASSIFICATIONS

The general term "park" includes a wide array of purposes, audiences and styles. A classification system helps organize and define parks based on their size, ecological importance, recreational opportunities, historical or cultural significance, placemaking potential, economic development and conservation/climate resiliency goals. The criteria used here are built on the same premise used by Washington State Parks and RCO. Classifications help a community identify and provide the best mix of built and natural environments to serve multiple needs.

The following six classifications are typical for municipalities of Sumner's size.

NEIGHBORHOOD OR LOCAL PARK

In Sumner: Loyalty Park, Seibenthaler Park, Rainier View Park
Bennett Property and Qunell Family Park (currently undeveloped)
This classification captures the traditional "park" of 2-5 acres within neighborhoods that are designed for unstructured play, limited active and passive recreation.

COMMUNITY PARK

In Sumner: Bill Heath Sports Complex
These are larger sites focusing on organized play with a wider array of facilities that appeal to more diverse audiences. Generally 20-50 acres in size, they serve a broader geographic area.

NATURAL AREAS & GREENSPACES

In Sumner: Two-Rivers Point, shoreline areas along rivers
These areas preserved to protect native habitat and biodiversity, including riparian corridors and wetlands. Low-impact activities are allowed including walking, bird-watching and fishing (if appropriate). Please note: this does not include the 200+ acres of the White River Restoration Projects since those areas will be closed to public access.

TRAILS, BIKEWAYS & PATHWAYS

In Sumner: Sumner Link Trail, Academy Street
This classification includes trails as a non-motorized network that may be used for transportation and/or recreation. Typically, a 5' wide separated path offers options for walking, jogging, running, bicycling and horse-back riding. Bikeways are slightly different in that their focus is on safe non-motorized transportation, such as a bike lane adjacent to a roadway. Pathways are smaller paths that usually connect to the more formal trail system.

SPECIAL FACILITIES

In Sumner: Reuben Knoblach Heritage Park, Lucy V. Ryan Park
This classification captures a wide range of facilities designed for very specific purposes, whether a display garden, aquatic center, public plaza or community center. Depending on design and purpose, these facilities may be focused on a specific role or take on more of an event space/tourism development aspect, especially in a historical or cultural context.

POCKET PARKS, MINI-PARKS, TOT LOTS

In Sumner: Rhubarb Alley, Dining Parklet, Pocket Park off 45th St (currently unnamed), Hops Alley (undeveloped)

This classification captures smaller green spaces designed for visual appeal or a very limited purpose such as seating or child play. Under 1 acre in size, they are often more of an enhancement than a destination, adding greenery and outdoor space where it's least expected.

While these six classifications focus on a park's size and purpose, any system should assess how each park provides a unique mix of the following values:

- Physical & Mental Health
- Ecological Diversity
- Cultural & Historic Significance
- Tourism/Placemaking
- Educational and Interpretive Benefits
- Research and Conservation Planning

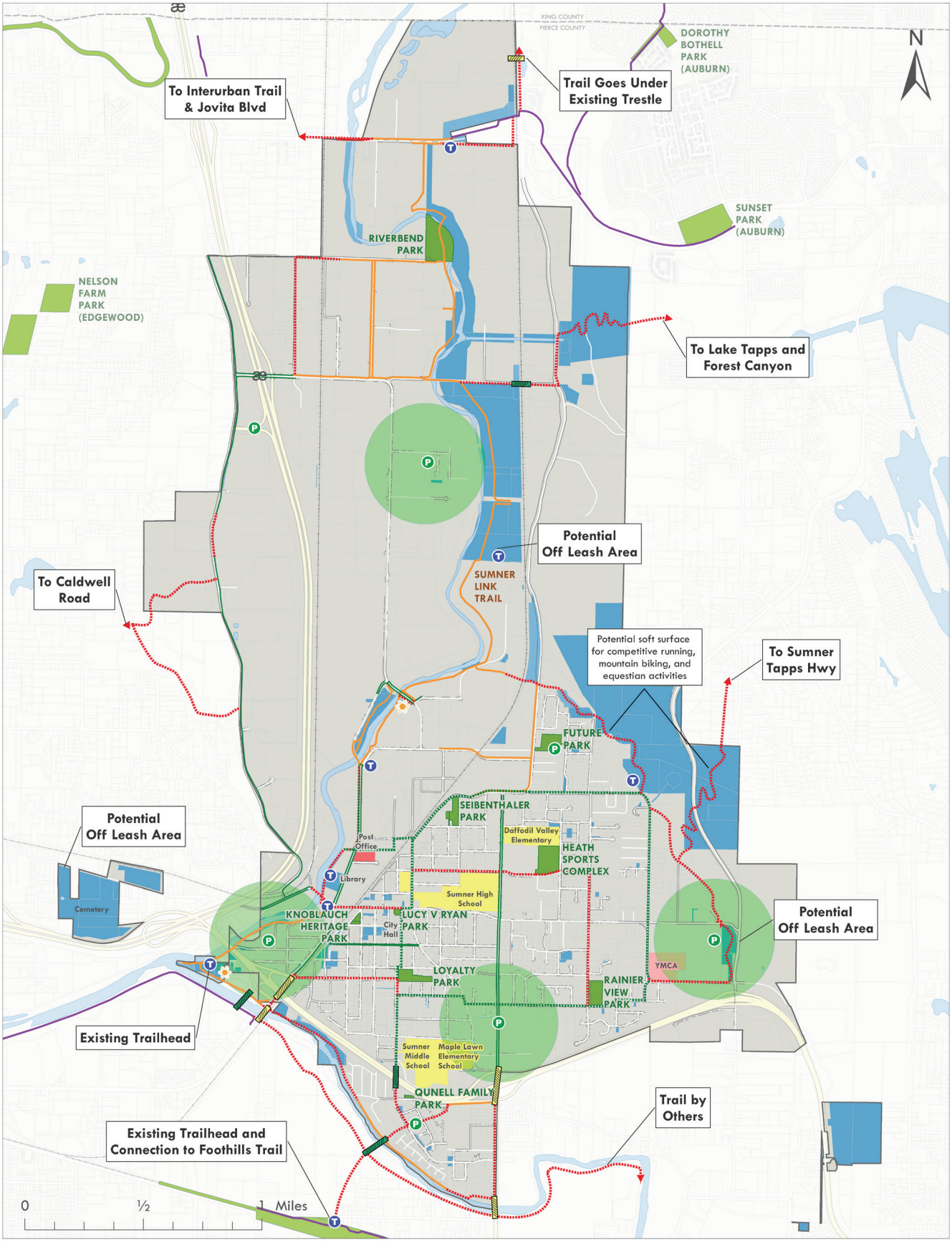
RECREATION PROGRAMS

Currently, the City of Bonney Lake operates recreation programs for residents within the Sumner-Bonney Lake School District. The Gordon Family YMCA offers a wide range of recreational programs, some of which are confined to paid membership and some of which are open to the public. The City of Sumner contracts with Stafford Suites to operate the Sumner Senior Center, which offers services, meals, activities and events.

EXISTING PLAN REVIEW

This plan is an update to the City of Sumner Parks & Trails plan adopted in 2018. Other plans and goal-setting documents that inform/coincide with topics in this plan include

- City of Sumner Comprehensive Plan
- City of Sumner Transportation Management Plan
- City of Sumner & City of Bonney Lake Housing Action Plan
- City of Sumner Biennial Budget
- Main Street Vision
- Sumner Tourism Master Plan
- Master Plan: Seibenthaler Park & Bennett Property
- Master Plan: Heritage Park Redesign and Hops Alley Activation



LEGEND

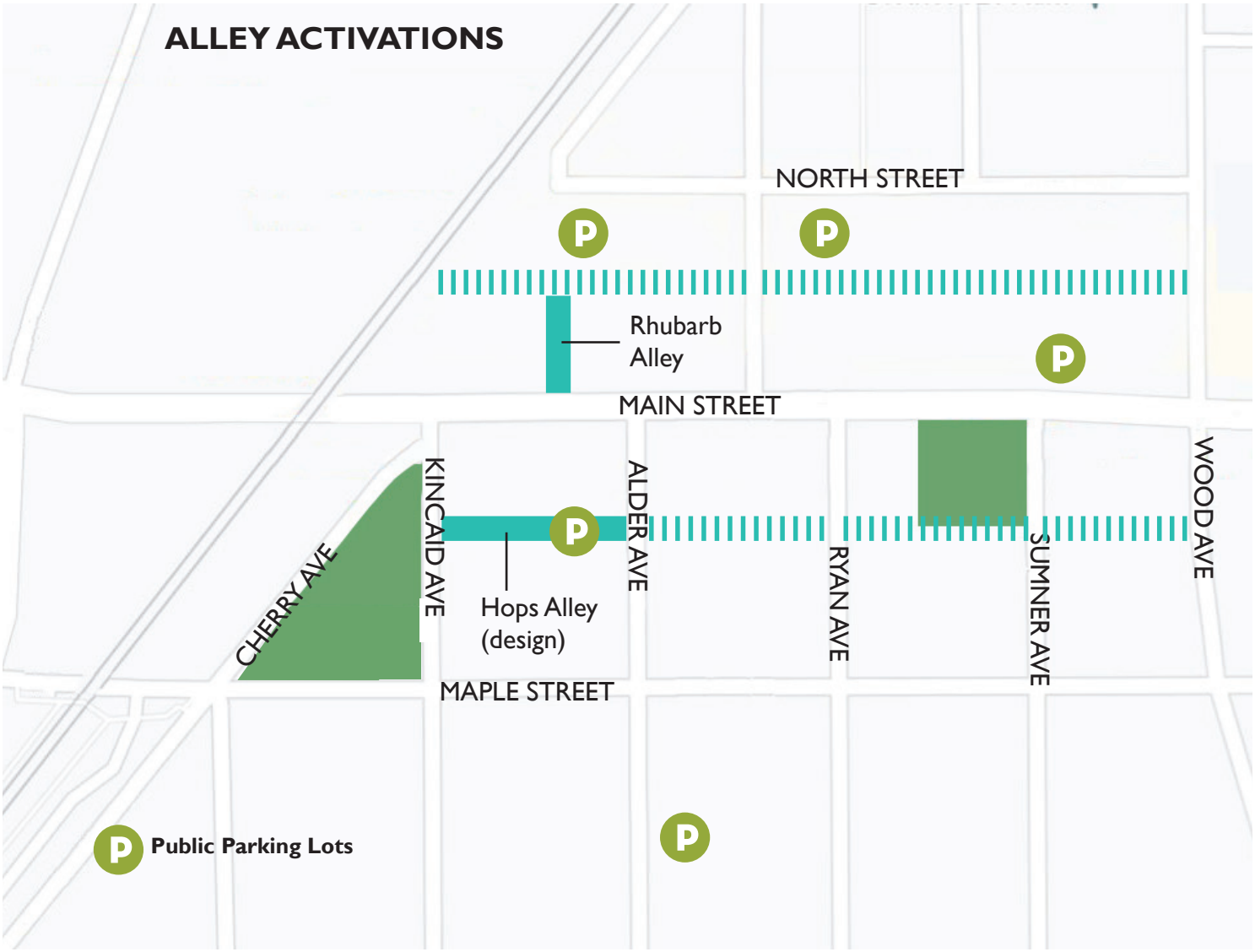
- Proposed Trailhead
- Proposed Park
- 1/4 Mile Park Buffer
- Existing Connection
- New Connection
- Proposed Trail
- Proposed Bike Trail
- Existing Trail
- Existing Bike Lane
- Existing Trail (Other Agency)
- Existing Park
- Local Ownership
- Other Park or Open Space
- School Land
- Federal
- Other Recreation
- Sumner City Limits
- Sidewalks
- Interstate / Highway
- Railroad
- Body of water
- Parklet

BERK

HBB LANDSCAPE ARCHITECTURE

Map Date: November 2017

Note: Trail and bridge locations are preliminary and subject to environmental and engineering vetting, and the locations may change.



Current alley activations (exists or in design)

Future alley activations--City owns some, not all, property

RAINIER VIEW PARK

Fun, varied local park often used by many in the community including unique areas with mosaic artwork, views of Mount Rainier, and lots of fun amenities for all ages.

Opened in 2007, this park used the input from over 200 participants from Maple Lawn Elementary, Senior Center, Community Summit, and residents to inspire its design.

Address	15603 Meade McCumber Rd	**Key Features**	• Mosaic artwork • Inclusive playground • Covered picnic shelter • Walking path
Classification	Local Park		
Size	3.9 acres		
Status	Existing		
Assessment Rating	4.5		
Recent Changes	2024 – Install covered court (RCO funds, LCP funds, City funds) 2024—Install Portland Loo (City ARPA funds) 2024—Install inclusive playground with dual ziplines (Parks Impact Fees & Playground Replacement Fund)		

LOYALTY PARK

Sumner's oldest park is still its most popular. This park's tree canopy and casual nature make it a hit for book clubs, birthday parties, or simply a dry day.

Once part of the L. F. Thompson farm, after the hops blight, Thompson donated the land to the City. "City Park" sat undeveloped until 1914, when the Women's Civic Club of Sumner organized to make the park a reality. Its name was changed to "Loyalty Park" in 1970.

Address	1300 Park Street	**Key Features**	• Inclusive playground • Tree canopy • Basketball/pickleball court • Horseshoes
Classification	Local Park		
Size	3.3 acres		
Status	Existing		
Assessment Rating	4.75		
Recent Changes	2021—Install inclusive playground (Parks impact fees & Playground Replacement Fund) 2022—Install Henry mural, technically adjacent to park (City/Arts Commission funds) 2023—Install Portland Loo (City ARPA funds)		

REUBEN A. KNOBLAUCH HERITAGE PARK

Called "Heritage Park" for short, this downtown park serves as the town center. State Senator Knoblauch willed funds to start this park while donations from individuals, families and businesses helped build the park in 1995-96.

The space is primarily used only during festivals and programmed events, leaving room for improvement as an ongoing gathering place that better serves residents, visitors and surrounding businesses. Part of the Main Street Vision, the developing redesign builds in more intentional daily uses including seating, a small playground and a pavilion.

Address	914 Kincaid Avenue	**Key Features**	• Central location • Built-in sound system • Amphitheater-style hill
Classification	Special Facility		
Size	0.74 acres		
Status	Existing, renovations pending		
Assessment Rating	3.5		
Recent Changes	2020-21 Main Street Vision process (City General Fund) 2021 Purchase of 902 Kincaid completes block for park 2023 Paving of woonerf plaza (Sumner Utilities, Pierce Co ARPA) 2023 Initial concept redesign (Sumner Lodging Tax) 2024 Complete redesign (Pierce Co Lodging Tax)		

LUCY V. RYAN PARK

The Ryan Family donated this land to the City in 1926 in honor of their mother, who loved plants, gardens and horticulture. The house served as the library for 50 years and the historic museum another 40+ years. In 2023, a planned renovation found the house to be lacking major structural support with rebuilding outstripping funding. The City is following the original deed to redevelop as a full park. A form of artwork/signage will commemorate Lucy V. Ryan and the house.

Address	1228 Main Street	**Key Features**	• Central location • Deed restrictions
Classification	Special Facility		
Size	0.4 acres		
Status	Existing, changes pending		
Assessment Rating	3.25		
Recent Changes	2019-2023 Anticipated house rehabilitation 2023 Major structural issues found in house, unsafe structure 2024 Demolition of house and initial park design		

BILL HEATH SPORTS COMPLEX

Dedicated in 1998, Bill Heath spearheaded a 10-year campaign that was led by Sumner Rotary and included over 1800 contributors from the region. What most view as one complex is actually adjacent land with the north portion owned and managed by the Sumner-Bonney Lake School District (SBLSD) and the south portion managed by the City of Sumner.

Address	5604 Graham Ave.	**Key Features**	• Sk8 Park • Ball fields • Volleyball courts • Tennis/pickleball • Concession stand
Classification	Regional		
Size	7 acres		
Status	Existing		
Assessment Rating	4.75		
Recent Changes	Tennis courts restriped to include pickleball		

SEIBENTHALER PARK

Established in 1945, this neighborhood park was named in honor of a local Boy Scout leader and developed for $6000. This large park remains underused due to some original design challenges including lack of shade and poor field drainage. An updated master plan outlines new and improved features sought by the surrounding community and users as soon as funding is available.

Address	1602 Bonney Avenue	**Key Features**	• Playground • Large field • Pop-up dog park (temporary)
Classification	Local Park		
Size	2.62 acres		
Status	Existing		
Assessment Rating	4.25		
Recent Changes	2022 – Master redesign finished		

BENNETT PROPERTY

The 2018 Parks and Trail Plan update identified the lack of park facilities for residents on Sumner's northern-most areas. The City bought this parcel of land from then owners Christopher and Gloria Bennett. Funding from Pierce County Conveservation Futures allowed the City to purchase the land in 2020. The City has developed an initial plan for development that includes two additional points of entry from recently acquired properties. .

Address	4811 East Valley Hwy	**Key Features**	• None yet
Classification	Local Park		
Size	4.21 acres		
Status	Undeveloped		
Assessment Rating	1		
Recent Changes	This park awaits funding for final design and development. An additional parcel added future access points/better pedestrian access.		

QUNELL FAMILY PARK

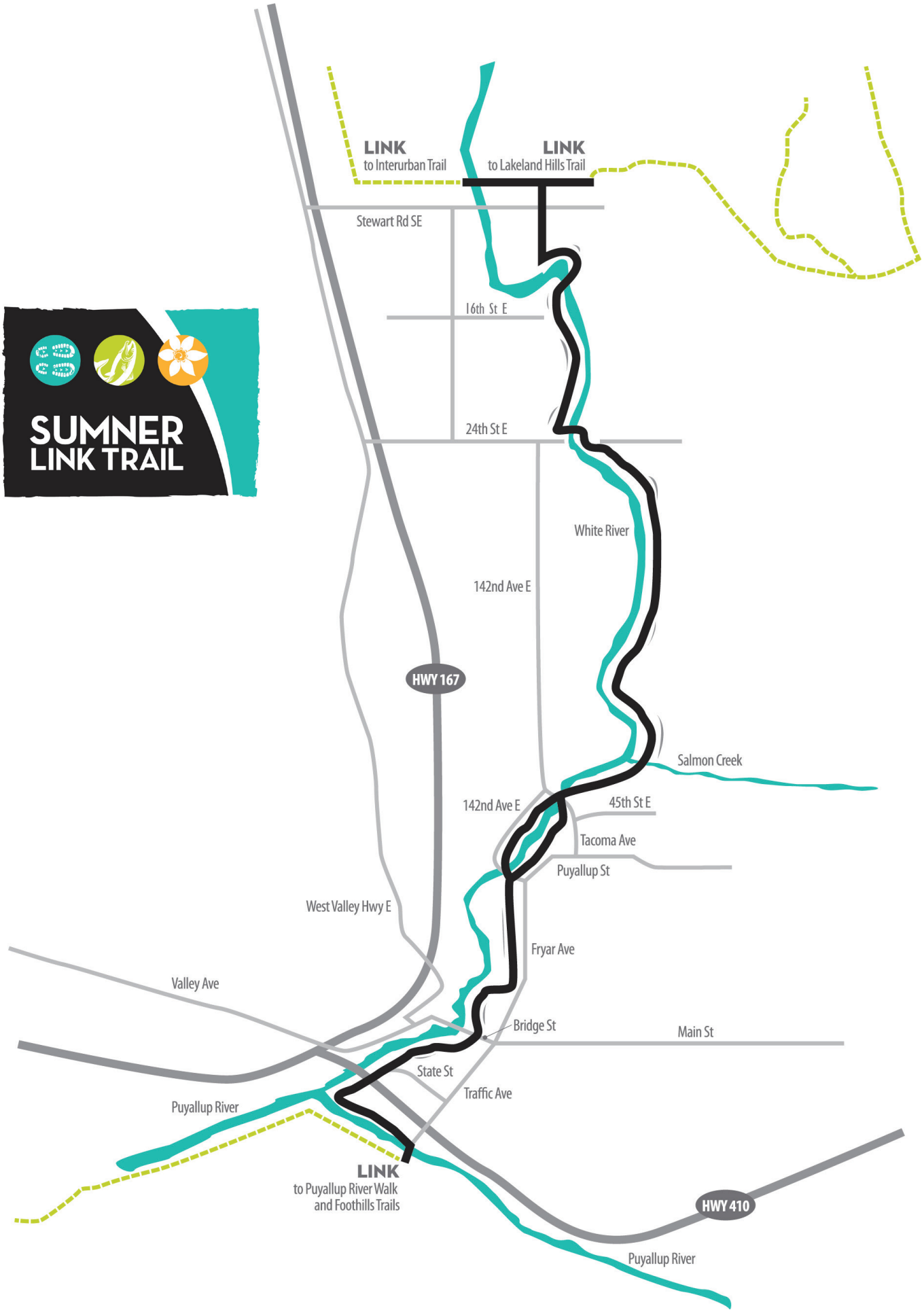
With nearly 1,000 residents, or 10% of the population, living in the Rivergrove neighborhood, the City realized these neighborhoods were cut off from easily accessing services, including parks, by SR 410 freeway. While the City pursues a pedestrian bridge over SR 410, it also sought a way to include a park within the Rivergrove area itself. In 2021, the Qunell family generously donated this parcel for a local park.

Address	14324 72nd St E (Adjacent Property)	**Key Features**	• None yet
Classification	Local Park		
Size	0.25 acres		
Status	Undeveloped		
Assessment Rating	1		
Recent Changes	This park awaits funding for final design and development.		

SUMNER LINK TRAIL

Officially opened in 2014, the Sumner Link Trail provides a beautiful, paved walking, biking trail that is used for both commuting and recreation. Largely following the White River, it offers views of Mt Rainier, streams with spawning salmon and surprisingly natural overlooks tucked behind residential and industrial areas. The section along Fryar Avenue is funded for a fully separated trail. Future sections outside the City of Sumner to the north and south will connect this trail regionally to the Interurban and Lakeland Hills trails as well as to the Foothills trail.

Address	N/A	**Key Features**	• Trailheads with restrooms • Gateway arches • Natural views • Access to fishing (Puyallup River only)
Classification	Trails, Bikeways & Pathways		
Size	5.1 miles		
Status	Existing		
Assessment Rating	4		
Recent Changes	2024 – Complete separated trail on Fryar Ave (State funding) 2024-25—Move northern section of trail for White River Restoration habitat project		


SUMNER
LINK TRAIL
LINK
to Interurban Trail
LINK
to Lakeland Hills Trail
Stewart Rd SE
16th St E
24th St E
White River
142nd Ave E
HWY 167
Salmon Creek
142nd Ave E
45th St E
Tacoma Ave
Puyallup St
West Valley Hwy E
Fryar Ave
Valley Ave
Bridge St
Main St
State St
Traffic Ave
Puyallup River
LINK
to Puyallup River Walk
and Foothills Trails
HWY 410
Puyallup River

SECTION 2

PUBLIC INPUT

With every plan update, the City takes this opportunity to listen to residents, businesses, park users, and any other stakeholders who care about Sumner's parks and amenities.

ENGAGEMENT GOALS

1. Reach a diverse audience and balance feedback.
Diversity includes people representing a wide range of demographics as well as residential location and kind of park user, including people who don't currently use the system at all. No one person will see "their" ideas specifically reflected here because this plan encompasses the needs and wishes of thousands of stakeholders and potential users. Feedback and outreach are done at the beginning in order to balance and synthesize various and sometimes even competing needs.

2. Respect people's time.
The best way to reach a wide range of people is to make the feedback convenient to give. This means using a variety of tools, ranging from online mapping comments to pop-ups in the park to QR codes at each park, allowing people to add comments when convenient to them.

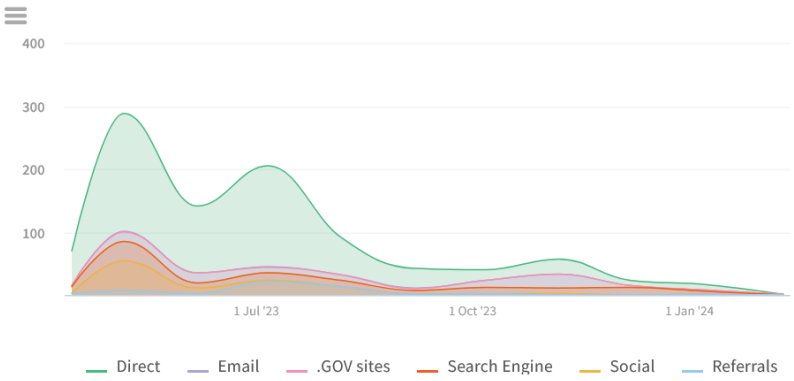
3. Give options for both broad and specific feedback.
To get accurate feedback, some people need very specific questions to which they respond. Others need very general questions. Feedback for this updateed plan used both methods.

PARKS PLAN UPDATE PROJECT PAGE

TOTAL VISITS	TOTAL VISITORS	INFORMED VISITORS	ENGAGED VISITORS
975	**684**	**478**	**300**
		69.9%	43.9%

Total visits means clicks on webpage, may be from repeat visitors.
Total visitors means unique visitors to page who are at least aware of the project.
Informed visitors are a fraction (% shown) of total who read a document, opened a map, etc.
Engaged visitors are a fraction (% shown) of total who gave feedback i.e. took a survey, asked a question.

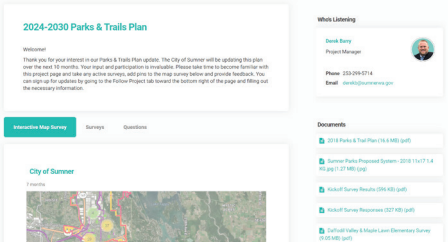
Visits by Channel



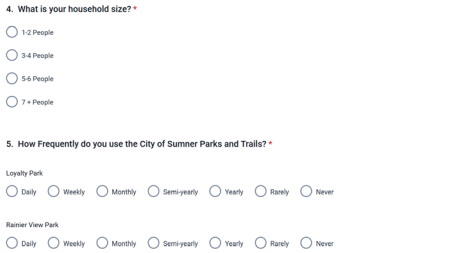
TRAFFIC CHANNEL	AWARE VISITS	INFORMED VISITS(%)	ENGAGED VISITS(%)
DIRECT	656	396 (60.4%)	260 (39.6%)
EMAIL	3	2 (66.7%)	2 (66.7%)
.GOV SITES	93	67 (72%)	4 (4.3%)
SEARCH ENGINE	113	81 (71.7%)	19 (16.8%)
SOCIAL	61	29 (47.5%)	16 (26.2%)
REFERRALS	49	18 (36.7%)	6 (12.2%)

ENGAGEMENT TOOLS & OPPORTUNITIES

SUMNER CONNECTS PROJECT PAGE with documents, events, surveys, mapping surveys & a space to ask questions*



FORMAL KICK-OFF SURVEY shared on-line, on social media and via signs in parks with a QR code*

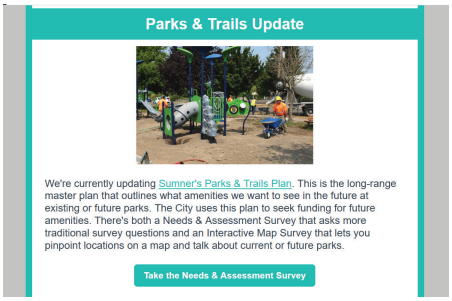


BOOTH AT TWO OPEN HOUSES where staff/consultants shared information and gained feedback

JULY "POP-UPS IN THE PARK" offered users popsicles and ice-cream bars plus casual, direct feedback

IN THE CITY'S PRINT NEWSLETTER that drops in every mailbox with copies at the library, food bank & visitor center

IN WEEKLY E-MAILED NEWSLETTER that goes to over 1,000 subscribers with an average 50% open rate each week



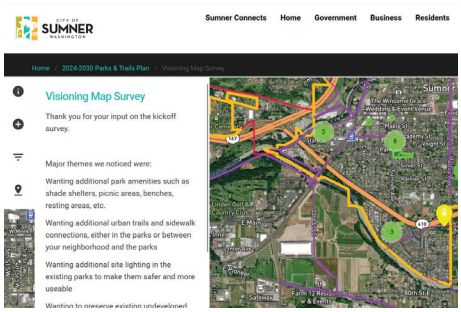
SHARED ON SOCIAL MEDIA including X (formerly Twitter), Instagram and Facebook*

CITY COUNCIL MEETINGS included reminders, airing on Pierce County TV and streaming live/archived on YouTube

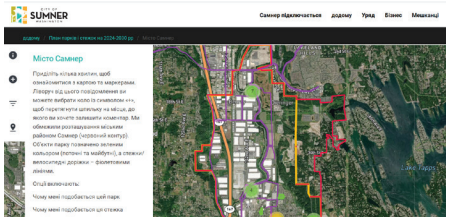
SIGNS IN EACH PARK with a QR code for open feedback specifically for each particular park & the trail

GENERAL FEEDBACK provided at the Senior Center, Youth Forums (students), and Community Summit

MAPPING SURVEY on project page that encouraged open suggestions by location*



*TRANSLATIONS: online project page & mapping survey offers translation into multiple languages. Social media and other web-based surveys can be used in other languages based on the user's settings.



FEEDBACK

KICK-OFF SURVEY HIGHLIGHTS

100 responses
Full report of responses/demographics in the appendix.

Most used parks/amenities in Sumner:
1. Loyalty Park
2. Rainier View Park
3. Sumner Link Trail
4. Heath Sports Complex
5. Heritage Park
6. Seibenthaler Park
7. Lucy V. Ryan Park (then "Ryan House")
8. Sk8 Park (closed at the time of the surveys)

Type of facilities most used in Sumner:
1. Walking/biking path (79%)
2. Nature/Open Space (58%)
3. Play structures (48%)
4. Picnic/shade shelters (25%)
5. Jogging/Running (25%)

Type of facilities sought outside Sumner:
1. Walking/biking path (69%)
2. Spray park/swimming pool (49%)
3. Off-leash dog park (31%)
4. Climbing wall (27%)
5. Indoor recreation (23%)

Barriers for using Sumner facilities:
1. Needs restrooms (34%)
2. Security/safety (30%)
3. Lack of pedestrian connectivity (29%)
4. Lack of amenities (24%)
5. Unsure what's available (23%)

Sumner needs more (top answers):
1. Splash/spray park (71)
2. Picnic area/shade structures (70)
3. Lighting (69)
4. Urban trails/sidewalks (64)
5. Indoor recreation (62)
6. Natural areas/open space (62)

MAPPING SURVEY 1

103 visitors viewed the map, 12 contributor submitted 44 comments.
Map shown here for illustrative purpose. See appendix for all comments submitted.

City of Sumner

Please take a few minutes to familiarize yourself with the map and pins. On the left of this message you can select the circle with the "+" symbol to drag and drop the pin on the location you'd like to make a comment on. We have limited the location to the urban growth area of Sumner (red outline). Park facilities are outlined in green (current & future) and trails/bike lanes are purple lines.

Options include:

Why I like this park

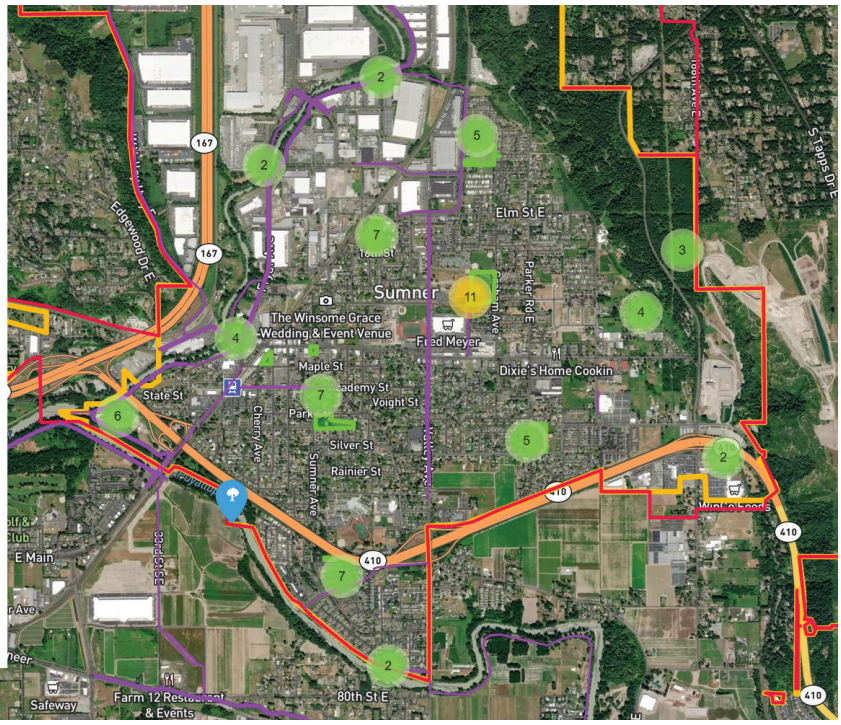
Why I like this trail

What this park is missing

What this trail is missing

A new park should go here

A new trail should go here



MAPPING SURVEY 2

141 visitors viewed the map, 13 contributor submitted 75 comments.
Map shown here for illustrative purpose. See appendix for all comments submitted.

Visioning Map Survey

Thank you for your input on the kickoff survey.

Major themes we noticed were:

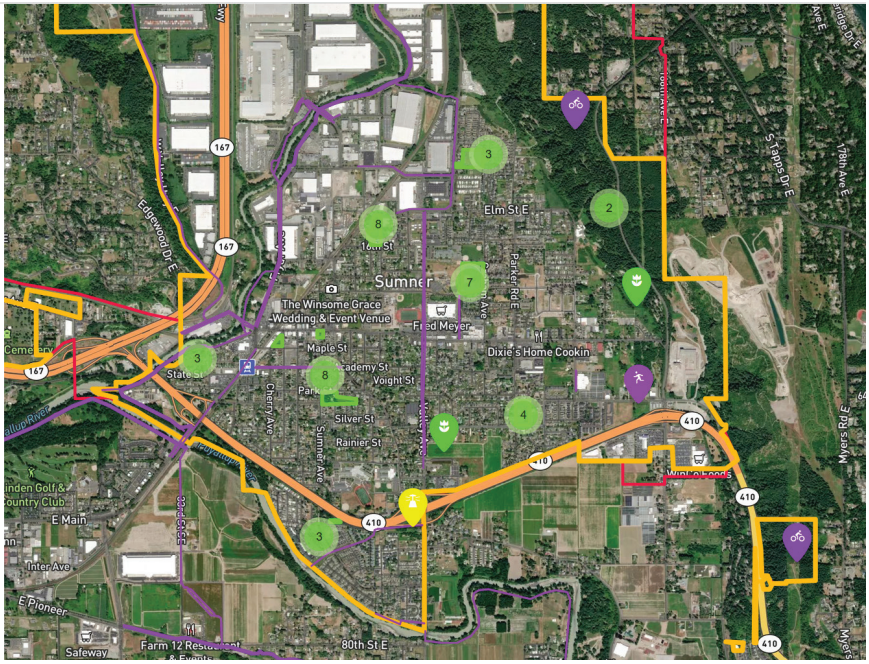
Wanting additional park amenities such as shade shelters, picnic areas, benches, resting areas, etc.

Wanting additional urban trails and sidewalk connections, either in the parks or between your neighborhood and the parks

Wanting additional site lighting in the existing parks to make them safer and more useable

Wanting to preserve existing undeveloped natural areas and open space?

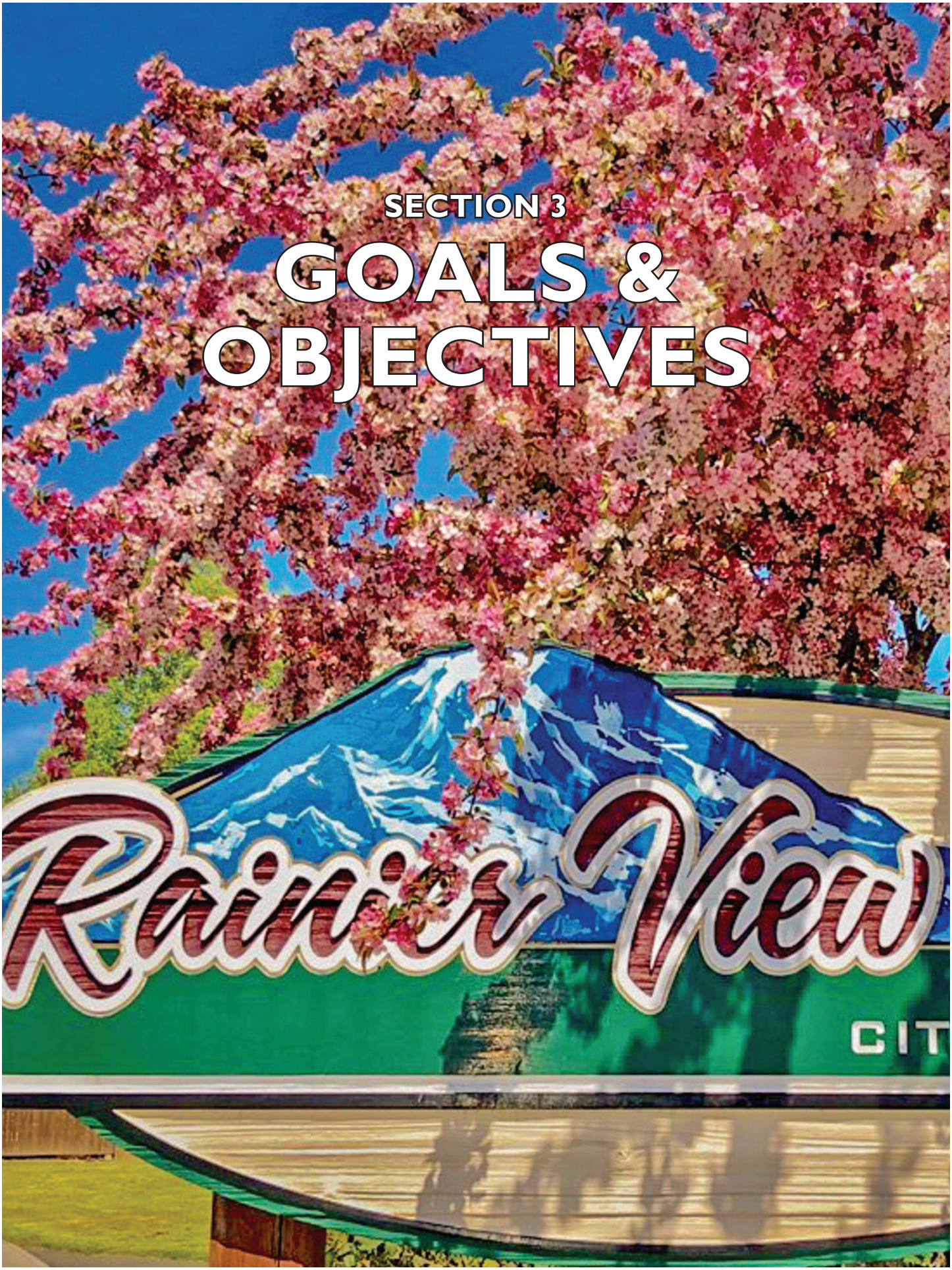
For this next phase of the survey, we would like your ideas on where these improvements could happen. Please take some time to familiarize yourself with the map and add your comments/suggestions.



INDIVIDUAL PARK FEEDBACK

Each park and the trail, had a short survey that simply asked
"I love this park because..."
"What this park really needs is..."
All responses are in the appendix.

Park	Visitors to Page	Contributions
Heath Sports Complex	33	15
Heritage Park	12	6
Loyalty Park	57	39
Rainier View Park	61	44
Seibenthaler Park	22	18
Sumner Link Trail	82	74
	267	**196**



SECTION 3

GOALS & OBJECTIVES

From history, analysis of current facilities and feedback, this plan next establishes broad goals for the next six years. These goals and objectives carry across all parks, trails and open space and speak to ongoing service rather than construction projects, although there is some natural overlap. Later, the plan will further explore specific capital needs within each park.

GOAL 1

Ensure facilities are safe and comfortable for a wide range of users.

OBJECTIVE 1.1 – PROVIDE AMENITIES PEOPLE NEED

1.1.1 Restrooms

1.1.2 Parking
- Further develop trailheads
- Add parking improvements, including ADA options
- EV charging/parking

1.1.3 Accessibility
- Inclusive playgrounds and amenities

1.1.4 Weather
- Covered court & shade structures
- Spray park

OBJECTIVE 1.2 – MAINTAIN FACILITIES FOR SAFETY

1.2.1 Playgrounds

1.2.2 Vandalism prevention

1.2.3 Industry safety standards

OBJECTIVE 1.3 – KEEP SPACES COMFORTABLE & INVITING

1.3.1 Lighting

1.3.2 Landscape features

1.3.3 Maintenance levels of service/standards

1.3.4 Develop consistent and sufficient placemaking and wayfinding signage (Tourism Plan)

GOAL 2

Foster spaces that are attractive and inviting, balancing a variety of needs and uses.

OBJECTIVE 2.1-PROVIDE SPACES FOR EXERCISE AND PHYSICAL HEALTH

2.1.1 Paths/trails for walking/jogging

2.1.2 Diversify courts for basketball, volleyball, pickleball and tennis.

2.1.3 Fix drainage issues to increase availability of fields for soccer, football, lacrosse & other sports as well as passive use.

OBJECTIVE 2.2-PROVIDE SPACES FOR PEOPLE TO EXPERIENCE NATURE

2.2.1 Construction/maintenance of Sumner Link Trail

2.2.2 Find places in new park designs to incorporate nature, potential Tribal horticulture.

2.2.3 Continue nursery to replace lost trees with mature trees.

2.2.4 Find strategies to protect White River Restoration habitat areas from unauthorized use.

OBJECTIVE 2.3-PROVIDE SPACES TO BUILD COMMUNITY

2.3.1 Strategies to foster individuals using spaces together

- New seating
- Create informal yard game areas
- Off-leash dog park

2.3.2 Strategies to foster personal meetings/celebrations (i.e. birthday parties)

- Move gazebo to…
- Possible purchase of Rotary Scout Hall
- Heritage Park building
- Evaluate reservation system
- Update Senior Center fixtures/explore expanded use

2.3.3 Strategies to foster/support community events

- Resign Heritage Park—new stage area & building
- Activate Hops Alley

OBJECTIVE 2.4-PROVIDE SPACES THAT FOSTER ART AND CULTURE

2.4.1 Develop unique pocket parks and plazas with Sumner-specific murals and programming (Tourism Plan)

2.4.2 Redesign Heritage Park stage for better entertainment options

2.4.3 Include acoustical design in new event spaces for maximum uses

GOAL 3

Integrate and connect parks, trails and open spaces with various users for easy access.

OBJECTIVE 3.1—BIKING ROUTES FOR RECREATION/TRANSPORTATION

3.1.1 Develop bike lanes to encourage non-vehicular transportation and links (TMP, Tourism Plan)

3.1.2 Promote bike trails linking downtown and industrial area (Tourism Plan)

3.1.3 Complete Rivergrove Pedetrian Bridge to reconnect Rivergrove to amenities (TMP)

3.1.4 Complete bridge over Puyallup River to connect Sumner/Rivergrove to regional system

3.1.5 Work with region to further connect and promote regional trail system

OBJECTIVE 3.2—PARKING ACCESS

3.2.1 Explore the parking needs and options to access the trail and future trailhead locations

3.2.2 Improve parking access/safety

3.2.3 Continue alley activations to improve safety, experience of downtown parking.

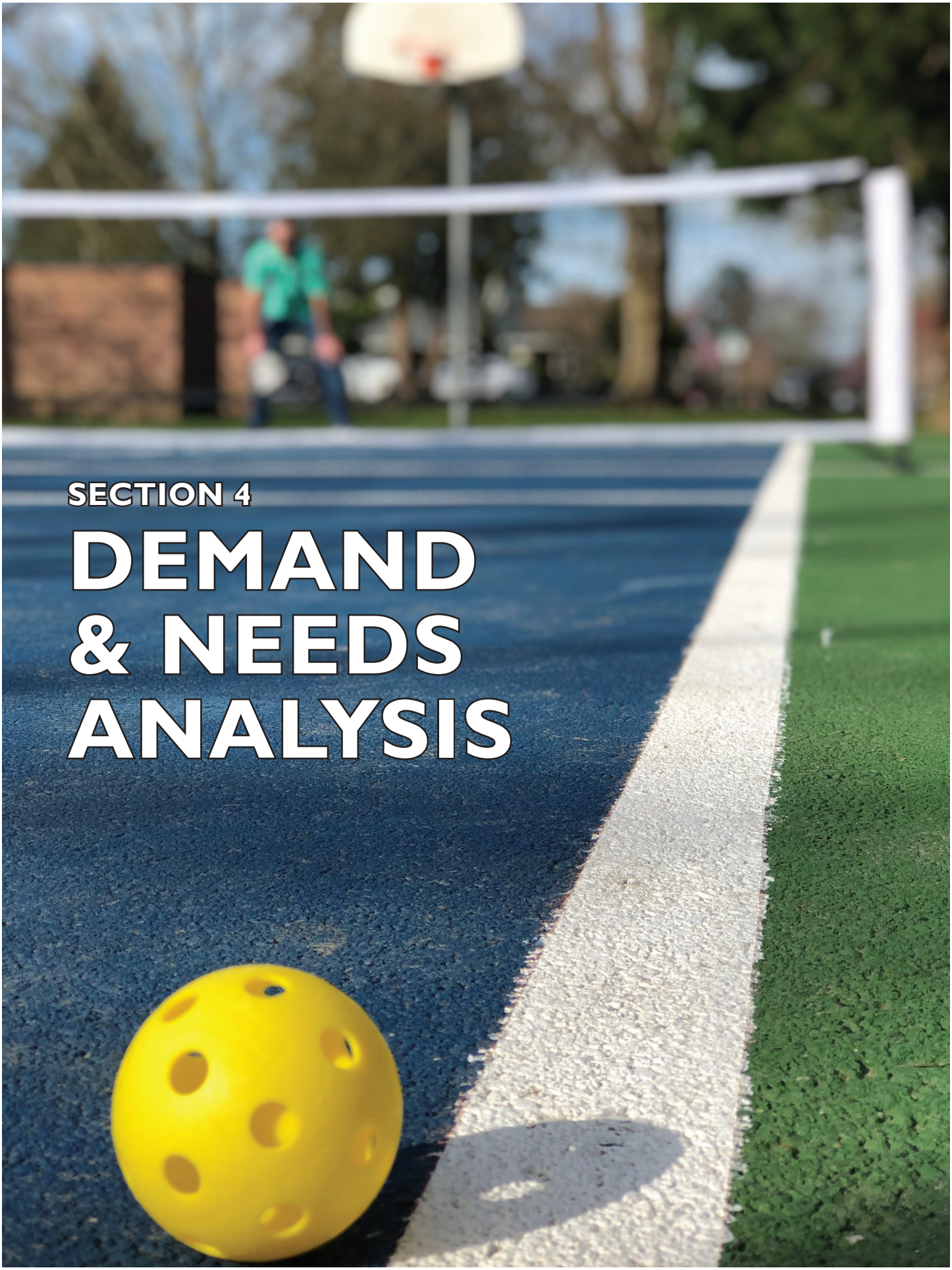
OBJECTIVE 3.3—PEDESTRIAN ACCESS

3.3.1 Activate alleys to balance pedestrian access from Main Street.

3.3.2 Complete Rivergrove Pedetrian Bridge to reconnect Rivergrove to amenities (TIP)

OBJECTIVE 3.4—ADA, SENIOR ACCESS

3.4.1 Blend of improvements for ADA and senior access.



SECTION 4

DEMAND & NEEDS ANALYSIS

Now that this plan has explored feedback and established broad goals and objectives, this section analyzes current and future demand in order to assess the park system's needs for the next 6-10 years while also looking ahead to the next 15-20 years. Needs include both preservation of existing assets while addressing population forecasts and shifting priorities.

QUANTIFICATION/QUALIFICATION

This section uses quantitative metrics including traditional levels-of-service metrics and information from the National Recreation and Park Association's (NRPA) guidelines and online Park Metrics database. However, what is harder to capture in a report like this is the qualitative aspects of services and spaces. For example, feedback and experience show that Sumner's Loyalty Park is one of the most loved and used parks in the system, yet it's also the oldest with few "modern" amenities and attractions. When planning future improvements, the qualitative feedback shown in the simple answers to "I love this park because..." should be taken into account along with data metrics.

BENCHMARKS

NRPA sets national guidelines as a broad metric for comparison but encourages communities to set their own local goals, priorities and conditions. The graphs below show Sumner's acreage as well as Pierce County's as established by the County's similar parks plan.

Pierce County Levels of Service Standards	
Facility Type	**Target (per 1,000 residents)**
Developed Park	6.7 acres
Open Space Area	7.5 acres
Trail/Walking Path	0.11 miles
Sports Courts & Fields	0.2 facilities

City of Sumner Benchmarks	
Facility Type	**Target (per 1,000 residents)**
Developed Park	5.8 acres
Open Space Area	4.1 acres
Max. walk to a park	10 minutes

RECREATION TRENDS

Residents and visitors highly value recreation on the state-wide level for a variety of reasons. From a long-haul trucker needing to stretch their legs to a work-from-home employee who seeks connection during a lunch break, recreation spaces promote mental and physical wellbeing, creativity, connection, community and artistry. Key spaces also drive tourism, further supporting local restaurants, stores and services.

Top 20 Recreation Activities in Washington State*	
Activity	**% of participants**
Walking or Using Mobility Device on Roads or Sidewalks	91%
Wildlife & Nature Viewing	90%
Scenic Driving (Sightseeing)	85%
Hanging Out	70%
Picnic, Barbecue or Cookout	68%
Community Garden or Farmer's Market	66%
Visiting Outdoor Cultural or Historic Facility	62%
Swimming in Natural Settings	61%
Paddle Sports (whitewater, canoes, kayaks, SUP, rowing)	52%
Outdoor Concert or Special Event	49%
Gathering or Collecting Anything in Nature	49%
Tent Camping (developed campground)	44%
Backpacking	42%
Playground	41%
Tent Camping (undeveloped area)	41%
Road cycling	40%
Yard games (beanbag toss, horseshoes, etc.)	38%
Volunteering (restoration projects, citizen science, etc.)	37%
Jogging or running on roads or sidewalks	35%
Snowshoeing	35%

Source: Washington State Recreation & Conservation Office, 2023 Recreation & Conservation Plan
* This is a state-wide list. Not all activities are common in Sumner.

GAP ANALYSIS

SUMNER POPULATION PROJECTIONS

For the past few decades, Sumner has been growing at a modest pace of less than 1% per year. However, Sumner will see a significant population increase in the next five years given market demand plus recent changes prompted through Sumner's Town Center Plan, the East Sumner Neighborhood Plan and efforts to increase affordable and senior housing. More residents will be living in mutli-family than ever before, driving an increased need for public outdoor and recreation spaces for gathering, exercise and connection to nature.

City of Sumner Population		
Year	**Population**	**Persons per square mile**
2020	10,621	1,475
2023	10,800	1,500
2044	15,519*	2,155

*Projection by Puget Sound Regional Council (PSRC)

The above lists only Sumner's residential populations. This report often references how Sumner's parks, trails and open spaces also serve people who work here, visit and commute/travel through here. Some estimated numbers include:

- 17,000 people work in Sumner's Manufacturing Industrial Center (2023 estimate)
- Over 91,000 people commute through Sumner either in vehicles or transit. (2022 Average Annual Daily Traffic Count for SR 167 in Sumner)
- Over 292,000 unique visitors to Downtown Sumner (2022 geodata)

CURRENT INVENTORY

Section 2 of this plan explored the detailed inventory and classification of Sumner's parks and open spaces. This grid uses broader facility types for the same spaces. Any area classified as natural greenspace/open area is listed here as Open Space Area. All other classifications are included in Developed Park, whether currently developed or anticipated for future development.

City of Sumner Inventory			
Facility Type	**Facility Type**	**Size**	**Change from 2018**
Rainier View Park	Developed Park	3.9 acres	Improved amenities
Loyalty Park	Developed Park	3.3 acres	Improved amenities
Heritage Park	Developed Park	0.78 acres	Increased size
Ryan Park	Developed Park	0.4 acres	No change
Heath Sports Complex	Developed Park	7.0 acres	Improved amenities
Seibenthaler Park	Developed Park	2.3 acres	Increased size
Bennett Property	Developed Park (future)	4.21 acres	Added
Qunell Park	Developed Park (future)	0.25 acres*	Added
Riverbend Park	Open Space Area	11 acres	Changed to White River Restoration
Sumner Link Trail	Open Space Area	5.5 miles	No change
Shops Loop Trail	Open Space Area		No change
Two Rivers Point	Open Space Area		No change
Total Developed Park:		**28.99 acres**	
Total Open Space Area:		**33.45 acres**	

*Includes ROW

SUMNER'S WHITE RIVER RESTORATION PROJECTS

Within this planning period, Sumner will have a unique situation regarding open space. The White River Restoration Projects will return an estimated 215 acres to undeveloped river habitat including braided river channels and setback levees. This space is open, natural space that will NOT be accessible to the public for any kind of recreation, even passive recreation, due to restrictions required for the safety of six endangered species of salmon.

For this reason, the land acreage is not included in the inventory for open space. However, this space will serve the public indirectly by improving natural experiences in adjacent recreation areas. Sumner is proud to partner with local Tribes to improve the overall natural experience in our region and make a significant land investment in conservation of endangered species.

LEVELS OF SERVICE COMPARISONS

Comparing Sumner's targets for various types of facilities versus current and projected population growth shows where gaps currently exist and where they'll develop if facilities do not keep pace with anticipated population growth. In addition to strict numbers, Sumner's parks amenities are predominantly located in the southern, residential portion of the city, leaving people who work or visit the industrial area even shorter on accesible amenities than indicated by the numbers here.

Per 1,000 Residents*					
Facility Type	**2023 Population**	**2044 Population**	**Target**	**2023 Gap**	**2044 Gap**
Developed Park	2.03 acres	1.42 acres	5.8 acres	-3.77	-4.38
Open Space			4.1 acres		
Trail/Path	0.5 miles	0.35 miles	0.11 miles	+0.39	+0.24

THE 10-MINUTE WALK

In addition to having spaces, Sumner also has a goal of parks and facilities available within a 10-minute walk for all residents. On level ground (most of Sumner's terrain), a 10-minute walk typically covers 1/2 mile, the metric used by most other plans. This plan uses 1/4 mile metric as the 10-minute walk for a number of reasons:

- Age equity - keeping parks accessible to the widest range of users, especially youth who can't drive yet and seniors who may use a slower pace.
- Health - a 10-minute walk helps increase the health benefits of visiting a park, espeically for those seeking more passive pursuits within the parks themselves.
- Environmental Impact - reducing vehicular trips/congestion aids the environment in general as well as the experience within each park space.
- Park Safety & Stewardship - having a park within easy access increases routine use, keeping parks a habitual part of life rather than a unique experience. Routine use increases park safety, building a sense of stewardship from users and neighbors.
- Economic Value - Easily accessible parks increase property value and reduce stress for neighboring residents and businesses.

Sumner's goal is to have 100% of residents within a 10-minute walk (1/4 mile) of a park, trail or open space amenity. Currently, gaps do exist. See the map in Section 1 to review the gaps, shown in green circles. They can be reduced and eliminated by adding parks, improving transportation connections or both.

OTHER TRENDS & ISSUES

FUNDING

Currently, Sumner relies on the following funding for Parks:

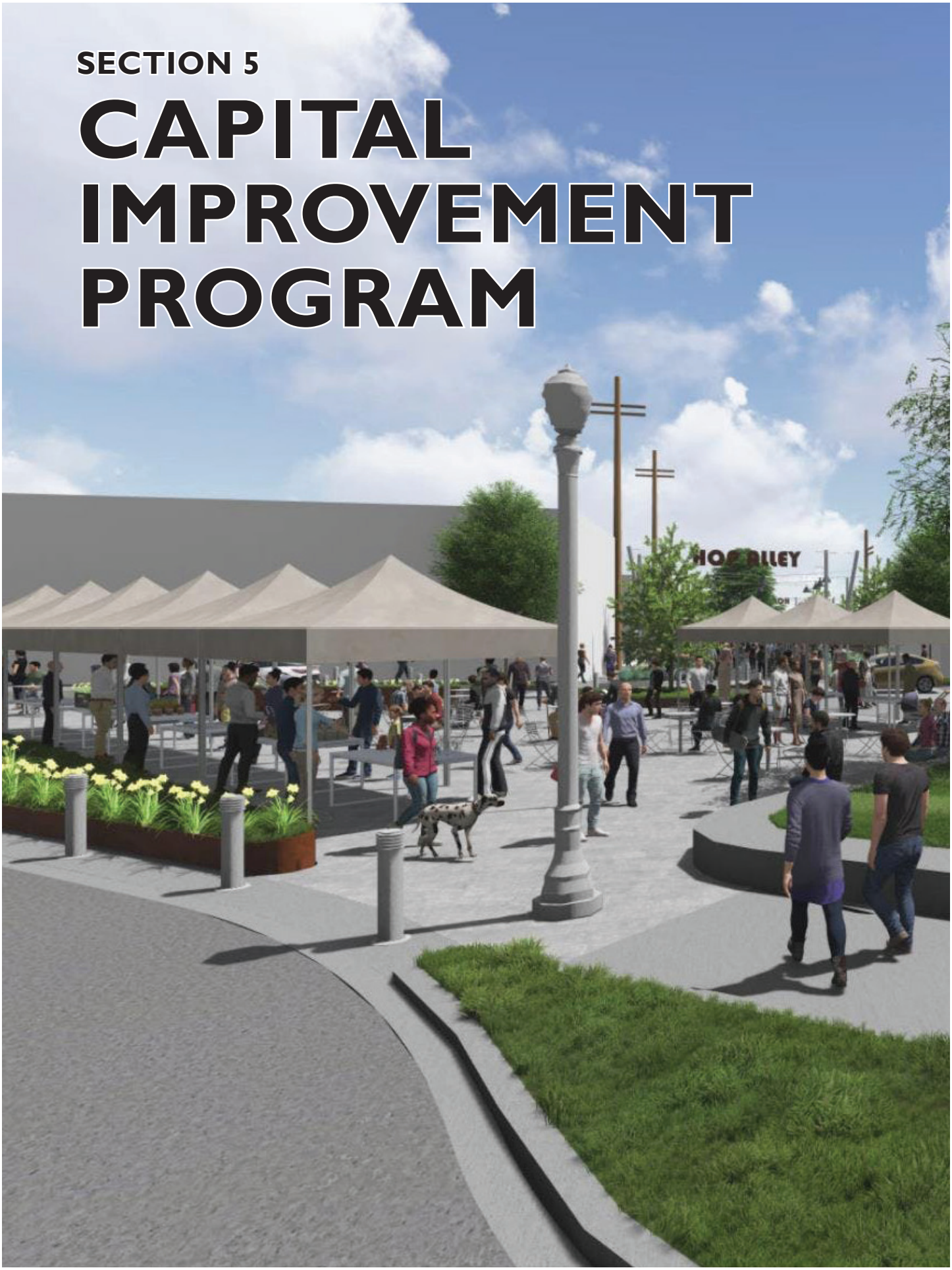
- General Fund - funds staff, equipment and routine supplies. Washington's current 1% cap on revenue that can be collected from property tax will squeeze City budgets, putting parks in direct "competition" for limited dollars with other key services, including police. The City can ask voters for a levy lid lift to raise the rate, an effort that costs money up-front and competes with other jurisdictional levies (i.e. schools, fire).
- Park Impact Fees - collected from developers as part of the development process, this fee helps new development invest in the Parks at a level equivalent to the long-term investment others had been making through taxes.
- Real Estate Excise Tax (REET) - funds collected during the sale of a property, typically reserved for capital projects.
- Business & Occupation (B&O) Tax - a tax measured on the value of products, gross proceeds of sale, or gross income of a business. While there is a State B&O tax, cities have the option to add a local version, which Sumner has not done to date.
- Grants - Sumner continues to seek and successfully receive a variety of grants. However, as most cities in the region face the same growth and similar funding gaps, grants will remain highly competitive to receive and usually cover construction only, not ongoing mainentance.
- Private Donors - Private donors/sponsors may be an option for large development such as the building at Heritage Park. However, small-dollar fundraising drives create more maintenance challenges than funding solutions. Private donors typically respond to construction as well, not ongoing, routine maintenance.
- Parks District - Currently, Sumner does not have a parks district, but other pressures outlined above may make this the most viable funding option available in the future, providing a stable funding source not in competition with other services or cities.
- Traffic Cameras - Use in park areas could reduce speeds with revenue split to also support parks.

SENSE OF STEWARDSHIP

In general, governments are seeing a decline in residents' perception of investing in community-wide services including roads, utilities and parks. A feeling of "what's in it for me" focuses more on direct benefit as a transaction rather than a broader, community-level sense of stewardship.

SECTION 5

CAPITAL IMPROVEMENT PROGRAM



In addition to ongoing, routine care of the parks, there's also the capital investments needed over time to grow and expand parks, either geographically or with the amenities provided in each space. This section provides an overview of each park's anticipated capital needs over the next six years. The graph below offers an idea of how the needs could be spaced over the span of this plan. It offers a guide while staff continue to seek and capitalize on opportunities provided to fund and grow Sumner's parks, trail and open space. Note: estimates below do not include soft costs such as permits or escalation costs as those will fluctuate over time.

Site/Project	RCO*	2024	2025	2026	2027	2028	2029	2030
Rainier View								
Covered Court (Funded)	A, D, G, H, I	$ 937,000						
Misc Site Improvements			$ 100,000					
Heritage								
Alley	I, J, K		$ 2,160,000					
Park & Playground	A, G, H, I				$ 5,415,000			
Building	K					$ 7,000,000		
Lucy V. Ryan								
Master Plan	A, K	$ 25,000						
Demo		$ 185,000						
Development	A, K		$ 100,000					
Loyalty								
Drainage & Site Improvements	A, G, H, I		$ 109,000					
Picnic/Shade Shelter	A, G, H, I		$ 25,000					
Expansion & Parking	A, G, H, I		$ 700,000					
Heath Sports								
Field	A, D, E, I			$ 3,000,000				
Lighting	A, D, I			$ 600,000				
Fencing	A, D, I			$ 375,000				
Pump & Sk8	A, D, I							$ 995,000
Picnic & Pathways	A, D, I				$ 365,000			
Seibenthaler								
Site Improvements (phases)	A, D, F, G, H, I			$ 3,750,000			$ 3,750,000	$ 2,910,529
ROW Improvements					$ 352,700			
Bennett								
Site Improvements (phases)	A, D, F, G, H, I			$ 2,250,000			$ 3,575,000	$ 2,792,317
Qunell								
Master Plan	A, D, F, G, H, I		$ 35,000					
Site Improvements	A, D, F, G, H, I				$ 1,090,000			
New & Expanding Parks								
Master Site Plan						$ 200,000		
Acquisition						$ 1,000,000		
Minimum Park Standard Investment						$ 1,000,000		
TOTALS		$ 1,147,000	$ 3,229,000	$ 9,975,000	$ 7,222,700	$ 9,200,000	$ 7,325,000	$ 6,697,846

* Shows potential funding sources through Recreation & Conservation Office (RCO) and impact fees only.

A RCO WWRP Local Parks
B RCO WWRP Trails
C RCO WWRP Habitat
D RCO Youth Athletic Facilities
E RCO Community Outdoor Athletic Facilities
F RCO Land Water Conservation Fund
G RCO No Child Left Behind
H RCO Outdoor Learning Grants
I Sumner Park Impact Fees
J Sumner Transportation Improvement Program
K Dept. of Commerce Economic Development Grant

RAINIER VIEW PARK

CURRENT/RECENT IMPROVEMENTS

- Add Portland Loo restroom (2024)
- Complete covered court (2024)
- Replace playground with inclusive playground (2023-2024)

NEEDED/POTENTIAL IMPROVEMENTS

- Add shaded picnic area and more benches
- Fix perimeter fence
- Improve drainage/renovate lawn
- Level for soccer field(s)
- Add trees

COST ESTIMATES

- Covered court - $937,000 (Funded)
- Misc. improvements - $100,000

For full inventory of current facility's condition and capacity, see Appendix A

EXPANDING PARKS:
Adding a "Portland Loo" restroom brings running water and improved facilities while the open design helps better prevent/repair vandalism and illegal use.

LOYALTY PARK

CURRENT/RECENT IMPROVEMENTS

- Restripe basketball court to add pickleball (2019)
- Replace playground with inclusive playground (2021)
- Add Portland Loo restroom (2023)

NEEDED/POTENTIAL IMPROVEMENTS

- Add shaded picnic area (reuse Heritage gazebo?)
- Add gathering spaces (purchase Scout Hall?)
- Add entryway/formal gateway signage
- In expansion area, add loop path

COST ESTIMATES

- Drainage & site improvements - $109,000
- Picnic/shade shelter - $25,000
- Expansion & Parking - $700,000

For full inventory of current facility's condition and capacity, see Appendix A

EXPANDING PARKS:
Although technically adjacent to the park (for now), the Henry mural on Scout Hall has quickly become a backdrop for concerts and selfies taken throughout the park for a signature piece of art.

REUBEN A. KNOBLAUCH HERITAGE PARK

CURRENT/RECENT IMPROVEMENTS

- Woonerf plaza (2023)
- Master Plan Design (2023-2024)
- Purchase/removal of 902-906 Kincaid for full block (2022-24)

NEEDED/POTENTIAL IMPROVEMENTS

See Master Plan

- Move gazebo and replace with stage/seating
- Reconnect tip to interact with Main Street better
- Signature entry
- Building at south end for events, community space, offices
- Add small play area
- Integrate with Hops Alley activation

COST ESTIMATES

- Park & playground - $5,415,000
- Building - $7,000,000

For full inventory of current facility's condition and capacity, see Appendix A

EXPANDING PARKS:

With utility work already tearing up streets, repaving installed the woonerf plaza as directed by the Main Street Vision, making events flow better and drivers more cautious of pedestrians.

LUCY V. RYAN PARK

CURRENT/RECENT IMPROVEMENTS

- Resetting park as east "anchor" for downtown, to be used in tandem with Heritage Park for large events to encourage pedestrian flow through downtown
- House demolition (2024)

NEEDED/POTENTIAL IMPROVEMENTS

- Needs immediate/intermediary improvements for use
- Incorporate required memorial to Lucy V. Ryan (deed) and house (SEPA)
- Develop master plan with engagement

COST ESTIMATES

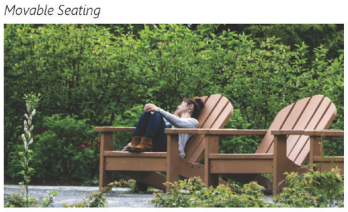
- Master Plan - $25,000
- Demolition - $185,000
- Development - $100,000

For full inventory of current facility's condition and capacity, see Appendix A

EXPANDING PARKS:

The original site plan assumed outdoor amenities augmenting the house. With the loss of the house, some elements may still direct future redevelopment of the site for expanded use.

Movable Seating



Raised Bed Kitchen Garden

Overhead Lighting

Image Sources: https://www.flickr.com/photos/chuckzado/7693960830/ | https://www.flickr.com/photos/jocelyking-horn/12281653435/ | https://parisetlighting.com/blog/5-different-types-of-outdoor-string-lights/

BILL HEATH SPORTS COMPLEX

CURRENT/RECENT IMPROVEMENTS

- Restripe tennis courts for pickleball too

NEEDED/POTENTIAL IMPROVEMENTS

- Turf baseball field
- Convert lights to LEDs
- New restroom
- Remodel concession stand
- Add a pump track and/or street scape area

COST ESTIMATES

- Field - $3,000,000
- LIghting - $600,000
- Fencing - $375,000
- Pump & Sk8 - $995,000
- PIcnic & Pathways - $365,000

For full inventory of current facility's condition and capacity, see Appendix A

EXPANDING PARKS:

Over 1800 people & businesses donated to build this park over 20 years ago. This is a prime example of how up-front capital investment can be great in the first 5-10 years while also creating maintenance challenges after that.

SEIBENTHALER PARK

CURRENT/RECENT IMPROVEMENTS

- Developed master plan for redesign (2022)

NEEDED/POTENTIAL IMPROVEMENTS

See Master Plan

- Fix drainage for useable open lawn
- Add dog park
- Add shade trees/wetland buffer
- Add walking path route
- Add shelter
- Change basketball court to multipurpose court
-

COST ESTIMATES

- Site improvements (phases) - $5,217,094
- ROW Improvements - $352,700

For full inventory of current facility's condition and capacity, see Appendix A

EXPANDING PARKS:

In this park, Sumner tested its first pop-up off-leash dog park, which was a great success with users and added to the data that a more permanent option is needed.

BENNETT PROPERTY

CURRENT/RECENT IMPROVEMENTS

- Purchase of property (2020)
- Addition of Hansen Hallway (2021)
- Master plan (2022)
- Addition of Robinson NW corner (2023)

For full inventory of current facility's condition and capacity, see Appendix A

NEEDED/POTENTIAL IMPROVEMENTS

See Master Plan

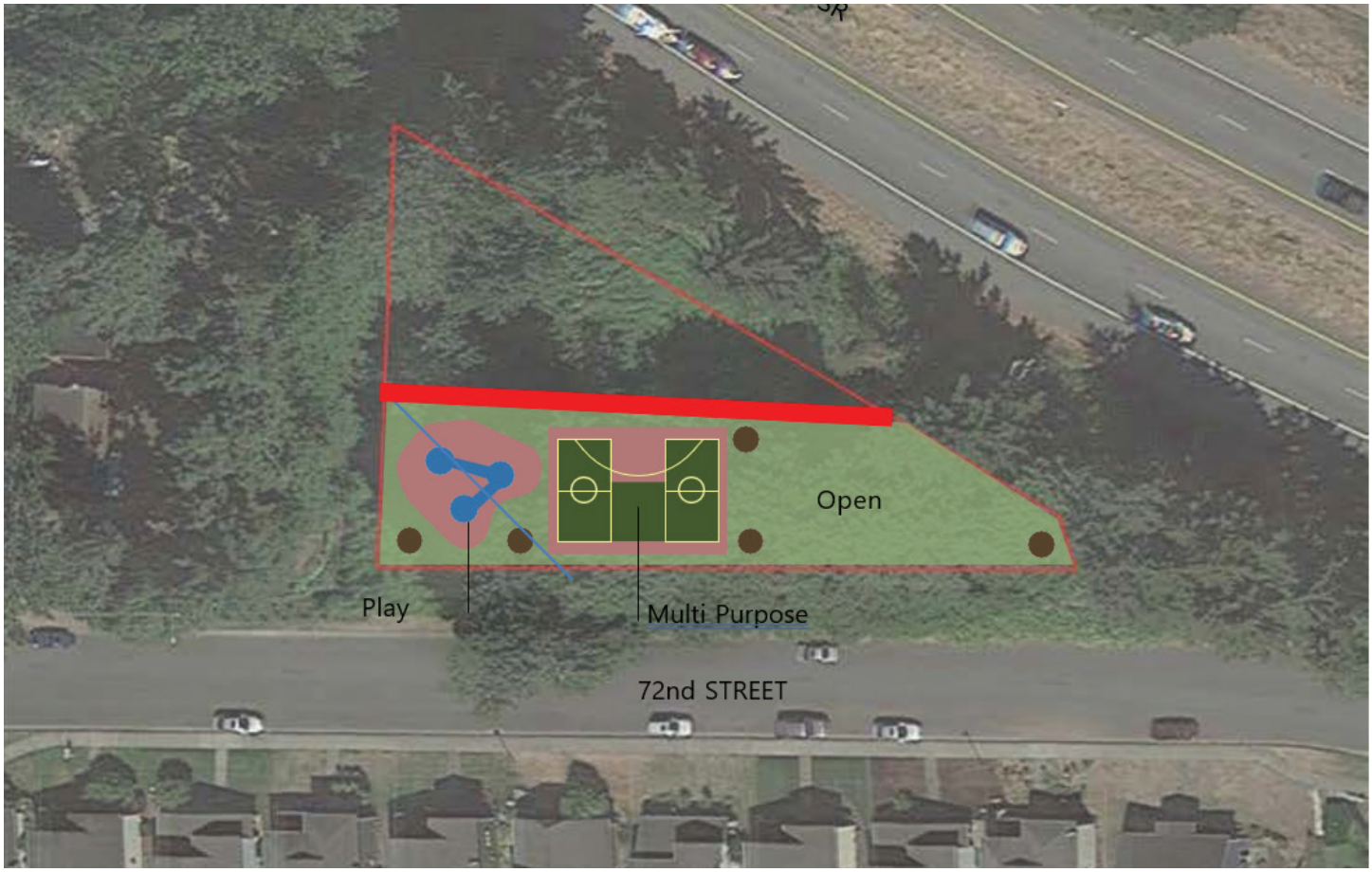
- Build entries and parking
- Develop open lawn space
- Mitigate wetlands with buffer and planting
- Add picnic shelter and play area
- Build multipurpose court
- Develop plaza and walkways

COST ESTIMATES

- Site improvements (phases) - $4,587,893
- Expansion & Parking - $700,000

EXPANDING PARKS:

This property brings park space to a blend of residential and industrial neighbors who previously had no space within easy access.



QUNELL FAMILY PARK

CURRENT/RECENT IMPROVEMENTS

- Donation of property (2021)

NEEDED/POTENTIAL IMPROVEMENTS

- Plan for development
- Add playground
- Build sport court
- Develop open space
- Improve access/amenities

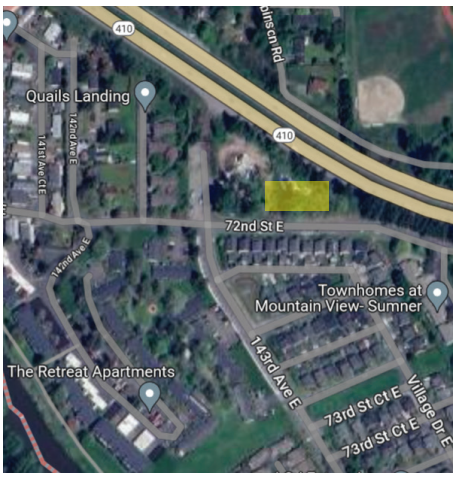
COST ESTIMATES

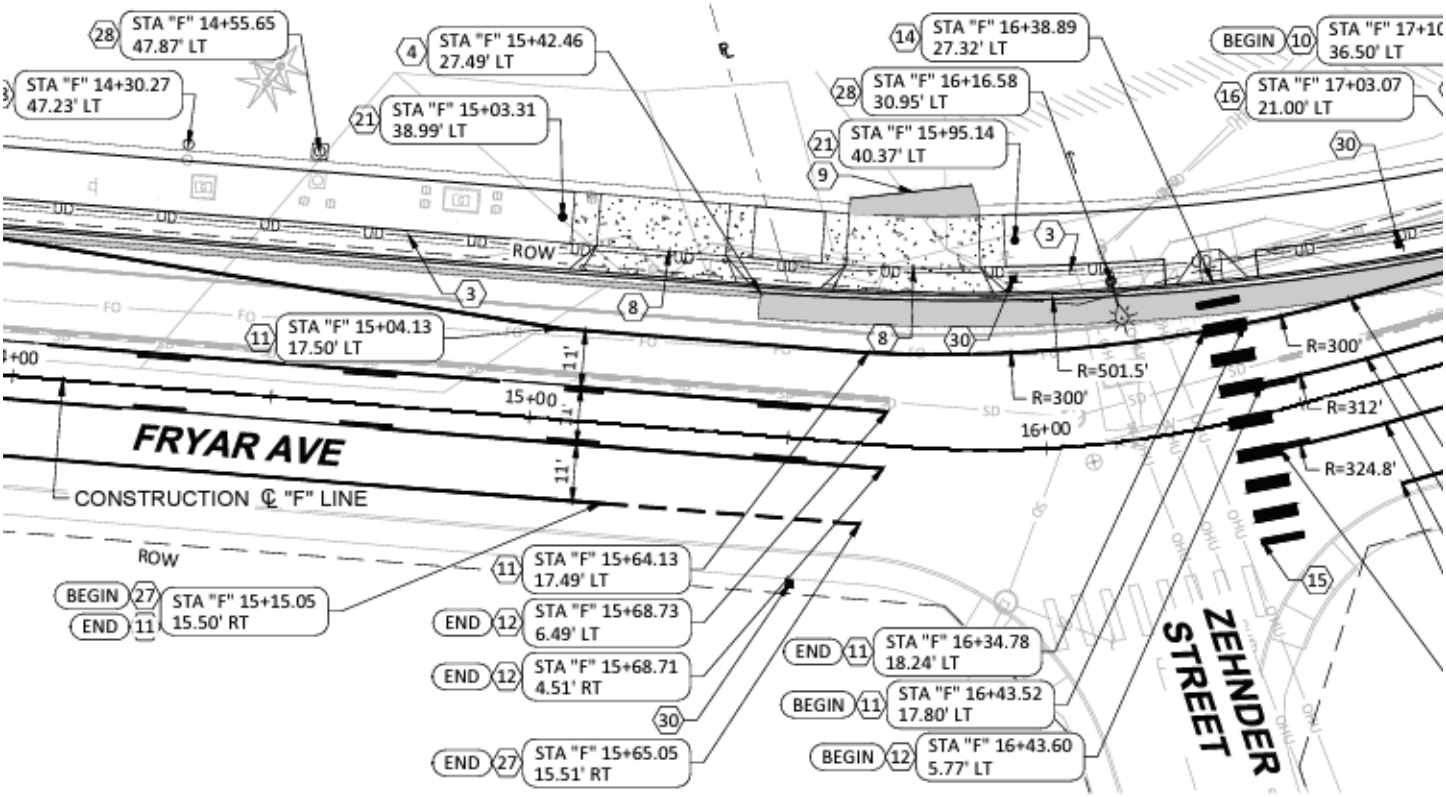
- Master Plan - $35,000
- Site Improvements - $1,090,000

For full inventory of current facility's condition and capacity, see Appendix A

EXPANDING PARKS:

This property brings park space to a neighborhood of roughly 1,000 people with no current park space.





SUMNER LINK TRAIL

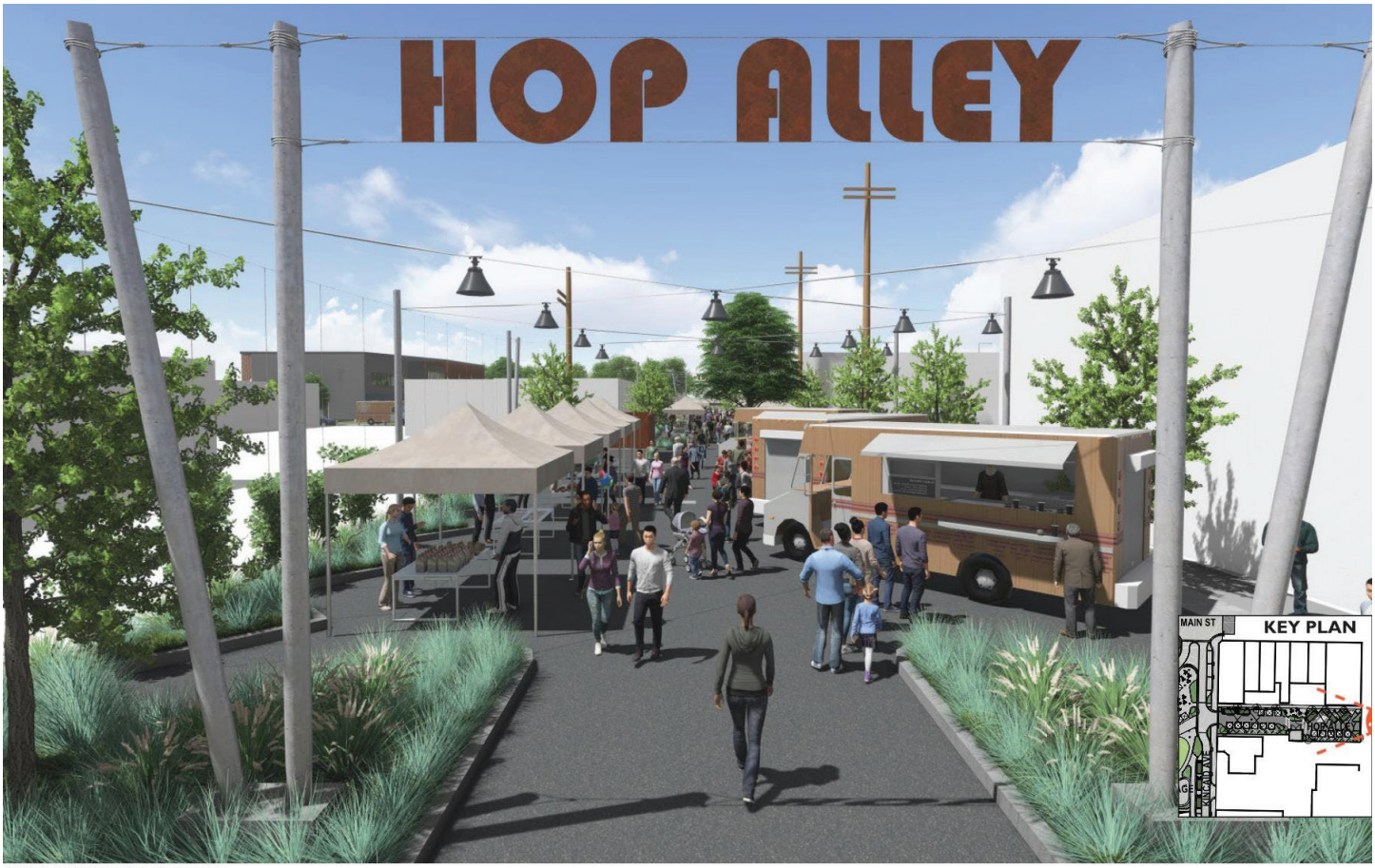
CURRENT/RECENT IMPROVEMENTS

- Build missing separated trail at Fryar Ave (2024)
- Ongoing repairs/maintenance

NEEDED/POTENTIAL IMPROVEMENTS

- Move portion of trail for White River Restoration
- Improve trailhead amenities/options

For full inventory of current facility's condition and capacity, see Appendix A



ALLEY ACTIVATION

CURRENT/RECENT IMPROVEMENTS

- Conceptual Design of Hops Alley (2023)
- Full Design of Hops Alley (2024)

NEEDED/POTENTIAL IMPROVEMENTS

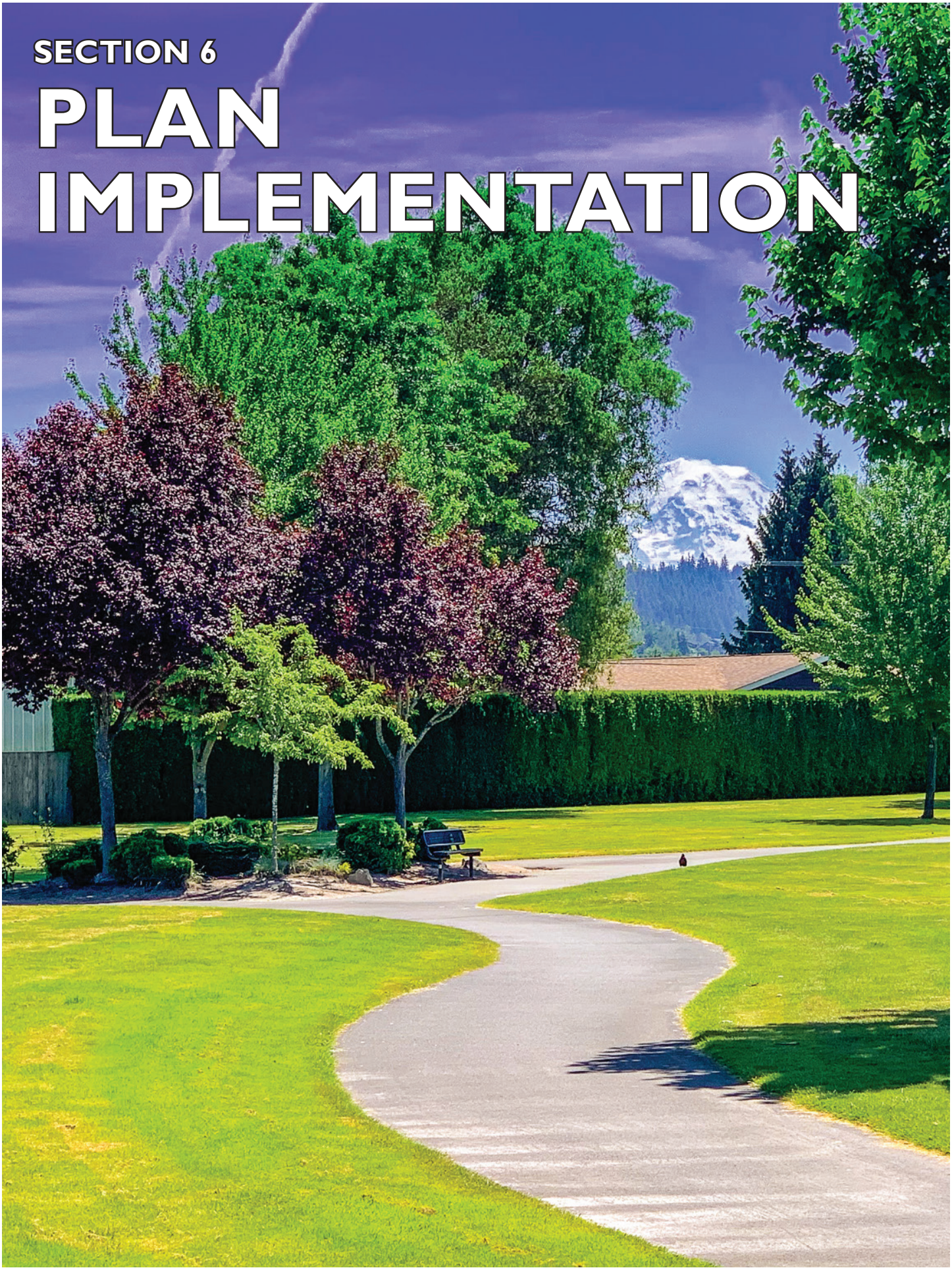
- Construct Hops Alley
- Plan extensions to other alleys for activation
- Partner to rework programming/events to activate alleys rather than shut down streets.
- Encourage businesses maximize alley exposure

COST ESTIMATES

- Alley - $2,160,000

SECTION 6

PLAN IMPLEMENTATION



TIMELINE

DRAFTING THE PLAN

The last update of this plan was drafted by Berk Consulting, Inc. and HBB Landscape Architecture, passed by the City Council in February 2018. Elements of that draft are repeated as appropriate in this version.

This current update began in 2023 with extensive and various public outreach. The initial draft was started by SCJ Alliance with the final draft and design completed by the City of Sumner.

FORESTRY & PARKS COMMISSION

Review, edit & recommend final draft to Council - April 14, 2024.

CITY COUNCIL

Review final draft - Study Session March 25, 2024

Approve & pass - City Council Meeting May 6, 2024

Once approved, a plan provides a roadmap of how the City can best expand and maintain its infrastructure. With each biennial budget during this plan's period, the Council will reassess its priorities and make choices about what projects and efforts to fund. City staff will also use this plan to prioritize time and energy, seeking funding sources and opportunities that complement the City's budget to complete projects and maintain programs.

While the public will have the opportunity to comment on the plan, outreach and feedback happened at the beginning of this process to incorporate many voices and perspectives. Once adopted, the public will continue to have extensive input in how this plan is executed with opportunities to comment on each biennial budget, on specific park master plans, on accepting grant awards, and depending on amount, on the selection of consultants and contractors.

March 14, 2024

City of Sumner
City Council
1104 Maple Street
Sumner, WA 98390

The City of Sumner's Forestry & Parks Commission is proud to recommend the adoption of the 2024-2030 Parks and Trails Plan to the Sumner City Council.

The purpose of the Forestry & Parks Commission is to have input to the supervision of all parks, recreational facilities, trails, and trees in the City of Sumner. This volunteer commission values our parks, trails, and open spaces and, with the help of the community, aims to develop a system that effectively meets the current and future needs of the City of Sumner.

This plan update includes: a parks inventory and assessment of existing park facilities; public engagement to assess community needs and desires; and a level of service comparison based on local, regional, and national trends.

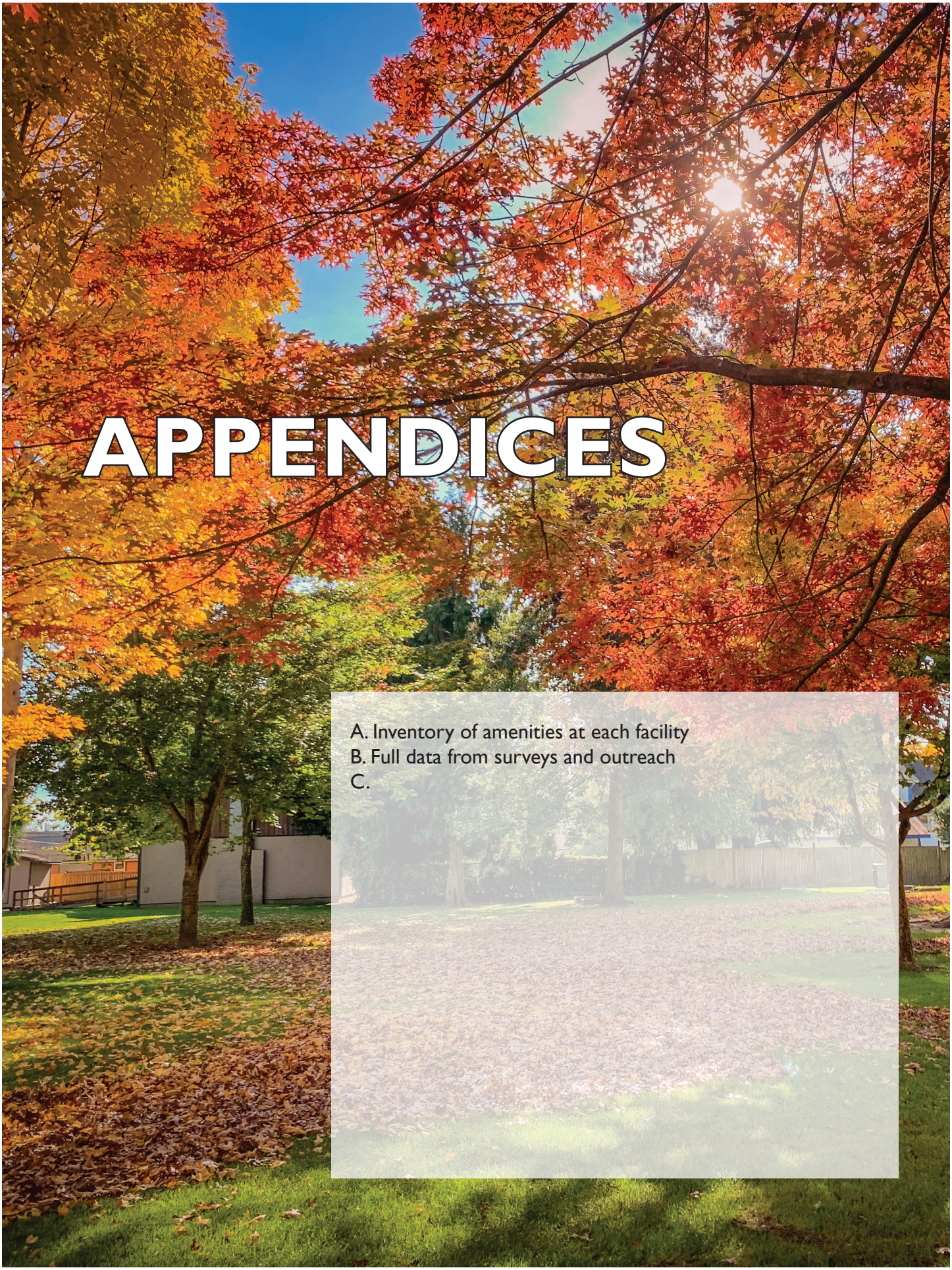
The commission understands that opportunities and funding can shift priorities. In general, we view the following as priorities:

1. Land acquisition for underserved areas then expansion of current sites
2. Improvements of vacant sites
3. Updates to master planned sites
4. Updates to sites that don't have a master plan

Sincerely

Theresa Haase
Forestry & Parks Commission Chair

ORDINANCE



APPENDICES

A. Inventory of amenities at each facility
B. Full data from surveys and outreach
C.

APPENDIX A
INVENTORY OF AMENITIES

APPENDIX B
DATA FROM SURVEYS & OUTREACH

The following edits are for clarification and in response to comments from staff and our Comprehensive Plan consultants.

Summary, fourth paragraph:

Although the City's current ~~level of service~~ acreage falls short, the public holds a high level of enthusiasm for the system and were very interested in specific additions and improvements.

Purpose, second paragraph:

This plan provides a vision for the City's parks and trail system, proposes updates to ~~level-of-service~~ benchmarking standards for park and facility classifications, and ensures these efforts align with Sumner's mission, vision, strategic priorities and comprehensive plan.

Existing Plan Review maps:

System map updated to use the 2024 Transportation Plan data: "Trail and multimodal network data are based on the future network in the 2024 Transportation Plan"

Alley Activations map legend:

Future alley activations--City owns some, not all, ~~right of way~~ property.

Lucy V. Ryan Park, Recent Changes:

Recent Changes: 2019-2023 Anticipated house rehabilitation

2023 Major structural issues found in house, unsafe structure

~~2024~~ 2025 Potential demolition of house and initial park design

~~Level-of-Service~~ Benchmarks:

NRPA sets national guidelines as a broad metric for comparison but encourages communities to set their own ~~service level standards based on~~ local goals, priorities and conditions. ~~Sumner's standards are listed below as well as Pierce County's as established by the County's similar parks plan.~~ The graphs below show Sumner's acreage as well as Pierce County's as established by the County's similar parks plan.

Graph:

City of Sumner ~~Levels of Service Standards~~ Benchmarks

Current Inventory:

~~In order to assess standard level of service standards, this~~ This grid uses broader facility types for the same spaces.

Grid updates to:

Rainier View Park Change from 2018 ~~No Change~~ Improved Amenities

Loyalty Park Change from 2018 ~~No Change~~ Improved Amenities

Ryan Park Change from 2018 ~~Increased open space~~ No change

Heath Sports Complex Change from 2018 ~~No Change~~ Improved Amenities

Moved Sumner Link below Riverbend Park so acreage facility types with sizes are consistent.

Levels of Service Comparisons

Chart title changed ~~Levels of Service~~ Per 1,000 residents*

Column name changed Target ~~(per 1,000 residents)~~

The 10-Minute Walk second paragraph:

See the map ~~on page 17~~ in Section 1 to review the gaps, shown in green circles.

Capital Improvement Program

Frist paragraph: It offers a guide while staff continue to seek and capitalize on ~~every opportunity~~ opportunities provided to fund and grow Sumner's parks, trail and open space.

Table:

Moved Pump & Sk8 project from 2031-2044 to 2030

Removed the 2031-2044 column

Added "New & Expanding Parks, Master Site Plan, Acquisition, Minimum Park Standard Investment" rows below Qunell

Lucy V. Ryan Park

Current/Recent Improvements

- Resetting park as east "anchor" for downtown, to be used in tandem with Heritage Park for large events to encourage pedestrian flow through downtown
- House demolition (potential) 2025 ~~2024~~

Plan Implementation

Forestry & Parks Commission recommendation letter added before the future ordinance page.

Appendices

Added Daffodil Valley Elementary and Maple Lawn Elementary survey responses to Appendix.

CITY COUNCIL MEETING
DATE: May 6, 2024
AGENDA BILL: 24-4122

SUBJECT: Ordinance No. 2885 - Transportation Impact Fees **CATEGORY:** Ordinance

BUDGET IMPACT:
Expenditure Required: None Within Budget Allocation: N/A

ATTACHMENTS:
1. Ordinance No. 2885 - Transportation Impact Fees

STAFF CONTACT: Michael Kosa, Public Works Director

SUMMARY BACKGROUND:
This ordinance revises chapter 12.36 of City code, titled Transportation Impact Fees. The revision adopts the latest edition of the ITE Trip Generation Manual; the update is anticipated to improve the precision and dependability of transportation impact assessments, resulting in a more accurate calculation of traffic impact fees. The ordinance eliminates district-specific traffic impact fees, opting instead for a standardized citywide fee structure to encourage a consistent development pattern throughout the municipality. Finally, the ordinance revises fees per a recent analysis of transportation needs completed by Transpo Group, including incorporating recent state law changes that now includes multi-modal facilities as eligible TIF-eligible projects. If approved this ordinance would go into effect on January 1, 2025.

COUNCIL COMMITTEE/STUDY SESSION: **Public Works Committee**
MEETING/STUDY SESSION DATE: 4/2/2024
COMMITTEE RECOMMENDATION: Do Pass

STAFF RECOMMENDATIONS/MOTION:
A motion to adopt Ordinance No. 2885, revising sections of Chapters 12.36 substantially in the form as approved by the City Attorney.

ORDINANCE NO. 2885
CITY OF SUMNER

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUMNER, WASHINGTON AMENDING THE MUNICIPAL CODE SECTIONS IN CHAPTER 12.36 TRANSPORTATION IMPACT FEES

WHEREAS, advancements in transportation research and methodologies have necessitated the need for updated guidelines and standards within the city's transportation impact fee code, and

WHEREAS, the adoption of the newest edition of the ITE Trip Generation Manual, is expected to significantly enhance the accuracy and reliability of transportation impact assessments, thereby influencing the calculation of traffic impact fees to more effectively reflect the true impact of developments on local traffic infrastructure, and

WHEREAS, the proposal to eliminate district-specific traffic impact fees in favor of implementing a standardized citywide fee structure is driven by the deliberate intention to foster a more uniform pattern of future development across the municipality, and

WHEREAS, it is recognized that continued funding for vehicular projects is necessary, along with increased funding for non-motorized transportation needs to promote sustainable urban development.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SUMNER, WASHINGTON, DO ORDAIN AS FOLLOWS:

<u>Section 1.</u> Section 13.36.020 Transportation Impact Fees Definitions, is hereby amended as follows:

The following words and terms shall have the following meanings for the purposes of this chapter, unless the context clearly requires otherwise. Terms otherwise not defined herein shall be defined pursuant to RCW 82.02.090, or given their usual and customary meaning.

"Adequate level of transportation service" means a system of transportation facilities which have the capacity to serve development without decreasing levels of service below the city's established minimum as set forth in the comprehensive plan.

"Capacity" means the maximum sustainable flow rate at which vehicles or persons can be expected to traverse a point or uniform segment of a lane or roadway during a specified period, usually expressed as vehicles per hour, passengers per hour, or persons per hour.

"City" means the city of Sumner.

"City administrator or designee" means the city administrator of the city of Sumner or his/her designee.

“Comprehensive plan” means the currently adopted City of Sumner Comprehensive Plan, as amended.

“Council” means the city council of the city of Sumner.

“Department” means the department of public works for the city of Sumner.

“Development” is defined in SMC 18.04.0340; those definitions are applicable to this chapter.

“Development activity” means any construction or expansion of a building, structure, facility or use, any change in size of a building, structure, or facility, or any change in the use of land, that creates additional demand and need for transportation facilities.

“Director” means the director of the department of public works or the director’s designee.

“Dwelling unit” is defined in SMC 18.04.0360, and incorporated herein by this reference.

“Encumbered” means to reserve, set aside or otherwise earmark the impact fee in order to pay for commitments, contractual obligations or other liabilities incurred for public facilities.

“Equivalent car trip” means the number of p.m. peak trips with passenger cars, light pickups and two-axle, six-tire trucks with a gross weight of 18,000 pounds or less being considered one equivalent car trip. Larger and heavier vehicles with more than two axles and six tires with a gross weight of more than 18,000 pounds are considered trucks and are rated as four equivalent car trips for purposes of this chapter.

“Feepayer” is a person, corporation, partnership, an incorporated association, or any other legal entity, or department or bureau of any governmental entity commencing a land development activity or land use change which creates the demand for additional transportation facilities, which requires the issuance of a building permit. “Feepayer” includes an applicant for an impact fee credit.

“Gross floor area (GFA)” means the total square footage of any building, structure, or use including accessory uses.

“Hearing examiner” means the examiner who acts on behalf of the council in considering and applying land use regulatory codes as authorized under chapters 2.58 and 18.56 SMC.

“Interest” means the interest rate earned by local jurisdictions in the state of Washington local government investment pool, if not otherwise defined.

“Multifamily dwelling” means a building designed exclusively for occupancy by three or more families living independently of each other, and containing three or more separated dwelling units.

“Owner” means the owner of record of real property; provided, that if the real property is being purchased under a recorded real estate contract or mortgage, the purchaser shall be considered the owner of the real property.

“P.M. peak hour” means the hour of the highest traffic demand between noon and midnight, typically 5:00 p.m. to 6:00 p.m.

"Project improvements" means site improvements and facilities that are planned and designed to provide service for a particular development project that are necessary for the use and convenience of the occupants or users of the project~~,~~ and are not system improvements. No improvement or facility included in Appendix ~~D~~ C of the transportation plan and marked to be partially funded with impact fees as approved by the council shall be considered a project improvement.

"Public facilities" means the following capital facilities owned or operated by the City: public streets, roads, and bicycle and pedestrian facilities that were designed with multimodal commuting as an intended use.

"System improvements" means public facilities that are included in the transportation plan and are designed to provide service areas within the community at large, in contrast to project improvements. System improvements generally consist of, but are not limited to, improvements to collector or arterial streets or non-motorized facilities to increase their capacity because of growth.

"Transportation impact fee" means a payment of money imposed by the city of Sumner on development activity pursuant to this chapter as a condition of granting development approval in order to pay for the transportation facilities needed to serve new growth and development and is reasonably related to the new development that creates additional demand and need for public streets ~~and~~, roads, and bicycle and pedestrian facilities that were designed with multimodal commuting as an intended use, that is a proportionate share of the cost of the public streets, ~~and~~ roads, and bicycle and pedestrian facilities and that is used for public roads, ~~and~~ streets, and bicycle and pedestrian facilities that reasonably benefit the new development. "Impact fee" does not include a reasonable permit or application fee otherwise established by council resolution.

"Transportation impact fee account" means the account established for the transportation impact fees collected. The account shall be established pursuant to SMC 12.36.110 and comply with the requirements of RCW 82.02.070.

"Transportation plan" means the currently adopted City of Sumner Transportation Plan, as amended.

"Trip Generation Manual" means the ~~10th~~ 11th Edition of the Trip Generation Manual, published by the Institute of Transportation Engineers. (Ord. 2698 § 1 (Exh. A) (part), 2019: Ord. 2479 § 1 (part), 2014; Ord. 2041 § 1 (part), 2003)

Section 2. Section 13.36.040 Transportation Impact Fees Imposition of transportation impact fees, is hereby amended as follows:

A. The approving authority is hereby authorized to impose transportation impact fees on new development according to the provisions of this chapter.

B. Transportation impact fees:

1. Shall only be imposed for system improvements that are reasonably related to the new development;

2. Shall not exceed a proportionate share of the cost of system improvements that are reasonably related to the new development;

3. Shall be used for system improvements that will reasonably benefit the new development;

4. May be used only for system improvements which are identified in and addressed by Appendix ~~D~~ C of the transportation plan;

5. Should not be imposed to mitigate the same off-site transportation facility impacts that are mitigated pursuant to any other law;

6. Should not be used for improvements to state transportation facilities unless the state requests such improvements and an agreement to use such fees has been executed between the state/county and the city;

7. Shall not be used for improvements to transportation facilities in other jurisdictions unless the affected jurisdiction requests such improvement and an interlocal agreement has been executed between the city and the affected jurisdiction for the use of such fees; and

8. Shall be collected only once for each building permit, unless changes or modifications to the building permit are proposed which result in greater direct impacts on transportation facilities than were considered when the building permit was first approved. (Ord. 2698 § 1 (Exh. A) (part), 2019: Ord. 2041 § 1 (part), 2003)

Section 3. Section 13.36.050 Transportation Impact Fees Assessment of Impact Fees, is hereby amended as follows:

A. The city shall collect transportation impact fees from any applicant seeking a building permit from the city for any development activity within the city.

B. The impact fee amount is generally calculated by using the following formula:

Amount of Transportation Impact Fee for development use = Number of units of land use X Net new trip rate for that land use X Car equivalency X Current Adopted Transportation Impact Fee Per New P.M. Peak Hour Trip ~~for the District.~~

1. The number of units of each use is determined as follows: (a) for residential uses it is the number of dwelling units for which a building permit application has been made; and (b) for office, retail, or manufacturing uses it is the gross floor area of building(s) to be used for each use expressed in square feet divided by 1,000 square feet, or in the units defined in the schedules.

2. Using the formula in this subsection (B), transportation impact fees shall be calculated separately for each use. The transportation impact fees that shall be due are the sum of these calculations.

3. If a development activity will include more than one use in a building or site, then the transportation impact fee shall be determined using the above formula by apportioning the space committed to the various uses specified on the schedule.

4. If the type of use or development activity is not specified on the transportation impact fee schedules, the director shall use the transportation impact fee applicable to the most comparable type of land use on the fee schedule. The director shall be guided in the selection of a comparable type by the Trip Generation Manual.

5. In the case of a change in use, development activity, redevelopment, or expansion or modification of an existing use, the transportation impact fee shall be based upon the net positive increase in the number of new p.m. peak hour trips added by the new development activity as compared to the number of p.m. peak hour trips for the previous land use activity.

C. The amount of impact fees shall be determined at the time of building permit issuance, using the impact fee schedules then in effect, or pursuant to an independent fee calculation accepted by the director pursuant to SMC 12.36.060, and adjusted for any credits pursuant to SMC 12.36.070.

D. Payment of impact fees shall be made by the feepayer either: (1) at the time the building permit is issued; or (2) deferred as per subsection (G) of this section.

E. Applicants that have been awarded credits prior to the submittal of the complete building permit application pursuant to SMC 12.36.070 shall submit, along with the complete building permit application, a copy of the letter or certificate prepared by the director or his/her designee pursuant to SMC 12.36.070 setting forth the amount of the credit awarded. Impact fees, as determined after the application of appropriate credits, shall be collected from the feepayer at the time the building permit is issued.

F. The department shall not issue a building permit unless and until the impact fees have been paid or credit(s) awarded, or payments have been deferred per subsection (G) of this section.

G. Deferral of Payment of Transportation Impact Fees. An applicant for a building or site development permit may request a deferral of the full transportation impact fee payment until final construction inspection or 18 months from the date of original permit issuance, whichever occurs first. Deferral of transportation impact fees, and the application process for a deferral, shall be in accordance with the provisions and requirements of SMC 3.50.115(A)(1) through (11) as currently written or hereafter amended.

H. ~~Three districts are established by the Transportation Impact Fee District Map.~~ The Transportation Impact Per Trip Fee Schedule, indexed to Seattle Cost Construction Index as of July 1,2024 is set as $7452 per P.M. Peak Hour Trip. This rate shall be adjusted per subsection (I), with the first such adjustment occurring on October 1, 2024.

~~1. The boundaries of the districts are shown on the official Transportation Impact Fee District Map which, together with all explanatory matters thereon, is hereby adopted by reference and declared to be a part of this title.~~

~~2. Each district map shall be, upon its final adoption, a part of this title, and the map, all notations, references and other information shown shall be made a part of this title as though all matters and information set forth on the map were fully described herein.~~

~~3. The official Transportation Impact Fee District Map shall be identified by the signature of the mayor, attested by the city clerk and shall bear the seal of the city of Sumner. The original of the official Transportation Impact Fee District Map shall be retained in the office of the city clerk.~~

~~Transportation Impact Per Trip Fee Schedule, Indexed to Seattle Cost Construction Index as of July 1, 2019~~

~~District 1~~	~~$1,729.00~~
~~District 2~~	~~$2,756.55~~
~~District 3~~	~~$3,041.75~~

I. Effective October 1st of each year, the impact fee rates shall be adjusted according to the Seattle Construction Cost Index (SCCI). (Ord. 2711 § 2, 2019: Ord. 2698 § 1 (Exh. A) (part), 2019: Ord. 2576 § 3, 2016: Ord. 2554 § 1, 2015: Ord. 2473 § 3, 2014; Ord. 2417 § 3, 2012; Ord. 2348 § 3, 2011: Ord. 2041 § 1 (part), 2003)

Section 4. Severability. If a section, subsection, paragraph, sentence, clause, or phrase of this ordinance is declared unconstitutional or invalid for any reason by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. If the provisions of this ordinance are found to be inconsistent with other provisions of the Sumner Municipal Code, this ordinance is deemed to control.

Section 5. Effective date. This ordinance shall take effect on January 1, 2025.

Section 6. Corrections by City Clerk or Code Reviser. Upon approval of the city attorney, the city clerk and the code reviser are authorized to make necessary corrections to this ordinance, including the correction of clerical errors; ordinance, section, or subsection numbering; or references to other local, state, or federal laws, codes, rules, or regulations.

Passed by the City Council and approved by the Mayor of the City of Sumner, Washington, at a regular meeting thereof this 6th day of May, 2024.

_____
Mayor Kathy Hayden

ATTEST:

_____
City Clerk Michelle Converse, CMC

APPROVED AS TO FORM:

_____
Andrea Marquez, City Attorney

First Reading:
Date Adopted:
Date of Publication:
Effective Date: January 1, 2025

CITY COUNCIL MEETING
DATE: May 6, 2024
AGENDA BILL: 24-92

SUBJECT: Ordinance No. 2886 - Amending Sumner Municipal Code Chapter 2.100 Personnel Policies

CATEGORY: Ordinance

BUDGET IMPACT:
Expenditure Required: None

Within Budget Allocation: N/A

ATTACHMENTS:
1. Ordinance No. 2886 - Amending Sumner Municipal Code Chapter 2.100 Personnel Policies

STAFF CONTACT: Jeff Steffens, Administrative Services Director

SUMMARY BACKGROUND:
The City has an Employee Personnel Manual that outlines employee polices and procedures. However, areas affecting salaries and/or benefits reside in the Sumner Municipal Code chapter 2.100. Ordinance No. 2886 makes several minor changes to that chapter. These changes are necessary to reflect current City practice as well as updates within State law. In addition, a maximum accrual was established for Compensatory Time to align with represented employee contracts and the requirement to repay jury duty fees was waived for employee and staff convenience.

COUNCIL COMMITTEE/STUDY SESSION: Finance and Personnel Committee
MEETING/STUDY SESSION DATE: 4/18/2024
COMMITTEE RECOMMENDATION: Do Pass

STAFF RECOMMENDATIONS/MOTION:
A motion to adopt Ordinance No. 2886, revising sections of Sumner Municipal Code Chapter 2.100, Personnel Policies.

ORDINANCE NO. 2886
CITY OF SUMNER, WASHINGTON

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUMNER, WASHINGTON, AMENDING SMC 2.100 PERSONNEL POLICIES.

WHEREAS, the City required clarification of definitions and clean up of sections in order to remain consistent with current practice and RCW changes; and

WHEREAS, the City reduced the maximum accrual for compensatory time accruals; and

WHEREAS, the City adjusted the sick leave accrual process for temporary employees to align with the state leave program.

WHEREAS, the City removed the requirement for the employee to repay fees paid by the jury while on jury leave; and

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SUMNER, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Amendment to City Code. Sumner Municipal Code Section 2.100 is hereby amended as follows:

2.100.120 Definitions.

"Department director" means an employee who is responsible for directing one or more departments.

"Limited duration employee" means a full- or part-time employee who is hired for a set period of time for the purpose of a specific project or initiative that lasts more than one year. Limited duration employees are considered regular full- or part-time employees for the purposes of benefits.

"Regular full-time employee" means an employee ~~employee who has successfully completed a trial period as defined in these policies and~~ who is scheduled to regularly work 40 hours a week. Regular full-time employees will be subject to a trial period.

"Regular part-time employee" means an employee ~~employee who has successfully completed a trial period as defined in these policies and~~ who is scheduled to regularly work less than 40 hours a week. Regular part-time employees will be subject to a trial period.

"Temporary or seasonal employee" means an employee who holds a job of limited duration due to special projects, seasonal work, abnormal workloads or emergencies. Employees are eligible for only those benefits, which may be limited, specifically provided for in a written union contract or by city, state or federal law or regulation. (Ord. 2595 § 1 (part), 2017)

2.100.230 Trial period.

Upon hire, appointment, transfer or promotion, all employees enter a trial period that is considered an integral part of the selection and evaluation process. The trial period is designed to give the employee time to learn the job and to give the supervisor time to evaluate whether the match between the employee and the job is appropriate.

A. Length of Period. The normal trial period is 12 months from the employee's date of hire or rehire. The trial period may be reduced at time of hire, or promotion, if approved by the city administrator. ~~If reduced,~~

~~the~~The department director may request that the trial period be extended for up to an additional six months due to circumstances such as an extended illness or a continued need to evaluate the employee's performance.

B. Use of Leave. During their trial period, employees may use any form of paid leave.

C. End of Trial Period. The trial period is an extension of the selection process and failure to successfully complete the trial period as determined by the mayor, city administrator, or department director does not grant any right to appeal under these policies. Trial period employees may be terminated with or without cause by the mayor or city administrator. In the case of unsatisfactory performance in a promotional situation, the employee may be considered for transfer back to the previous position held by the employee, if the previous position is still available.

Once the trial period employee receives a satisfactory performance evaluation and the trial period is considered successfully completed, the employee is considered to have regular employment status. Successful completion of the trial period does not create an employment contract or guarantee employment with the city for a specified duration. (Ord. 2688 § 1, 2019: Ord. 2595 § 1 (part), 2017)

2.100.250 Compensatory time.

Nonexempt employees entitled to overtime pay may request compensatory time off instead of cash payment. This is approved on a case-by-case basis by the employee's ~~department head~~supervisor. The city is not required to grant compensatory time instead of overtime pay. Compensatory time may be accrued up to the maximum allowable under the Fair Labor Standards Act (~~240~~ 50 hours) or as defined by collective bargaining agreement.

Employees may use compensatory time within a reasonable time period after making a request to their ~~department head~~supervisor, unless doing so would unduly disrupt city operations. Compensatory time usage should be scheduled in advance. Compensatory time must be used by the end of the calendar year. Unused compensatory time will be paid out at the applicable wage. An employee may request a three-month extension to use the compensatory time; provided, that the extension is needed due to a planned event (upcoming vacation or long-term medical leave). (Ord. 2595 § 1 (part), 2017)

2.100.290 Benefits for part-time, temporary employees and seasonal workers.

Unless noted otherwise in these policies, benefits for regular part-time and temporary employees are as follows:

A. Regular Part-Time Employees.

1. Accrued Leave/Paid Holidays. Regular part-time employees who work at least 20 hours per week shall receive prorated accrued paid leave (vacation, bereavement) and paid holidays. All part-time employees are eligible for prorated sick leave accrual. "Prorated" means the ratio between the number of hours in the employee's normal work schedule and 40 hours per week.

2. Medical Insurance. Part-time employees working at least 20 hours per week, but less than 30 hours per week, may choose to receive prorated medical benefits. Part-time employees working on average 30 or more hours per week shall receive medical benefits at a prorated amount unless waived by the employee.

B. Temporary and Seasonal Employees.

1. Accrued Leave/Paid Holidays. Temporary and seasonal employees are eligible for ~~prorated~~ sick leave accrual at the rate of one hour per 40 hours of scheduled work. Temporary and seasonal employees who are in an unpaid status for a full work week will not accrue sick leave. ~~"Prorated" means the ratio between the number of hours in the employee's normal work schedule and 40 hours per week.~~ Temporary

employees are not eligible for other accrued leave or paid time off (e.g., holidays or bereavement) unless otherwise allowed by the mayor, city administrator or collective bargaining agreement.

2. Medical Insurance. Temporary and seasonal employees who work more than 30 hours per week shall receive medical benefits the first day of the third month; provided, that their expected length of service is more than 90 days. The medical benefits shall be prorated if the temporary employee works less than 40 hours but more than 30 hours per week. (Ord. 2595 § 1 (part), 2017)

2.100.410 Healthcare eligibility.

Regular full-time and regular part-time employees and their dependents are eligible to participate in the city's various insurance programs on the first day of the month following employment, unless otherwise defined by a represented group's medical plan provisions. The city reserves the right to make changes in the carriers and provisions of these programs when deemed necessary or advisable, with prior notice to affected employees, and when bargained as required.

The human resources department is responsible for ensuring employees are classified correctly using pre-determined measurement periods. The periods shall be designed to at least meet the minimum requirements of the Affordable Care Act. (Ord. 2595 § 1 (part), 2017)

2.100.420 Healthcare plans.

The city provides its employees' healthcare coverage through either the Association of Washington Cities (AWC) or Teamsters Trust as enumerated in the employees' collective bargaining agreement. For non-represented employees healthcare coverage is as follows:

A. Health insurance:

Plan:	AWC High Deductible Healthcare Plan
Employee Monthly Premium Cost Share:	$0.00
Annual Employer Health Savings Account Contribution:	$1,500 for employee only $3,000 for employee + 1 or more
Annual Employer Health Reimbursement Account (bridge):	Maximum of $~~1,400~~2,400 for employee only Maximum of $4,800 for employee + 1 or more

B. Dental insurance:

Plan:	Delta Dental Plan J
Employee Monthly Premium Cost Share:	$0.00

C. Vision insurance:

Plan:	VSP $0.00
Employee Monthly Premium Cost Share:	$0.00

(Ord. 2867 § 1, 2023; Ord. 2614 § 1 (part), 2017: Ord. 2595 § 1 (part), 2017)

2.100.620 Sick leave.

A. Accrual. Each regular full-time employee shall receive eight hours of sick leave per month. All regular part-time ~~or temporary~~ employees shall receive prorated accruals, based on their ~~number of scheduled regular hours~~full time equivalent status. "Prorated" means the ratio between the number of hours in the employee's normal work schedule and 40 hours per week.

Regular employees who are in an unpaid status for the entire pay period do not accrue sick leave benefits. Regular employees who are in any form of a paid status during the pay period are eligible for accruals. ~~Temporary employees who are in an unpaid status at any time during the period shall receive prorated sick leave accruals based on the number of hours worked in the period.~~

Temporary and seasonal employees are eligible for sick leave accrual at the rate of one hour per 40 hours of scheduled work. Temporary and seasonal employees who are in an unpaid status for a full work week will not accrue sick leave.

B. Separation. Upon separation of employment all regular full-time and regular part-time employees shall be paid one of the following percentages on unused sick leave up to a maximum of 720 hours:

1. Employees hired prior to January 1, 2018:

Termination for cause	0%
Resignation	25%
Layoff	50%
Death	100%
Retirement	100%
Disability retirement	100%

2. Employees hired on or after January 1, 2018:

Termination for cause	0%
Resignation	25%
Layoff	25%
Death	100%

Retirement	100% for first 360 hours, 25% for up to an additional 360 hours
Disability retirement	100%

Temporary full-time or part-time employees are not entitled to any sick leave pay out upon separation. For the purposes of this section "retirement" shall mean when an employee separates employment with the intent to retire and at the time of separation the employee is age eligible to retire from the state retirement plan that they are enrolled/contributing to.

Employees who return to work within one year are entitled to restoration of their sick bank, less the amount paid out upon separation.

Employees who use all their accumulated sick leave and require more time off from work due to illness or injury may be eligible for state or federal protected leave or leave without pay. (See protected leave policy, SMC 2.100.625, and leave without pay policy, SMC 2.100.640.) (Ord. 2653 § 1, 2018; Ord. 2614 § 1 (part), 2017: Ord. 2595 § 1 (part), 2017)

2.100.625 Protected leave.

A. Protected Leave. The employer will provide employees with family and medical leave, pregnancy disability leave, military leave and other paid and unpaid leave required by state and federal law, including but not limited to:

1. Family and medical leave (29 U.S.C. 2601 et seq., and Chapter ~~49.78~~ 50A RCW);

2. Family Care Act leave (RCW 49.12.265);

3. Pregnancy disability leave (Chapter ~~49.60~~41.04 RCW);

4. Leave for victims of domestic violence, sexual assault and stalking (Chapter 49.76 RCW);

5. Leave for spouses of deployed military personnel (Chapter 49.77 RCW);

6. Leave for certain emergency services personnel (RCW 49.12.460).

Leave eligibility, benefits and requirements will be determined by applicable law and will be administered according to policies established by the mayor or city administrator.

B. Washington Paid Family and Medical Leave Law. Eligible employees are covered by Washington's Family and Medical Leave Program (PFML), Chapter 50A.04 RCW. Eligibility for leave and benefits and associated premiums are established by Washington law. Employees will pay through payroll deduction the full costs of the premiums associated with family leave benefits and the cost of the premiums associated with the medical leave benefits, as determined under RCW 50A.04.115. The city will pay the remaining premium amounts.

C. Protected Leave Use. Employees may choose to use any applicable protected leave, e.g., FMLA, PFML, etc., consecutive to accrued leave; provided, that after the employee uses 960 hours of sick leave, and has exhausted other available accrued leaves (vacation, compensatory or holiday time), protected leave shall run concurrent with any remaining sick leave balance. (Ord. 2867 § 1, 2023; Ord. 2663 § 2, 2018: Ord. 2614 § 1 (part), 2017)

2.100.650 Jury and witness leave.

Employees who are called to serve on a jury or appear as a subpoenaed witness in any established court shall be released from work to do so. During the period of such absence, the employee on jury duty will receive full ~~salary~~pay. An employee who is a subpoenaed witness will receive full ~~salary~~ pay upon proof that the testimony given was on behalf of the city. ~~However, any expense payments for jury service received by the employee must be endorsed or paid to the city.~~ Employees who are absent from work for these purposes will retain seniority and all benefits.

The time away will not affect vacation or sick leave accruals. Employees who appear in court as the plaintiff or defendant in any action, wherein the city is not a party, shall not be paid for the time away from work unless that time is accrued vacation leave. (Ord. 2595 § 1 (part), 2017)

Section 2. **Severability.** The provisions of this ordinance are declared separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section or portion of this ordinance or the invalidity of the application thereof to any person or circumstance shall not affect the validity of the remainder of the ordinance or the validity of its application to other person's circumstances.

Section 3. **Effective date.** This ordinance shall be effective five (5) days from and after its passage approval and publication as provided by law.

Section 4. **Corrections by City Clerk or Code Reviser.** Upon approval of the city attorney, the city clerk and the code reviser are authorized to make necessary corrections to this ordinance, including the correction of clerical errors; ordinance, section, or subsection numbering; or references to other local, state, or federal laws, codes, rules, or regulations.
Passed by the City Council and approved by the Mayor of the City of Sumner, Washington, at a regular meeting thereof this 6th day of May 2024.

_____
Mayor Kathy Hayden

ATTEST:

_____
Michelle Converse, City Clerk

APPROVED AS TO FORM:

_____
City Attorney Andrea Marquez

CITY COUNCIL MEETING
DATE: May 6, 2024
AGENDA BILL: 24-109

SUBJECT: Ordinance 2839 - Amending Sumner Municipal Code Chapters 13.16 and 13.18 - Pretreatment Regulations

CATEGORY: Ordinance

BUDGET IMPACT:
Expenditure Required: None

Within Budget Allocation: N/A

ATTACHMENTS:
1. Ordinance 2839 - Amending Sumner Municipal Code Chapter 13.18 Pretreatment Regulations

STAFF CONTACT: Andria Hannegan, Pretreatment Coordinator

SUMMARY BACKGROUND:
The Public Works Department is presenting the new Pretreatment Regulations that have been developed in response to the Department of Ecology's mandate to the City to form a formal Pretreatment Program. These new regulations will provide the City with the legal authority to implement the new program.

COUNCIL COMMITTEE/STUDY SESSION: Study Session
MEETING/STUDY SESSION DATE: 4/22/2024
COMMITTEE RECOMMENDATION: Study Session

STAFF RECOMMENDATIONS/MOTION:
A motion to adopt Ordinance No. 2839 revising sections of Chapter 13.16 Sewer and creating Chapter 13.18 Pretreatment Regulations of Sumner Municipal Code, substantially in the form as approved by the City Attorney.

ORDINANCE NO. 2839

CITY OF SUMNER, WASHINGTON

AN ORDINANCE OF THE CITY OF SUMNER, WASHINGTON, AMENDING TITLE 13 OF THE SUMNER MUNICIPAL CODE TO ADD A NEW CHAPTER 13.49 CREATING REGULATIONS FOR ALL USERS OF THE SUMNER WASTEWATER TREATMENT FACILITY; PROHIBITING INTRODUCTIONS OF POLLUTANTS AND OTHER HARMFUL SUBSTANCES INTO THE CITY'S WASTEWATER SEWER SYSTEM; REQUIRING COMPLIANCE WITH FEDERAL STATE AND LOCAL PRETREATMENT REGULATIONS; REQUIRING AN INDIVIDUAL WASTEWATER DISCHARGE PERMIT FROM CERTAIN NON-DOMESTIC USERS PRIOR TO DISCHARGE INTO THE CITY'S WASTEWATER SEWER SYSTEM; AND PROVIDING FOR ENFORCEMENT AND PENALTIES.

WHEREAS, the City of Sumner provides wastewater utility services to residential, commercial and industrial users within the City of Sumner sewer service area, and owns and operates the Sumner Wastewater Treatment Facility; and

WHEREAS, the Sumner Wastewater Treatment Facility (WWTF) has met the Federal threshold for requiring a locally administered Pretreatment Program by having reached a design capacity of greater than 5.0 Million Gallons Per Day (MGD) and receives wastewater from one or more Significant Industrial Users (SIU); and

WHEREAS, the Federal Rules at 40 CFR 403.8(b) compel the City to develop an approved pretreatment program meeting state and federal requirements unless the Washington State Department of Ecology determines, as allowed under 40 CFR 403.10(e), to assume such responsibilities; and

WHEREAS, the Department of Ecology has determined that the Sumner WWTF has demonstrated its ability to manage its affairs, and the myriad of benefits of local control, it will decline to exercise the option of continuing to permit tributary users of the Sumner WWTF in accordance with State Laws at RCW 40.48.165 and at WAC 173-216-150 allowing delegation of pretreatment program authority and responsibility where rules at WAC 173-208 "Grant of Authority Sewerage Systems" are met; and

WHEREAS, the City of Sumner is now required to develop and administer an approved Pretreatment Program for all Users contributing Non-Domestic wastewater into the City's sewer service area; and

WHEREAS, the City must adopt an ordinance containing proposed local limits, and all other pretreatment authorities required to impose pretreatment standards and requirements found at 40 CFR Part 403 and 173-216-110 WAC.

WHEREAS, the ordinance must provide the City and all contributing jurisdictions with the authority to impose all applicable state and federal requirements for non-domestic wastewater

discharges as set forth within 40 CFR 403.9(b)(2), WAC 173-208-050(6) and WAC 173-208-090(b)(2); and

WHEREAS, to carry out the intent and purpose of this ordinance, the City Council requires certain Non-Domestic Users to obtain an individual wastewater discharge permit from the City prior to discharging wastewater into the Publicly Owned Treatment Works (POTW), and imposes reporting requirements; and

WHEREAS, it is necessary to provide for enforcement remedies for violations of this ordinance; and

WHEREAS, City Council recognizes its responsibility to regulate the use of its wastewater utility system for the promotion of the public health, safety and welfare of its citizens, businesses and utility users.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SUMNER, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Title 13 of Sumner Municipal Code (PUBLIC SERVICES) is hereby amended by adding a new Chapter 13.18 as follows;

Section 1. General Provisions
Section 2. Abbreviations and Definitions
Section 3. General Sewer Use Requirements
Section 4. Pretreatment of Wastewater
Section 5. Wastewater Discharge Permits
Section 6. Wastewater Discharge Permit Issuance
Section 7. Reporting Requirements
Section 8. Compliance Monitoring
Section 9. Confidentiality Agreement
Section 10. Publication of Users in Significant Non-Compliance
Section 11. Administrative Enforcement Remedies
Section 12. Judicial Enforcement Remedies
Section 13. Supplemental Enforcement Action
Section 14. Affimative Defenses to Discharge Violations
Section 15. Administrative Hearing
Section 16. Judicial Review
Section 17. Wastewater Pretreatment Charges and Fees
Section 18. Miscellaneous Provisions

Exhibit A attached hereto is incorporated as though fully set forth herein.

Section 2. Title 13 of Sumner Municipal Code (PUBLIC SERVICES), Chapter 16 (SEWERS) is hereby amended by removing subsections as follows;

13.16.010 General requirements.
13.16.020 Administration of chapter provisions.

13.16.030 Definitions.
13.16.040 Unsanitary deposit of waste unlawful.
13.16.050 Discharge of certain liquids unlawful – Exceptions.
13.16.060 Construction of privies, septic tanks and cesspools.
13.16.070 Installation and connection of toilet facilities required.
13.16.080 Private sewage system – Permitted when.
13.16.090 Private sewage system – Construction – Inspection required.
13.16.100 Private sewage system – Construction – Specifications.
13.16.110 Public sewage system – Public sewer availability – Connection required.
13.16.120 Private sewage facilities – Operation and maintenance.
13.16.130 Chapter provisions not exclusive.
13.16.140 Public (side) sewer connection – Permit required.
13.16.150 Permits for building side sewers – Classifications – Application.
13.16.160 Permit – Display required.
13.16.170 Permit – Time limitations.
13.16.180 Permit – Renewal fees.
13.16.190 Permit – Connection without prohibited.
13.16.200 Building sewer expense and installation responsibility.
13.16.210 Permit fees.
13.16.220 System development charges.
13.16.230 Bond required.
13.16.240 Liability insurance.
13.16.250 Building sewers – Separate connection required – Exceptions.
13.16.260 Old building (side) sewers – Permitted when.
13.16.270 Building (side) sewers – Construction requirements.
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~~13.16.390 Interceptor and trap maintenance.~~
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~~13.16.410 Preliminary treatment facility maintenance.~~
~~13.16.420 Manhole requirement.~~
~~13.16.430 Measurements, tests and analyses.~~
~~13.16.440 Special agreements with industrial concerns.~~
13.16.450 Sewer blockage.
13.16.460 Authority to inspect.
13.16.470 Violation – Unauthorized tampering – Penalty.
13.16.480 Violation – Notification.

13.16.490 Violation – Continuation – Penalty.
13.16.500 Violation – Liability.

Exhibit B attached hereto is incorporated as though fully set forth herein.

Section 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed and all ordinances or parts of ordinances not in conflict herewith are hereby continued in full force and effect.

Section 4. **Severability.** Should any section, paragraph, sentence, clause, or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or invalid for any reason, or should any portion of the Ordinance be preempted by state or federal law or regulation, such decision or preemption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

Section 5. **Effective Date.** This Ordinance shall become effective five (5) days after its passage, approval, and publication as provided by law.

Section 6. **Corrections by City Clerk or Code Reviser**. Upon approval of the city attorney, the city clerk and the code reviser are authorized to make necessary corrections to this ordinance, including the correction of clerical errors; ordinance, section, or subsection numbering; or references to other local, state, or federal laws, codes, rules, or regulations.

Passed by the City Council and approved by the Mayor of the City of Sumner, Washington, at a regular meeting thereof this _____ day of _____ 2024.

_____

Mayor Kathy Haden

ATTEST:

_____

City Clerk Michelle Converse

APPROVED AS TO FORM:

_____

City Attorney Andrea Marquez

First Reading:

Date Adopted:

Date of Publication:

Effective Date:

EXHIBIT A – PRETREATMENT REGULATIONS

PRETREATMENT REGULATIONS

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Section 1. General Provisions

13.18.010 Purpose and Policy

These Regulations set forth uniform requirements for Users of Publicly Owned Treatment Works (POTW) for the Sumner Wastewater Treatment Facility (WWTF) and Contributing Jurisdictions (Contributing Jurisdictions) to comply with all applicable State and Federal laws, including Washington Administrative Code Chapter 173-216, the Clean Water Act (33 United States Code, Section 1251 et seq.), and the General Pretreatment Regulations (40 Code of Federal Regulations Part 403).

The objective of these Regulations are:

A. To encourage economic growth by establishing clear, fair, standards and requirements for the management and pretreatment of non-domestic waste.
B. To protect the POTW from potential harm. Harm to be prevented includes causing Interference or otherwise harming the POTW; causing Pass Through, or otherwise harming the receiving environment; or causing the POTW to respond to Discharge based on a real or perceived threat;
C. To protect POTW staff who may be affected by Wastewater and sludge in the course of their employment and to protect general public;
D. To promote reuse and recycling of Industrial Wastewater by Industrial Users;
E. To provide high-quality end products, such as reclaimed water and biosolids from the POTW, for beneficial use;
F. To provide for fees for the equitable distribution of the cost of operations, maintenance, and improvement of the POTW, as economically feasible; and
G. To enable the Sumner WWTF to comply with its National Pollution Discharge Elimination System (NPDES) permit conditions, sludge use and disposal requirements, and any other Federal or State laws to which the POTW is subject.

These Regulations shall apply to all Persons connected (or believed connected) to the POTW. The Regulations compel the production of information; authorize the issuance of Control Documents, including Wastewater Discharge permits; provide for monitoring, compliance, and enforcement activities; establish administrative review procedures; require reporting; and provide for the setting of fees for the equitable distribution of costs resulting from the program establishment herein.

The provisions of these Regulations shall be revised or amended from time to time, consistent with the purpose and policy set forth within these Pretreatment Regulations, to conform to changes in the State and Federal water quality laws and regulations.

13.18.020 Administration

Except as otherwise provided herein, as the Owner of the Sumner Wastewater Treatment Facility (WWTF), the City of Sumner (City), is the Control Authority responsible for administering and managing the overall affairs of the WWTF. The City of Bonney Lake (CoBL) is the owner of a system of sewers that provide for the collection and transmission of Wastewater to the WWTF. CoBL is the Contributing Jurisdiction (Contributing Jurisdiction) responsible for managing their system of sewers connected to the WWTF.

The City Public Works Director (Director) shall administer, implement, and enforce the provisions of these Regulations. Any powers granted to, or duties imposed upon, the Director may be delegated by the Director to other Control Authority, WWTF or Contributing Jurisdiction personnel. The Director is authorized to adopt implementing procedures consistent with these Pretreatment Regulations.

Section 2. Abbreviations and Definitions

13.18.200 Abbreviations

The following abbreviations, when used in these Pretreatment Regulations, shall have the designated meanings:

AKART – All Known, Available and Reasonable Method of Prevention, Control and Treatment

ASPP – Accident Spill Prevention Plan

BOD – Biochemical Oxygen Demand

BMPs – Best Management Practices

CFR – Code of Federal Regulations

CIU – Categorical Industrial User

EPA – U.S. Environmental Protection Agency

GI – Grease Interceptor

GPD – gallons per day

IU – Industrial User

LEL – Lower Explosive Limit

mg/L – milligrams per liter

MIU – Minor Industrial User

NAICS – North American Industry Classification System

NOV – Notice of Violation

NDCIU – Non-Discharging Categorical Industrial User

NPDES – National Pollutant Discharge Elimination System

POTW – Publicly Owned Treatment Works

RCRA – Resource Conservation and Recovery Act

RCW – Revised Code of Washington

SIC – Standard Industrial Classification

SIU – Significant Industrial User

TSS – Total Suspended Solids

U.S.C. – United States Code

UPC - Uniform Plumbing Code

WAC – Washington Administrative Code

WWTF – Wastewater Treatment Facility

13.18.210 Definitions

Unless a provision explicitly states otherwise, the following terms and phrases, as used in these Pretreatment Regulations, shall have the meanings hereinafter designated.

Act or "the Act". The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. Section 1251 et seq.

AKART. All known, available, and reasonable methods of prevention, control, and treatment. AKART represents the most current methodology that may reasonably be required for preventing, controlling, or abating the Pollutants associated with a Discharge. The concept of AKART applies to both point and nonpoint sources of pollution. The term Best Management Practices is a subset of the AKART requirement.

Ammonia Nitrogen (NH3 or NH3-N). All the nitrogen in water, sewage, or other liquid waste present in the form of ammonia, ammonia ion or in the equilibrium NH + NH + H +, expressed as mg/L.

Approval Authority. Ecology's Water Quality Program Manager or designee.

Authorized Representative of the Non-Domestic User.

i. If the Non-Domestic User is a corporation, regardless of form:
    1. The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other individual or Person who performs similar policy or decision-making functions for the corporation; or

    2. The manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for control mechanism requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

ii. If the Non-Domestic User is a partnership or sole proprietorship, regardless of form: a general partner or proprietor, or Person who performs similar policy or decision-making functions for the partnership or sole proprietorship.

iii. If the Non-Domestic User is a federal, state, or local governmental facility: a Director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.

The individuals described above may designate another authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the Discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the Director.

Auto Related Business (ARB). Any commercial business conducting automobile and other vehicle repair, maintenance, washing, painting, salvaging services or selling automobiles or parts.

Baseline Monitoring Report (BMR). The normal and expected levels of pollutants in a non-domestic waste stream.

Biochemical Oxygen Demand or BOD. The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five (5) days at 20 degrees centigrade, usually expressed as a concentration (e.g., mg/L).

Best Management Practices or BMPs. Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in Section 2.A(A) and (B) of these Pretreatment Regulations and 40 CFR Part 403.5(a)(1) and (b). BMPs may also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.

Bypass. The intentional diversion of waste streams from any portion of a Non-Domestic User's Pretreatment Facility.

Categorical Industrial User or CIU. A Non-Domestic User subject to a Categorical Pretreatment Standard.

Categorical Pretreatment Standard. Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Sections 307(b) and (c) of the Act (33 U.S.C. Section 1317) which apply to a specific category of Non-Domestic User and which appear in 40 CFR Chapter I, Subchapter N, Parts 405471.

Contributing Jurisdiction. A county, city, town, water-sewer district, public utility district, other special purpose district, municipal corporation, or other unit of local government of this or another state and any Indian tribe recognized as such by the United States government authorized by law to provide a system of sewers for the collection, transmission, or treatment of Wastewater that has entered into an agreement with the Control Authority that provides for acceptance of some or all of that entity's Wastewater.

Control Authority. The City of Sumner, as the Owner of the Sumner Wastewater Treatment Facility (WWTF) who administers and manages the overall affairs of the WWTF, including treatment operations and without limitation the administration of these Pretreatment Regulations.

Control Document. A Wastewater Discharge permit or any other formal written Wastewater Discharge authorization or prohibition issued by the Director.

Composite Sample. A representative composite of samples of a waste stream taken throughout the period of a calendar day, or equivalent representative 24-hour period, when Discharges are produced by a regulated activity. Composite samplers must interface with a flow metering device to produce a representative flow proportionate composite sample unless the Director has determined that flow proportionate samples are not required or the analyte is not amenable to composite sampling (pH, temperature, oil, etc.).

Daily Maximum Limit. The maximum allowable Discharge of a Pollutant over a calendar day or equivalent representative 24-hour period. Where daily limits are expressed in units of mass, the daily Discharge is calculated by multiplying the daily average concentration and total flow volumes in the same 24-hour period by a conversion factor to get the desired units. Where daily limits are expressed in terms of a concentration, the daily Discharge is the Composite Sample value, or flow weighted average if more than one discrete sample was collected. Where flow weighting is infeasible, the daily average is the arithmetic average of all samples if analyzed separately, or the sample value if samples are composited prior to analysis.

Dangerous Waste. Solid wastes designated in Washington Dangerous Waste Regulations WAC 173-303-070 through 179-303-100 as dangerous, or extremely hazardous or mixed waste. The waste may be any of the following: Characteristics hazardous waste (toxicity, corrosivity, ignitability, reactivity); listed hazardous waste; and/or state-only dangerous waste for toxicity or persistence.

Dental Establishment. Means a facility where the practice of dentistry is performed, including, but not limited to, institutions, permanent or temporary offices, clinics, home offices, and facilities owned and

operated by federal, state or local governments, that discharges wastewater to a publicly owned treatment works (POTW).

Director. Public Works Director of the Control Authority, or the designee of the Director, including without limitation any designated officer, employee or other representative of any Contributing Jurisdiction, who is delegated certain duties and responsibilities by these Pretreatment Regulations.

Discharge or Indirect Discharge. The introduction of Pollutants into the POTW from any Non-Domestic User or Non-Domestic source subject to these Pretreatment Regulations or other State or Federal regulations.

Domestic User. Any Person who contributes, causes, or allows the contribution of Wastewater to the POTW that the Director determines is of similar volume and/or chemical make-up to that of a residential dwelling unit. Discharges from a residential dwelling unit typically include kitchen wastes, human wastes, and housekeeping cleaning materials in volumes and/or concentrations normally discharged from these classes of users and typically include up to 100 gallons per capita per day, 30 mg/L NH3, 300 mg/L of BOD, and 300 mg/L of TSS.

Domestic Wastewater. A source of waste or wastewater generated from activities at a residential dwelling unit.

Ecology. The Washington State Department of Ecology.

EPA. The United States Environmental Protection Agency or, where appropriate, the Director of the Region 10 Water Division, or other duly authorized official.

Existing Source. Any source of Discharges subject to Categorical Pretreatment Standards and discharging prior to the promulgation of those Standards or otherwise not meeting the definition of a New Source.

Fats, Oils and Grease (FOG). Components of wastewater able to be measured by the methods described in the current edition of Standard Methods for the Examination of Water and Wastewater, or methods identified in 40 CFR Part 136. The term “fats, oils and grease” shall include polar and nonpolar fats, oils, and grease and other components extracted from wastewater by these methods.

Food Processing Establishment. Any establishment in which food is prepared, manufactured, or packaged, for consumption off site.

Food Service Establishment. Any establishment for the preparation and/or serving of food, or other edible products and/or are required to have a food business permit issued by the Tacoma-Pierce County Health Department. This term includes but is not limited to restaurants, coffee shops, cafeterias, breweries, wineries and distilleries, short order cafes, grocery store delis, luncheonettes, taverns, lunchrooms, places which manufacture retail sandwiches, church kitchens, childcare facility where food is prepared, adult care facility, institutional cafeterias, catering establishments, mobile food vending vehicles, food trucks, mobile vendor and operations connected therewith, and similar facilities by whatever name called.

Grab Sample. A sample which is taken from a wastestream without regard to the flow in the wastestream and over a period of time not to exceed fifteen (15) minutes.

Gravity Grease Interceptor. A grease interceptor of at least 1,000 gallons to serve one or more fixtures and which is remotely located underground and outside of a food service establishment. It is designed to collect, contain or remove food wastes and FOG from the waste stream while allowing the balance of the liquid waste ("gray water") to discharge to the wastewater collection system by gravity.

Grease Interceptor. A pretreatment device designed to separate and collect fats, oils, grease, and solids and prevent these Pollutants from entering the sanitary sewer. Grease interceptors may be either hydromechanical grease interceptors (HGIs) or gravity grease interceptors (GGIs) and shall meet the requirements of SMC 13.18.400 and SMC 13.18.410. Grease interceptors shall be located to allow access for inspection and maintenance.

Grease Trap. A device designed to retain FOG from one to a maximum of four fixtures, with a maximum capacity of 50 gpm/100 pounds, and a minimum of 20 gpm/40 pounds. Grease traps shall be located to allow access for inspection and maintenance.

Hydromechanical Grease Interceptor. A device located inside a food service establishment designed to retain FOG from fixtures whose total capacity in gallons (gal) (L) shall not exceed 2½ times the certified gallons per minute (gpm) (L/s) flow rate of the interceptor in accordance with the Uniform Plumbing Code. It is designed to collect, contain, or remove food wastes and FOG from the wastestream while allowing the balance of the liquid waste to discharge to the wastewater collection system by gravity or mechanical means.

Hauled Waste. A waste transported by haulers and discharged to a POTW through a conveyance system other than a pipe (e.g., by truck or rail). Hauled waste might be sewage or domestic waste, or it might include non-domestic waste, or a combination of both types of waste.

Hazardous Waste. Any waste designated as hazardous under the provisions of 40 CFR 261 or a dangerous waste under WAC 173-303 – *State Waste Discharge Permit Program, Dangerous Waste Regulations*.

High Strength Waste or Wastewater. Any waters or wastewater having concentrations of BOD or TSS in excess of 300 mg/L, having concentrations of NH3 in excess 30 mg/L, or having concentrations of FOG in excess of 100 mg/L.

Industrial User. See definition for Non-Domestic User.

Industrial Waste. Any non-domestic waste, including without limitation, solid, liquid, or gaseous waste resulting from any commercial, industrial, manufacturing, trade, health service, educational institution, business, laboratory, research establishment or facility, or from the development, recovery, or processing of natural resources.

Industrial Wastewater. Non-domestic Wastewater, Process Wastewater or any liquid wastestream resulting from any commercial or industrial process; or from the development, recovery, or processing of natural resources.

Instantaneous Limit. The maximum concentration of a Pollutant allowed to be discharged at any time, determined from the analysis of a discrete (wastestream) sample. For analytes for which Non-Domestic Users must take a Grab Sample for compliance purposes, this standard is the same as the Daily Maximum Limit. For all other Pollutants, the instantaneous limit shall be twice the Daily Maximum Limit. For analytes for which Non-Domestic Users must take a Composite Sample for compliance purposes, this standard is twice the Daily Maximum Limit.

Interference. A Discharge that alone or in conjunction with Discharge(s) from other sources, either: (1) inhibits or disrupts the POTW, its treatment processes or operations; (2) inhibits or disrupts the WWTF's biosolids (sludge) processes, use or disposal; or (3) is a cause of a violation of the WWTF's NPDES permit or of the prevention of sewage biosolids use or disposal in compliance with statutory and/or regulatory provisions or permits issued thereunder, or any more stringent State or local regulations, including but not limited to the following: Section 405 of the Act; the Solid Waste Disposal Act (SWDA), including Title II

commonly referred to as the Resource Conservation and Recovery Act (RCRA); any State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the SWDA; the Clean Air Act; the Toxic Substances Control Act. A Discharge from a Non-Domestic User which causes a blockage resulting in a Discharge at a point not authorized under the NPDES permit(s) is included in the definition of Interference.

Local Limits. Effluent limitations developed for Non-Domestic Users by the Control Authority to specifically protect the POTW from the potential for deleterious impacts including Pass Through, Interference, and the beneficial use of biosolids. Such limits shall be based on the POTW's site-specific flow and loading capacities, receiving water considerations, and reasonable treatment expectations for non-domestic Wastewater.

Medical Waste. Isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.

Minor Industrial User or MIU. Any Non-Domestic User or Person that does not otherwise qualify as a Significant Industrial User of the POTW and is identified by the Director as having the potential to Discharge Wastewater that, when taken into account with the Wastewaters of other Industrial Users, may have a significant impact on the POTW.

Monthly Average. The arithmetic mean of the effluent sample results collected during a calendar month or specified 30-day period. Where Composite Samples are required, Grab Samples taken for process control or by the Control Authority are not to be included in a Monthly Average.

New Source.

(1) Any building, structure, facility, or installation from which there is (or may be) a Discharge of Pollutants, the construction of which commenced after the publication of proposed Categorical Pretreatment Standards under Section 307(c) of the Act, which will be applicable to such source if such standards are thereafter promulgated in accordance with that Section, provided that:

a. The building, structure, facility, or installation is constructed at a site at which no other source is located;
b. The building, structure, facility, or installation totally replaces the process or production equipment that causes the Discharge of Pollutants at an Existing Source; or
c. The production or Wastewater generating processes of the building, structure, facility, or installation are substantially independent of an Existing Source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the Existing Source, should be considered.

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

(3) Construction of a New Source as defined under this paragraph has commenced if the owner or operator has:

a. Begun, or caused to begin, as part of a continuous onsite construction program:

i. Any placement, assembly, or installation of facilities or equipment; or
ii. Significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities that is necessary for the placement, assembly, or installation of New Source facilities or equipment; or

b. Entered into a binding contractual obligation for the purchase of facilities or equipment, which are intended to be used in its operation within a reasonable time. Options to purchase agreements or contracts, which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

Non-Discharging Categorical Industrial User (NDCIU). Any Person that generates Wastewater subject to a Categorical Pretreatment Standard that does not Discharge those Wastewaters subject to the Categorical Pretreatment Standard to the POTW. NDCIUs are considered a potential source of Indirect Discharge.

Non-Discharging Minor Industrial User (NDMIU). Any Person that stores, handles, or manages volumes of liquid or sludge that is not discharged to the POTW. NDMIUs are considered a potential source of Indirect Discharge.

Non-Contact Cooling Water. Water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product, or finished product. Non-Contact Cooling Water may contain protective additives which may be deleterious to the POTW.

Non-Domestic Wastewater. Wastewater that is not Domestic Wastewater.

Non-Domestic User. Any Person that does not qualify as a Domestic User and is a source, or potential source, of discharge to the POTW. This includes but is not limited to Food Service Establishments, Auto-related Businesses, Medical Facilities, Commercial or Industrial Facilities, and Warehouses.

Non-Polar FOG. Fats, Oils or Grease (FOG) in water or waste from a petroleum or mineral source as measured using analytical procedures established in 40 CFR 136.

Oil/Water Separator (OWS). A pretreatment device with a large capacity underground vault installed between a drain serving a nonpolar FOG discharger and the connecting sewer pipe. These vaults are designed with baffles or coalescing plates to rap sediments and retain floating oils. The large capacity of the vault slows down the wastewater, allowing oil to float to the surface and solid material to settle on the bottom. Any customer that is a potential discharger of petroleum-based and/or nonpolar FOG is required to have an OWS.

Pass Through. A Discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with Discharge(s) from other sources, is a cause of a violation of any requirement of the WWTF's NPDES permit(s), including an increase in the magnitude or duration of a violation.

Person. Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity, regardless of form; or their legal representatives, agents, or assignees. This definition includes all federal, State, and local governmental entities.

pH. The logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in standard units. pH is an expression of the intensity of the alkaline or acid condition of a liquid. The pH may range from 0 to 14, where 0 is most acid and 14 most alkaline.

Pollutant. Any substance, either liquid, gaseous, solid or radioactive, discharged to the POTW which, if discharged directly, would alter the chemical, physical, thermal, biological or radiological properties of waters of the State. This includes any Discharge likely to create a nuisance or render such waters harmful, detrimental or injurious to any beneficial uses, terrestrial or aquatic life, or to public health, safety or welfare, and includes any dredged spoil, solid waste, incinerator residue, filter backwash, Sewage, garbage, sewage sludge, munitions, Medical Wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural and Industrial Wastes, and certain characteristics of Wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, Carbonaceous Oxygen Demand, toxicity, or odor).

Pretreatment. The reduction of the amount of Pollutants, the elimination of Pollutants, or the alteration of the nature of Pollutant properties in Wastewater prior to, or in lieu of, introducing such Pollutants into the POTW. This reduction or alteration can be obtained by physical, chemical, or biological processes; by process changes; BMP or by other means, except not by diluting the concentration of the Pollutants unless allowed by an applicable Pretreatment Standard.

Pretreatment Facility. Wastewater treatment equipment, unit, device, facility, or portions thereof designed for providing Pretreatment of Wastewater.

Pretreatment Requirement. Any substantive or procedural requirement related to Pretreatment imposed on a Non-Domestic User, other than a Pretreatment Standard.

Pretreatment Standard or Standard. A Discharge prohibition (SMC 13.18.300), Categorical Pretreatment Standard (SMC 13.18.310), State Pretreatment Standard (SMC 13.18.320), Local Limit (SMC 13.18.330), and site-specific limit based on potential detrimental effects to the POTW, health and safety of staff and general public.

Publicly Owned Treatment Works (POTW). A treatment works, as defined by Section 212 of the Act (33 U.S.C. Section 1292), which is owned by the Control Authority, or a Contributing Jurisdiction. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of Sewage or Industrial Wastes of a liquid nature and any conveyances which convey Wastewater to a Treatment Plant.

RV (Recreational Vehicle) Waste. Liquid removed from waste holding tanks of recreational vehicles.

Sampling Facility. Flow, instantaneous temp, pH, composite,

Septage. Sewage and typically associated solids from domestic activities pumped from a septic tank serving one or more private residences, including wastes from chemical toilets, campers, or trailers.

Sewage. Human excrement and gray water from household showers, toilets, kitchens, clothes and dish washing, and related Domestic User activities.

Significant Industrial User or SIU:

i. Except as provided in paragraph (ii) of this definition, a Significant Industrial User is:

1. A Non-Domestic User subject to Categorical Pretreatment Standards; or
2. A Non-Domestic User that:

a. Discharges an average of twenty-five thousand (25,000) gpd or more of process Wastewater to the POTW (excluding sanitary, non-contact cooling, and boiler blowdown Wastewater);
b. Contributes a process waste stream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the Treatment Plant; or
c. Is designated as such by the Director, on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or requirement.

ii. Upon a finding that a Non-Domestic User meeting the above criteria for a Significant Industrial User is not a Categorical Industrial User, or is a Non-Discharging Categorical Industrial User, and has no reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or requirement, the Director may at any time, on its own initiative or in response to a petition received from a Non-Domestic User, and in accordance with procedures in 40 CFR 403.8(f)(6), determine that such Non-Domestic User should not be considered a Significant Industrial User.

Significant Non-Compliance. The term Significant Non-Compliance means:

(1) Any violation of a Pretreatment Standard or requirement including numerical limits, narrative Standards, and prohibitions, that the Director determines has caused, alone or in combination with other Discharges, Interference or Pass Through, including endangering the health of POTW personnel or the general public.

(2) Any Discharge that has caused imminent endangerment to the public or to the environment or has resulted in the Director's exercise of its emergency authority to halt or prevent such a Discharge.

(3) Any violation(s), including of Best Management Practices, which the Director determines will adversely affect the operation or implementation of the local Pretreatment Program.

(4) Chronic violations of Wastewater Discharge limits, defined here as those in which sixty-six percent (66%) or more of all of the measurements taken for the same Pollutant parameter taken during a rolling six (6) month period exceed, by any magnitude, a numeric Pretreatment Standard or requirement, including Instantaneous Limits of SMC 13.18.330.

(5) Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of Wastewater measurements taken for each Pollutant parameter during a rolling six (6) month period equal or exceed the product of the numeric Pretreatment Standard or requirement, (including Instantaneous Limits, as defined by SMC 13.18.330, multiplied by the applicable criteria. Applicable criteria are 1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other Pollutants except pH.

(6) Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in a Wastewater Discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance.

(7) Failure to provide any required report within forty-five (45) days after the due date. This includes initial and periodic monitoring reports, and reports on initial compliance and on meeting compliance schedules.

(8) Failure to accurately report non-compliance.

Slug Load or Slug Discharge. Any Discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch Discharge, which has a reasonable potential to cause Interference or Pass Through, or in any other way violate the POTW's regulations, Local Limits or permit conditions. This includes Discharges at a flow rate or concentration which could cause a violation of the prohibited Discharge Standards of SMC 13.18.300 of these Pretreatment Regulations.

Standard. Is the same as Pretreatment Standard.

Standard Method. The current version of Standard Methods for Examination of Water and Wastewater.

State. The State of Washington.

Storm Water. Any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.

Total Suspended Solids (TSS). The total suspended matter that floats on the surface of, or is suspended in, water, Wastewater, or other liquid, and which is removable by laboratory filtering, as included in current EPA standard methods for the examination of water and wastewater.

Wastewater. Any combination of liquid and water-carried Industrial Wastes and Sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to the POTW.

Wastewater Treatment Facility. That portion of the POTW which is designed to provide treatment of municipal Sewage and Industrial Waste.

Section 3. General Sewer Use Requirements

13.18.300 Prohibited Discharges Standards.

A. **General Prohibitions.** No Domestic or Non-Domestic User shall introduce or cause to be introduced into the POTW any Pollutant or Wastewater which causes Pass Through or Interference. These general prohibitions apply to all Non-Domestic Users and Domestic Users of the POTW whether or not they are subject to Categorical Pretreatment Standards or any other National, State, or local Pretreatment Standards or Pretreatment Requirements.

B. **Specific Prohibitions.** No Domestic or Non-Domestic User shall introduce or cause to be introduced into the POTW any of the following Pollutants, substances, or Wastewater:

(1) Pollutants which either alone or by interaction may create a fire or explosive hazard in the POTW, a public nuisance or hazard to life, or prevent entry into the sewers for their maintenance and repair or are in any way injurious to the operation of the system or operating personnel. This includes waste streams with a closed-cup flashpoint of less than 140 degrees F (60 degrees C) using the test methods specified in 40 CFR Part 261.21, and Wastewater causing any single reading over ten percent (10%) of the lower explosive limit based on an explosivity meter reading at the point of Discharge into the POTW or at any point in the POTW.

(2) Gasoline, kerosene, naphthalene, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromides, carbides, hydrides, sulfides, and any other substance that the Control Authority, the State, or the EPA has notified the Non-Domestic User is a fire hazard or hazard to the POTW.

(3) Wastewater having a pH less than 6.0 or more than 9.0, or otherwise having any other corrosive property capable of causing damage or hazard to structures, equipment, or personnel. Discharges outside this pH range may be authorized by a permit issued by the Director pursuant to a finding that the system is specifically designed to accommodate a Discharge of that pH.

(4) Solid or viscous substances in amounts which may cause obstruction to the flow in the sanitary sewer or other Interference with the operation of the sanitary sewer system or POTW. In no case shall solids greater than 1/4 inch (0.64 cm) in any dimension be discharged. Specifically prohibited substances in amounts that produce Interference include, but are not limited to: grease, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dusts, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, gas, tar asphalt residues, residues from refining or processing of fuel or lubricating oil, mud, or glass grinding or polishing wastes.

(5) Pollutants, including oxygen-demanding Pollutants (BOD, etc.), released in a Discharge at a flow rate and/or Pollutant concentration which, either singly or by interaction with other Pollutants, will cause Interference with the POTW.

(6) Wastewater having a temperature which will interfere with the biological activity in the POTW, has detrimental effects on the collection system, or prevents entry into the sanitary sewer. In no case shall Wastewater be discharged which exceeds 140 degrees F (60 degrees C), or causes the Wastewater temperature at the influent to the Treatment Plant to exceed 104 degrees F (40 degrees C).

(7) Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute or chronic worker health and safety problems.

(8) Septage other than RV Waste discharged at an approved location.

(9) Trucked or hauled Pollutants, except at Discharge points designated by the Director and when specifically, and expressly approved by the Director.

(10) The following are prohibited unless approved in writing by the Director under extraordinary circumstances, such as lack of direct Discharge alternatives due to combined sewer service or need to augment Sewage flows due to septic conditions (as required under WAC 173-216-060):

a. Non-Contact Cooling Water in significant volumes;
b. Storm Water, or other direct inflow sources;
c. Wastewaters significantly affecting system hydraulic loading, which do not require treatment or would not be afforded a significant degree of treatment by the POTW; and
d. Surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, and unpolluted water, unless specifically authorized by the Director.

(11) Noxious or malodorous liquids, gases, solids, or other Wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life, or to prevent entry into the sanitary sewers for maintenance or repair.

(12) Chlorine, bleach or other oxidants in quantities that cause Interference to the POTW.

(13) Wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the WWTF's effluent.

(14) Wastewater containing any radioactive wastes or isotopes except as specifically approved by the Director, and in compliance with applicable Federal or State regulations.

(15) Sludges, screenings, or other residues from the Pretreatment of Industrial Wastes.

(16) Medical Wastes, except as specifically authorized by the Director.

(17) Wastewater causing, alone or in conjunction with other sources, the WWTF's effluent to fail a toxicity test.

(18) Detergents, surface-active agents, or other substances in amounts that may cause excessive foaming in the POTW.

(19) Any fats, oils, or greases, including but not limited to petroleum oil, nonbiodegradable cutting oil, or products of mineral oil, animal or vegetable origin in amounts that may cause obstructions or maintenance problems in the POTW.

(20) Total Petroleum Hydrocarbon (non-polar oil and grease) concentrations 100 parts per million, by weight, of fats, oil, greases, wax, whether emulsified or not, or containing substances which may solidify or become viscous at temperatures between 32° and 150° Fahrenheit.

(21) Any substance which will cause the WWTF to violate its NPDES and/or other disposal system permit(s).

(22) Any dangerous, extremely hazardous, or hazardous wastes as defined in rules or regulations published by Ecology or by EPA, except as specifically approved by the Director.

(23) Any persistent pesticide and/or pesticides regulated by the Federal Insecticide Fungicide Rodenticide Act (FIFRA) as amended.

(24) Any Wastewater containing toxic Pollutants in sufficient quantity, either singly or by interaction, to injure or create Interference with any Wastewater treatment process, constitute a hazard to humans or animals, or to exceed the limitation set forth in Categorical Pretreatment Standards, or State or local Pretreatment Standards.

(25) Any substance which may cause the WWTF's effluent or treatment residues, sludges, or scums, to be unsuitable for reclamation and reuse or which causes Interference with the reclamation process. In no case shall a substance be discharged to the POTW that will cause the POTW to be in non-compliance with sludge use or disposal criteria, guidelines or regulations developed under Section 405 of the Act; or with any criteria, guidelines, or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act; or with the Clean Air Act, the Toxic Substances Control Act, or State Pretreatment Standards applicable to the sludge management method being used.

(26) Any Slug Load, or any Pollutant, including oxygen demanding Pollutants, released in a single extraordinary Discharge episode or in such volume or strength as to cause Interference to the POTW; or released with a flow rate exceeding the permitted peak flow, or ten percent (10%) of the capacity of the available trunk sewer, whichever is greater.

(27) Wastewater that may cause a measurable or detectable decrease in WWTF effluent Ultraviolet Transmittance.

(28) Antifreeze or a coolant solution used in a vehicle or motorized equipment, except as specifically approved by the Director.

(29) An enzyme, chemical, or other agent that allows fat, oil, grease, or a solid to Pass Through a Pretreatment Facility.

(30) Wastewater that contains, or has contained, glutaraldehyde or ortho-phthalaldehyde unless it has been completely de-activated with sodium bisulfite or sodium hydroxide, has a pH of between 6.0 and 9.0 standard units, and does not contain any drain clogging solids. The Non-Domestic User shall contact the Director for review and obtain approval prior to Discharge.

(31) Backwash generated from filtration of process water or non-domestic wastewater.

(32) All other wastes found by the Director to be harmful to the POTW.

Pollutants, substances or Wastewater prohibited by this Section shall not be processed or stored in such a manner that they could be discharged to the POTW.

13.18.310 National Categorical Pretreatment Standards

The Categorical Pretreatment Standards found at 40 CFR Chapter I, Subchapter N, Parts 405-471 are hereby incorporated by reference.

A. Where a Categorical Pretreatment Standard is expressed only in terms of either the mass or the concentration of a Pollutant in Wastewater, the Director may impose equivalent concentration or mass limits in accordance with SMC 13.18.310(E) and SMC 13.18.310(F) and 40 CFR Part 403.6(c).

B. Upon promulgation of a Federal Categorical Pretreatment Standards for a particular industrial subcategory, the Federal standard, if more stringent, shall supersede the Local Limit imposed in these Pretreatment Regulations. If the Local Limit imposed in these Pretreatment Regulations is more stringent than the Federal standard, then the Local Limit shall supersede the Federal limit.

C. When Categorical Pretreatment Standards are expressed in terms of a mass of Pollutant which may be discharged per unit of production, the Director may either impose limits based on mass or equivalent effluent concentrations. The Non-Domestic User must supply appropriate actual or projected long-term production rates for the unit of production specified in order to facilitate this process pursuant to 40 Part CFR 403.6(c)(2).

D. The Director may allow Wastewater subject to a Categorical Pretreatment Standard to be mixed with other Wastewaters prior to treatment. In such cases, the Non-Domestic User shall identify all categorical wastestreams and provide sufficient information on each non-categorical wastestream to determine whether it should be considered dilute for each Pollutant. Absent information showing that non-categorical wastestreams contain the Pollutant in question at levels above that of the supply water, such wastestreams shall be considered dilute. In such situations, the Director shall apply the combined wastestream formula as found at 40 CFR Part 403.6(e) to determine appropriate limits.

E. When a Categorical Pretreatment Standard is expressed only in terms of Pollutant concentrations, a Non-Domestic User may request that the limits be converted to equivalent mass limits. The Director may establish equivalent mass limits if the Non-Domestic User meets all of the conditions set forth below.

1. To be eligible for equivalent mass limits, the Non-Domestic User must submit information with its permit application or permit modification request which:

   a. Shows it has a Pretreatment system which has consistently met all applicable Pretreatment Standards and is maintained compliance without using dilution;
   b. Describes the water conserving practices and technologies it employs, or will employ, to substantially reduce water use during the term of its permit;
   c. Includes the facility's actual average daily flow rate for all waste streams from continuous effluent flow metering;
   d. Determines an appropriate unit of production, and provides the present and long-term average production rates for this unit of production;

e. Shows that long-term average flow and production are representative of current operating conditions;
f. Shows that its daily flow rates, production levels, or Pollutant levels do not vary so much that equivalent mass limits would be inappropriate; and
g. Shows the daily and Monthly Average Pollutant allocations currently provided based on the proposed unit of production.

2. A Non-Domestic User subject to equivalent mass limits must:

a. Maintain and effectively operate control and treatment technologies adequate to achieve compliance with the equivalent mass limits;
b. Continue to record the facility's flow by continuous effluent flow monitoring;
c. Continue to record the facility's production rates;
d. Notify the Director if production rates are expected to vary by more than twenty (20) percent from the baseline production rates submitted according to SMC 13.18.310(E)(1)(d). The Director may reassess and revise equivalent limits as necessary to reflect changed conditions; and
e. Continue to employ the same or comparable water conservation methods and technologies as those implemented pursuant to SMC 13.18.310(E)(1)(b) so long as it Discharges under an equivalent mass limit.

3. Equivalent mass limits:

a. Will not exceed the product of the actual average daily flow from regulated process(es) of the Non-Domestic User and the applicable concentration-based daily maximum and Monthly Average standards (and the appropriate unit conversion factor);
b. May be reassessed and the permit revised upon notification of a revised production rate, as necessary to reflect changed conditions at the facility; and
c. May be retained in subsequent permits if the Non-Domestic Users' production basis and other information submitted in SMC 13.18.310(E)(1) is verified in their reapplication. The Non-Domestic User must also be in compliance with SMC 13.18.1420 regarding the prohibition of Bypass.

F. The Director may convert the mass limits of the Categorical Pretreatment Standards of 40 CFR Parts 414 (organic chemicals), 419 (petroleum refining), and 455 (pesticide formulating, packaging, and repackaging) to concentration limits in permits for such Non-Domestic Users. In such cases, the Director will document the basis and the determination that dilution is not being substituted for treatment in the permit fact sheet.

G. The Control Authority is obliged under Federal regulations to make the documentation of how any equivalent limits were derived (concentration to mass limits or vice versa) publicly available.

H. Once incorporated into its permit, the Non-Domestic User must comply with the equivalent limits in lieu of the Categorical Pretreatment Standards from which they were derived.

I. The same production and flow estimates shall be used in calculating equivalent limits for the monthly (or multiple day average) and the maximum day.

J. Non-Domestic Users subject to permits with equivalent mass or concentration limits calculated from a production-based standard shall notify the Director if production will significantly change. This notification is required within two (2) business days after the Non-Domestic User has a reasonable basis to know that production will significantly change in the next calendar month. Non-Domestic Users who fail to notify the Director of such anticipated changes must meet the more stringent of the equivalent limits or the Non-Domestic User's prior limits.

13.18.320 State Pretreatment Standards

State Pretreatment Standards and requirements, located at WAC Chapter 173-216, were developed under authority of the State Water Pollution Control Act, RCW Chapter 90.48 and are hereby incorporated by reference. The version incorporated is the version current as of the date of the latest revision or version of these Regulations. All waste materials discharged from a commercial or industrial operation into the POTW must satisfy the provisions of WAC Chapter 173-216. In addition to more stringent prohibitions, the provisions described in SMC 13.18.320(A) through 13.18.320(J) are unique to the State and are required by these Regulations for Discharges to a POTW.

A. Any Person who constructs or modifies or proposes to construct or modify Wastewater treatment facilities must first comply with the regulations for submission of plans and reports for construction of Wastewater facilities, WAC Chapter 173-240. Non-Domestic Users shall request approval for such plans through the Director. Prior to constructing or modifying Wastewater treatment facilities, plans and reports as required by WAC Chapter 173-240 must be approved by the Director.

B. Non-Domestic Users shall apply to the Director for a permit at least one hundred twenty (120) days prior to the intended Discharge of any Pollutants (SMC 13.18.530) other than Sewage or Wastewater which the Director has determined is similar in character and strength to normal domestic Wastewater with no potential to adversely affect the POTW.

C. All Significant Industrial Users must apply for and obtain a Wastewater Discharge permit prior to Discharge.

D. All Non-Domestic Users shall apply AKART to waste Discharges to the waters of the State.

E. Discharge restrictions of WAC Chapter 173-303 (Dangerous Waste) shall apply to all Domestic and Non-Domestic Users. Specific written approval from the Control Authority and Ecology is required prior to the Discharge of Dangerous Wastes.

F. Claims of confidentiality shall be submitted according to WAC 173-216-080. Information which may not be held confidential includes the: name and address of applicant, description of proposal, the proposed receiving water, receiving water quality, and effluent data. Claims shall be reviewed based on the standards of WAC 173-216-080, RCW Chapter 42.56, WAC Chapter 173-03, and RCW 43.21A.160.

G. Persons applying for a new permit or a permit renewal or modification which allows a new or increased Pollutant loading shall publish notice for each application in the format provided by the Director. Such notices shall fulfill the requirements of WAC 173-216-090. These requirements include publishing:

(1) The name and address of the applicant and facility/activity to be permitted;
(2) A brief description of the activities or operations which result in the Discharge;
(3) Whether any tentative determination has been reached with respect to allowing the Discharge;
(4) The address and phone number of the office of the Director where Persons can obtain additional information;
(5) The dates of the comment period (which shall be at least 30 days); and
(6) How and where to submit comments or have any other input into the permitting process, including requesting a public hearing.

H. The Director may require the applicant to also mail this notice to Persons who have expressed an interest in being notified, to state agencies and local governments with a regulatory interest, and to post the notice on the premises. If the Director determines there is sufficient public interest the Control Authority or Contributing Jurisdiction, as appropriate, shall hold a public meeting following the rules of WAC 173-216-100. The Director may assume responsibility for public notice requirements for any Person and may waive this requirement for any Non-Domestic User not classified as a CIU, SIU, or MIU by the Director.

I. Permit terms shall include, wherever applicable, the requirement to apply AKART.

J. All required monitoring data shall be analyzed by a laboratory registered or accredited under the provisions of WAC Chapter 173-50, except for flow, temperature, settleable solids, conductivity, pH, turbidity, and internal process control parameters. However, if the laboratory analyzing samples for conductivity, pH, and turbidity must otherwise be accredited, it shall be accredited for these parameters as well.

13.18.330 Local Limits

A. The Control Authority has established and may periodically modify Local Limits pursuant to 40 CFR Part 403.5(c) based upon the POTW's site-specific flow and loading capacities, receiving water considerations, and reasonable treatment expectations for non-domestic Wastewater using a method approved by the Director.

B. Unless the Director determines that public health or safety require an earlier implementation, any modification the Control Authority establishes to the Local Limits in Table 330-1 shall not go into effect until thirty (30) days after reasonable notice of the changes have been provided to the public and Persons known to the Control Authority or Contributing Jurisdiction who may Discharge Wastewater containing analytes subject to such Local Limits.

C. The Pollutant limits in Table 330-1 are established to protect against Pass Through and Interference and reflect the application of reasonable treatment technology. No Non-Domestic User shall Discharge Wastewater in excess of the Daily Maximum Limits shown in Table 330-1 unless authorized in writing by the Director.

D. The Local Limits shown in Table 330-1 apply at the point where the Wastewater is discharged to the POTW. All concentrations for metallic substances are for total metal unless indicated otherwise. The Director may impose mass limits in addition to, or in place of, concentration-based limits in accordance with SMC 13.18.310.

E. Significant Industrial Users and Categorical Industrial Users shall also be subject to Instantaneous Limits (as determined by a Grab Sample) equal to twice the daily maximum concentration limit identified in Table 330-1 for any Pollutant for which a Composite Sample is required in a permit. This provision is not applicable to SIUs and CIUs without the permit requirement to collect a Composite Sample for the analyte in question.

Table 330-1: Initial DRAFT Local Limits (Subject to Director Modification)

Analyte	Daily Maximum Concentration Limit (mg/L)	Instantaneous Concentration Limit (mg/L)
Arsenic	0.14	0.28
Aluminum	TBD*	TBD*
Cadmium	0.12	0.24
Chromium	4.05	5.0
Copper	1.42	2.84
Cyanide	0.19	0.38
Lead	0.80	1.60
Mercury	0.030	.060
Molybdenum	0.17	0.34
Nickel	0.83	1.66
Selenium	0.21	0.42
Silver	0.54	1.08
Zinc	1.93	3.86

F. No Non-Domestic User shall Discharge Wastewater in excess of the Daily Maximum Limits shown in Table 330-2 unless authorized in writing by the Director. The standard limits in Table 330-2 apply at the point where the Wastewater is discharged to the POTW.

Table 330-2: Standard Limits

Analyte	Daily Maximum Concentration Limit
Total Hydrocarbon based fats, oil and grease	100 mg/L
Minimum pH	6.0 standard units
Maximum pH	9.0 standard units
Ammonia	30 mg/L
BOD	300 mg/L
TSS	300 mg/L

G. A High Strength User is any Non-Domestic User who, in any given month, discharges Wastewater found to contain a Monthly Average of more than fifty (50) pounds per day of Biochemical Oxygen Demand and fifty (50) pounds per day of Total Suspended Solids. High Strength Users shall be subject to charges as determined by the Director and as amended and under the authority of these Regulations up to any maximum loading limit.

H. The Control Authority shall use the individual permit process to establish ceiling limits for compatible Pollutants and appropriate Discharge limits for all other Pollutants not listed in SMC 13.18.330. This includes Pollutants subject to regulation under RCRA, volatile or semi-volatile organic compounds, halogenated or brominated compounds, poly-aromatic hydrocarbons, polymers, surfactants, pesticide active ingredients, PFOS/PFOA, 6PPD – quinone and any other Pollutant identified by the Control Authority.

I. The Director may establish and require Best Management Practices for any category of Non-Domestic User or type of industrial process which creates a non-domestic waste stream. Such requirements may be applied either in lieu of or in addition to the Local Limits in SMC 13.18.330. BMPs may also include alternative limits which may be applied at the end of a specific process or treatment step instead of at the combined effluent.

J. Where a Non-Domestic User is subject to a Categorical Pretreatment Standard and a Local Limit for a given Pollutant, the more stringent provision shall control.

13.18.340 Right of Revision

The Control Authority reserves the right to establish, by subsequent resolution or regulation, or in Wastewater Discharge permits or other Control Documents, more stringent standards, or requirements for any Discharges to the POTW.

13.18.350 Dilution

No Non-Domestic User shall ever increase the use of process water, or in any way attempt to dilute a Discharge, as a partial or complete substitute for adequate treatment to achieve compliance with a Discharge limit unless expressly authorized by an applicable Pretreatment Standard or requirement. The Director may impose mass limitations on Non-Domestic Users where deemed appropriate to safeguard against the use of dilution to meet applicable Pretreatment Standards or requirements, or in other cases when the imposition of mass limitations is appropriate.

Section 4. Pretreatment of Wastewater

13.18.400 Pretreatment Facilities

Non-Domestic Users shall provide Wastewater Pretreatment as necessary to comply with these Regulations and shall achieve compliance with the Pretreatment Standards set out in these Regulations within the time limitations specified by EPA, the State, or the Control Authority, whichever is more stringent. Any Pretreatment Facilities necessary for compliance shall be provided, operated, and maintained at the Non-Domestic User's expense, and satisfy State requirements for review and approval of Plans for Wastewater Facilities as described in SMC 13.18.320. Such plans (Engineering Report, Plans and Specifications, and Operation and Maintenance Manuals) shall be submitted [as required by WAC Chapter 173-240] to the Director for review and approval prior to construction. The review of such plans and operating procedures shall in no way relieve the Non-Domestic User from the responsibility of modifying such Pretreatment Facilities as necessary to produce a Discharge acceptable to the Director under the provisions of these Pretreatment Regulations.

13.18.410 Additional Pretreatment Measures

A. The Director may immediately and effectively halt or prevent any Discharge of Pollutants to the POTW which reasonably appear to present an imminent endangerment to the health or welfare of POTW staff or general public. In such cases, the Director will provide the User advance notice if possible but shall not delay a response to imminent endangerment.

B. The Director may halt or prevent any Discharge to the POTW which presents or may present an endangerment to the environment, or which threatens to interfere with the operation of the POTW. In such cases, the Director shall attempt to provide not only notice to the affected Non-Domestic User(s), but the opportunity to respond.

C. Any Non-Domestic User causing the Director to exercise the emergency authorities provided for under SMC 13.18.410(A) and SMC 13.18.410(B) shall be responsible for

reimbursement of all related costs to the Control Authority or Contributing Jurisdiction, as appropriate.

D. The Director may require Non-Domestic Users to reduce or curtail certain Discharges to the POTW, designate that certain Wastewater be discharged only into specific sewers, relocate and/or consolidate points of Discharge, separate Sewage waste streams from Industrial Waste streams, and take all other measures to protect the POTW and determine the Non-Domestic User's compliance with the requirements of these Pretreatment Regulations.

E. The Director, based on the determination that such facilities or devices are necessary for implementation of Pretreatment Requirements, may require any Non-Domestic User to install and maintain, on their property and at their expense, Pretreatment Facilities, devices and equipment that may include, but not be limited to, any of the following:

1. A sampling facility or sampling manhole, whichever the Director deems appropriate, accessible to the Control Authority or Contributing Jurisdiction;
2. A suitable storage and/or flow equalization tank with representative sampling capabilities;
3. A Grease Interceptor, Grease Trap, Solids Separator, or Oil/Water Separator;
4. An approved hazardous gas detection meter;
5. An amalgam separator and/or a silver recovery unit; or
6. Other Pretreatment Facilities, devices, equipment, and/or units as may be necessary to treat Non-Domestic Wastewater prior to entering the POTW.

Non-domestic Users installing any Pretreatment Facility or device shall ensure they are of the type and capacity approved by the Director and conform to any separate requirements established by the Control Authority or Contributing Jurisdiction, as appropriate. Users shall locate Pretreatment Facilities or devices in areas easily accessible for cleaning and inspection by representatives of the Director. Non-Domestic Users shall maintain Pretreatment Facilities or devices at all times to provide acceptable treatment of Wastewater and to maintain compliance with Pretreatment Standards and requirements. Non-Domestic Users are responsible for all periodic inspection, cleaning, maintenance, and repair of such facilities.

F. **Food Service Establishment.** Non-Domestic Users who prepare and/or serve food or otherwise have potential to Discharge fats, oils, or grease into the POTW shall be required to install Grease Interceptors located outside the building. The Director may approve the installation of Grease Traps inside the building on a case-by-case basis under extraordinary circumstances. Non-Domestic Users may be required to retrofit Grease Interceptors that were constructed prior to the adoption of these Regulations.

G. **GI Design.** GIs shall be designed, sized, constructed, and installed in accordance with Control Authority or Contributing Jurisdiction standards and the Uniform Plumbing Code (UPC). All fixtures, equipment, and drain lines located in a facility's food preparation and cleanup areas shall be connected to a GI, unless specifically approved by the Director. The following types of equipment or fixtures have been identified as potential sources of fats, oils and grease and shall be connected to a GI: pre-rinse and/or pre-wash sinks or sinks in dishwashing areas; two or three compartment sinks; wok stoves; self-cleaning stove ventilation/exhaust hood; kitchen floor drains; floor drains; floor sinks; mop sinks; food

prep sinks; and hand sinks. Dishwashers may only be directed to GIs per Director or manufacturer instructions. Dishwashers or other fixtures discharging emulsifying agents, such as detergents, shall be located such that their potential to adversely impact the GI operation is minimized. All drain lines shall have permanently fixed screens with maximum 1/4-inch openings to prevent the pass-through of larger solids. Commercial food grinders and garbage disposals are not allowed. No sanitary waste shall be conveyed to the GI. A monitoring manhole shall be included on all GI installations.

H. **GI Installation.** GIs shall be installed such that they are easily accessible for inspection, cleaning, and the removal of fats, oils, grease and solid material. An accessible GI shall meet the following minimum criteria: the edge of the GI shall be flush with any edge of an overhead obstruction; and the overhead clearance shall be at least equal to the overall depth of the GI. GI access covers should be located such that the influent and effluent sanitary tee and compartment walls are accessible at all times for proper cleaning and inspection.

I. **Cleaning and Maintenance.** The Director shall be authorized to establish routine maintenance schedules of Pretreatment Facilities or devices for the purpose of inspection, maintaining effective treatment and Pollutant removal, and reducing Pollutant loadings to the POTW. The Control Authority or Contributing Jurisdiction shall be allowed access to Pretreatment Facilities or devices for the purpose of inspection and/or to verify compliance with these Regulations. Waste removed from a Pretreatment Facility or device shall not be disposed of in the POTW. A record of cleaning, maintenance or disposal activities shall be submitted to the Director. The use of hot water, enzymes, bacteria, chemicals, or other agents for the purpose of causing the contents of a Pretreatment Facility or device to be discharged into the POTW is prohibited.

13.18.420 Accidental Discharge/Slug Discharge Control Plans

The Director may require any Non-Domestic User to develop and implement an Accidental Discharge/Slug Discharge Control Plan and take other actions the Director believes are necessary to control Discharges which may be caused by spills or periodic non-routine activities. Accidental Discharge/Slug Discharge Control Plans shall include at least the following:

A. A description of all Discharge practices, including any non-routine batch Discharges such as from cleaning, replenishment, or disposal;

B. A description of all stored chemicals, disclosing all ingredients in formulations which could violate a Discharge prohibition if discharged to the POTW;

C. The procedures for immediately notifying the Director of any accidental Discharge or Slug Discharge, as required by SMC 13.18.750; and

D. The procedures that will be taken to prevent the occurrence or adverse impact from any accidental or Slug Discharge. Such procedures shall address the inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading

operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic Pollutants (including solvents), and/or measures and equipment for emergency response.

Non-Domestic Users shall notify the Director immediately upon the occurrence of any accidental Discharge or Slug Discharge of substances regulated by these Regulations. The notification shall include location of Discharge, date and time thereof, type of waste, concentration and volume, and corrective actions. Any Non-Domestic User that has an accidental Discharge or Slug Discharge shall be liable for any expense, loss, or damage to the POTW, in addition to the amount of any fines imposed on the Control Authority or Contributing Jurisdiction on account thereof under these Regulation, State or Federal law.

Within five (5) days following an accidental Discharge, the Non-Domestic User shall submit to the Director a detailed written report describing the cause of the Discharge and the measures to be taken by the Non-Domestic User to prevent similar future occurrences. Such notification shall not relieve the Non-Domestic User of any expense, loss, damage, or other liability that may be incurred as a result of damage to the POTW, fish kills, or any other damage to Person or property; nor shall such notification relieve the user of any fines, civil penalties, or other liability that may be imposed under these Regulations or other applicable law.

13.18.430 Hauled Wastewater

A. Certain non-domestic wastes may be introduced into the POTW at locations designated by the Director, and at such times as are established by the Control Authority. No Septage may be discharged to the POTW. The hauler of approved wastes shall be responsible for ensuring such that wastes comply with all Discharge prohibitions in SMC 13.18.200 through SMC 13.18.240 and other applicable Control Authority or Contributing Jurisdiction requirements. Waste Haulers are required to obtain Wastewater Discharge permits, other Control Documents, and/or provide a manifest at the time of Discharge identifying the customer name, address, volume, and other information from each customer.

B. Fees for the Discharge of hauled waste may be established as part of the fee system as authorized in SMC 13.18.1700 and SMC 13.18.1710 as amended.

C. Haulers proposing to Discharge site remediation Wastewater shall comply with applicable Pretreatment Standards and requirements of these Regulations and policies and guidelines as established by the Control Authority. Haulers proposing to Discharge site remediation Wastewater may be subject to fees based upon volume, treatability, handling, and administration.

D. The Director shall require the hauler, and may also require the generator, of non-domestic waste to obtain a Wastewater Discharge permit or other Control Document. The Director may also prohibit the disposal of any or all hauled Industrial Waste. The Discharge of hauled Industrial Waste is subject to all applicable Pretreatment Standards and requirements of these Pretreatment Regulations and policies and guidelines as established by the Control Authority.

E. Industrial Waste haulers may Discharge loads only at locations designated by the Director and with the prior consent of the Director. The Control Authority may collect, or require the hauler to collect, samples of each hauled load to ensure compliance with applicable Standards, and halt the Discharge at any point in order to take or require additional samples or hold the load pending analysis. The Director may require the Industrial Waste hauler to provide a waste analysis of any load prior to Discharge, to characterize the waste, or to certify that the waste does not meet the definition of a hazardous waste under WAC Chapter 173-303.

F. Industrial Waste haulers are required to provide a waste-tracking form for each load, unless exempted in writing by the Director. The waste-tracking form may be required to include the following information:

1. Name and address of the Industrial Waste hauler;

2. Truck and driver identification;

3. Names and addresses of the sources of waste;

4. Type of industry, volume, brief description, known characteristics and presumed constituents of waste;

5. Any wastes which are designated hazardous wastes under RCRA; and

6. Any other information deemed necessary by the Director.

Section 5. Wastewater Discharge Permits and Control Documents

13.18.500 Industrial User Surveys

The Control Authority is obligated under Federal law to identify and locate all possible Non-Domestic Users which might be subject to the Pretreatment Standards, and to identify the character and volume of Pollutants discharged by such Non-Domestic Users. To satisfy this requirement, any possible Non-Domestic User of the POTW must, upon request of the Director, periodically complete an Industrial User survey form. Users of the POTW shall fully disclose the information requested and sign the completed form in accordance with SMC 13.18.550. Proper completion of survey requirements is a condition of initial and continued Discharge to the POTW. Non-Domestic Users failing to fully comply with survey requirements within a timeframe specified by the Director shall be subject to all enforcement measures authorized under these Regulations including termination of service. The Director is authorized to prepare several forms for this purpose and require completion of the particular form which the Director determines appropriate to provide the information needed to categorize each User. The Director shall be authorized to categorize each Non-Domestic User, provide written notice of a Non-Domestic User's categorization and what it means, and revise this categorization at any time.

13.18.510 Wastewater Discharge Permit Requirement

A. No Significant Industrial User shall Discharge Wastewater into the POTW without first obtaining an individual Wastewater Discharge permit from the Director. A Significant Industrial User or Non-Domestic User, that has filed a timely application pursuant to SMC 13.18.520 may continue to Discharge unless and until notified otherwise by the Director.

B. The Director may require all other Non-Domestic Users to obtain a Wastewater Discharge Permit, Control Document, or implement Best Management Practices as necessary to carry out the requirements or otherwise meet the intent of these Pretreatment Regulations. For example, a Control Document may be required solely for flow equalization or for a NDCIU.

C. Any failure to complete the required survey form, apply for and obtain a required permit or other Control Document, or violate the terms and conditions of a Wastewater Discharge permit or Control Document shall be deemed a violation of these Pretreatment Regulations and subject the Non-Domestic User to the sanctions set out in SMC 13.18.1100 through SMC 13.18.1360. Obtaining a Wastewater Discharge permit or other Control Document does not relieve a Non-Domestic User of its obligation to comply with all Federal and State Pretreatment Standards or requirements or with any other requirements of Federal, State, and local law.

13.18.520 Wastewater Discharge Permitting: Existing Connections

A. Any Non-Domestic User required to obtain a Wastewater Discharge permit under these Regulations who was discharging wastewater into the POTW prior to the effective date of these Regulations may be required to apply to the Control Authority for a Wastewater Discharge permit in accordance with SMC 13.18.530. In such event, the Non-Domestic User shall not cause or allow Discharges to the POTW to continue two hundred seventy (270) days following the effective date of these Regulations except in accordance with a Wastewater Discharge permit issued by the Director. The timeframes provided in this Section may be extended at the Director's discretion. The Director may authorize Significant Industrial Users that are already permitted by Ecology to continue discharging to the POTW pursuant to such permit by reissuing such permit under a new permit number and cover page identifying the Control Authority as the issuer and administrator of the permit.

B. Any Non-Domestic User with an existing Wastewater Discharge approval proposing to make a change in an existing waste Discharge, which will substantially change the volume of flow or the characteristics of the waste or establish a new point of Discharge, shall apply for a new Wastewater Discharge approval thirty (30) days prior to making the change. Substantial changes may include, but are not limited to, a twenty-percent (20%) increase in the authorized daily maximum flow, addition of a new process, product, or manufacturing line that will increase or decrease the concentration of Pollutants in the waste stream or require modification in the operation of the pretreatment system, addition of new pretreatment equipment, or alteration of a sample site.

13.18.530 Wastewater Discharge Permitting: New Connections

Persons wishing to Discharge Industrial Wastewater must first complete either a survey form (if they do not expect a permit is needed) or a permit application. Any Non-Domestic User identified by the Control Authority through the survey as potentially needing a permit must file a permit application. Applications for Wastewater Discharge permits, in accordance with SMC 13.18.540, must be filed at least one hundred twenty (120) days prior to the desired date of Discharge, and the Discharge permit obtained prior to commencing Discharge.

13.18.540 Wastewater Discharge Permit Application Contents

A. All Non-Domestic Users required to obtain a Wastewater Discharge permit must apply using a form provided by the Control Authority or Contributing Jurisdiction. Non-Domestic Users must supply the following information as part of the permit application if relevant to the Non-Domestic Users operation unless waived by the Director.

1. Identifying information.

   a. The name and physical address of the facility, the names of the operator/facility manager and owner, and the name and address of the point of contact; and

   b. A description of activities, facilities, and plant production processes on the premises.

2. A list of any environmental control permits held by or for the facility.

3. A description of operations and facilities including:

   a. A brief description of the operations, average rate of production, and industrial classification (SIC or NAICS codes) of the operation(s) conducted on site;
   b. The number and type of employees, and proposed or actual hours of operation;
   c. The type, amount, rate of production, and process used for each product produced;
   d. The type and amount of raw materials used (average and maximum rates);
   e. The raw materials and chemicals to be routinely stored at the facility (including products in rail cars and tank trucks located on site);
   f. The types of wastes generated on a routine and periodic basis;
   g. The times and durations when wastes will be discharged;
   h. A schematic process diagram showing each process step, waste stream, treatment step, internal recycle, and point of Discharge to the POTW. This

diagram should identify which streams are subject to Categorical Pretreatment Standards;

i. Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, and appurtenances by size, location, and elevation, and all points of Discharge;

j. The sampling locations and provisions for monitoring Discharges; and

k. Copies of plans and reports for Wastewater facilities as required under WAC Chapter 173-240 (Engineering Report, Plans and Specifications, and an Operations and Maintenance Manual).

4. Flow data: The average daily and maximum daily flow, in gallons per day, to the POTW from each waste stream. Information shall be complete enough to allow use of the combined wastestream formula per SMC 13.18.310(D) and 40 CFR Part 403.6(e) where applicable.

a. Significant Industrial Users that are subject to Categorical Pretreatment Standards shall submit information showing the measured average daily flow and maximum daily flow, in gallons per day, to the POTW from each of the following:

(i) Regulated or manufacturing process streams; and

(ii) Other streams as necessary to allow use of the combined waste stream formula of 40 CFR 403.6(e).

b. Significant Industrial Users that are not subject to Categorical Pretreatment Standards shall submit information showing the measured average daily flow and maximum daily flow, in gallons per day, to the POTW from each of the following:

(i) Total process flow, Treatment Plant flow, total plant flow, or individual manufacturing process flow as required by the Control Authority. The Director may allow verifiable estimates of these flows where justified by cost or feasibility considerations.

5. Pollutant Data:

a. The Categorical Pretreatment Standards applicable to each regulated process;

b. The results of sampling and analysis identifying the nature and concentration, (and mass where required by the Standard or the Director), of regulated Pollutants in the Discharge from each regulated process; and

c. The estimated peak instantaneous, daily maximum, and long-term average Discharge concentrations (and mass) based on the sampling results.

6. Sampling data to show samples are:

a. Representative of daily operations;
b. Taken just downstream from Pretreatment Facilities if such exist, or just downstream of the regulated process(es) if no Pretreatment Facilities exist;
c. Collected as required by SMC 13.18.800 of these Pretreatment Regulations; and
d. Analyzed according to SMC 13.18.790 of these Pretreatment Regulations.

7. Information confirming BMPs. Where Standards specify a BMP or pollution prevention alternative, the Non-Domestic User must include the information needed by the Control Authority or the applicable Standard to determine whether BMPs are (or will be) implemented.

8. Any requests for a monitoring waiver (or a renewal of an approved monitoring waiver) for a Pollutant neither present nor expected to be present in the Discharge must include new sampling data showing (continued) absence of the Pollutant in the raw Wastewater and satisfying SMC 13.18.730(J).

9. Any other information deemed necessary by the Director to prepare a Discharge permit.

B. Incomplete or inaccurate applications will not be processed and will be returned to the Non-Domestic User for revision. The Control Authority and the Director shall be held harmless for delays caused by returned applications.

13.18.550 Application and Survey Signatories and Certifications

A. All Wastewater Discharge permit applications and reports shall be signed by an Authorized Representative of the Non-Domestic User and contain the certification statement in SMC 13.18.830(A).

B. All survey forms shall be signed by an Authorized Representative of the Non-Domestic User and may contain the certification statement in SMC 13.18.830(A).

C. Non-Domestic Users shall submit a new authorization if the designation of an Authorized Representative of the Non-Domestic User is no longer accurate. This includes when a different individual or position has responsibility for the overall operation of the facility, or overall responsibility for environmental matters for the company. The Non-Domestic User must submit the new authorization to the Director prior to or with any reports to be signed by the new Authorized Representative of the Non-Domestic User.

13.18.560 Wastewater Discharge Permit Decisions

After receipt of a complete Wastewater Discharge permit application, the Director will determine whether or not to issue a Wastewater Discharge permit. The Director may deny any application for a Wastewater Discharge permit or require additional safeguards (including the installation of Pretreatment Facilities or plant or process modifications), or reports (including plans under WAC Chapter 173-240), or information as a condition for approval. For Non-Domestic Users not meeting the criteria of Significant Industrial Users, the Director may also waive or defer a permit, or allow Discharges in the interim while a permit is being prepared.

As a condition of an approval, the Director may require the Non-Domestic User to install Pretreatment Facilities or make plant or process modifications as deemed necessary by the Director to meet the requirements of these Regulations and applicable Federal and state standards. Such facilities or modifications shall be designed, installed, constructed, operated, and maintained at the Non-Domestic User's expense in accordance with the provisions of these Pretreatment Regulations, and in accordance with the rules and regulations of all local and governmental agencies. If additional pretreatment and/or operation and maintenance will be required to meet the applicable Pretreatment Standards, the Non-Domestic User shall submit a proposed schedule with the shortest feasible timeline, not to exceed 3 years, to be reviewed and approved by the Director, by which the Non-Domestic User will provide such additional pretreatment and/or operation and maintenance. The schedule shall conform to the requirements of SMC 13.18.700(C)(4) of these Pretreatment Regulations. The completion date in this schedule shall not be later than the compliance date established pursuant to SMC 13.18.700(C)(4).

Section 6. Wastewater Discharge Permit Issuance

13.18.600 Wastewater Discharge Permit Duration

The Director may issue a Wastewater Discharge permit for a period of up to five (5) years from its effective date. Each Wastewater Discharge permit will indicate its expiration date.

13.18.610 Wastewater Discharge Permit Contents

Wastewater Discharge permits will include conditions the Director deems reasonably necessary to carry out the goals of the SMC 13.18.010, Federal and State regulations, and the requirements of these Pretreatment Regulations. In addition to the permit information contents below, all permitted Users shall at all times be responsible for the proper operation and maintenance of any facilities or systems of control installed by the Permitee to achieve compliance with the terms of conditions of the permit.

A. Significant Industrial User and Categorical Industrial User Wastewater Discharge permits will contain the following information:

1. The permit issuance date, expiration date, and effective date;

2. A statement that the Wastewater Discharge permit is nontransferable without prior notification to the Director in accordance with SMC 13.18.640, and provisions for furnishing the new owner or operator with a copy of the existing Wastewater Discharge permit;

3. Effluent limits, including Best Management Practices, based on applicable Pretreatment Standards and requirements to apply AKART (see SMC 13.18.230(I));

4. The Pollutants to be monitored and specific monitoring, record keeping and reporting requirements. This includes the sampling location(s), sampling frequencies, sampling custody records, and sample types consistent with Federal and State law and these Pretreatment Regulations, and the requirement that monitoring data be analyzed by a laboratory registered or accredited under the provisions of WAC Chapter 173-50;

5. Requirements to submit certain reports (as reflected in Section 7 Reporting Requirements), including submittal and approval of plans, reports and manuals as required by WAC Chapter 173-240, and to provide various notifications, keep records, and if required, implement Best Management Practices;

6. The process to be used to request a waiver from monitoring for a Pollutant neither present nor expected to be present in the Discharge in accordance with SMC 13.18.730(J), or a specific waived Pollutant in the case of an individual permit;

7. A statement of applicable civil and criminal penalties for violation of Pretreatment Standards and requirements, any applicable compliance schedule, falsification of reports or tampering with sampling equipment. Such schedule may not extend the time for compliance beyond that required by applicable Federal, State, or local law;

8. Requirements to control Slug Discharges, including to develop, update, and implement Slug Discharge control plans (see SMC 13.18.420 for required content) where the Director determines such plans are necessary to prevent accidental, unanticipated, or non-routine Discharges;

9. Any monitoring, which has been conditionally waived by the Director according to SMC 13.18.730(J) but which automatically applies at any time the requirements of the conditional waiver are not met;

10. Requirement for immediate notification to the Director where self-monitoring results indicate noncompliance;

11. Requirement to immediately take action to stop, contain, and cleanup a Bypass, Slug Discharge, or any other unauthorized Discharge, immediately notify the

Director, and submit a written report to the Director within 30 days of the occurrence, as required by WAC Chapter 173-216;

12. Requirement to submit permit application for the renewal of a permit at least 60 days prior to expiration of permit;

13. Permit modification requirements, as described in SMC 13.18.630;

14. Permit revocation provisions, as described in SMC 13.18.650.

B. Wastewater Discharge permits may contain, but need not be limited to, the following additional conditions:

1. Pretreatment Facilities and measures required by SMC 13.18.400 and 13.18.410 of these Pretreatment Regulations;

2. Limits on the average and/or maximum rate of Discharge, time of Discharge, and/or requirements for flow regulation and equalization;

3. Requirements to install pretreatment technology, pollution controls, or to construct appropriate containment devices to reduce, eliminate, or prevent the introduction of Pollutants into the treatment works, ground, or Storm Water;

4. Requirements to develop and implement of waste minimization plans to reduce the amount of Pollutants discharged to the POTW;

5. Requirements to pay charges or fees for Discharge to the POTW including high strength charges;

6. Requirements to install, maintain, and properly operate inspection, sampling, and Pretreatment Facilities and equipment, including flow measurement devices;

7. Notice that compliance with the Wastewater Discharge permit does not relieve the permittee of responsibility for compliance with all applicable Federal and State Pretreatment Standards, including those which become effective during the term of the Wastewater Discharge permit; and

8. Other conditions as deemed appropriate by the Director to ensure compliance with these Pretreatment Regulations, and Federal and State laws, rules, and regulations.

C. Other Non-Domestic User control mechanisms may contain, as determined by the Director, the information specified in SMC 13.18.540(A) and (B) above.

13.18.620 Permit Issuance Process

A. Public Notice: Non-Domestic Users shall follow the procedures for public notice found in SMC 13.18.320(G) and SMC 13.18.320(H). The Director shall consider and respond to public input as appropriate prior to issuance of a permit. The Director will arrange a public meeting if properly requested and if there is sufficient public interest, pursuant to WAC 173-216-100.

B. Permit Appeals: Any Person, including the Non-Domestic User, may petition the Director to reconsider the terms of a Wastewater Discharge permit within thirty (30) days of the date of its issuance.

1. Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative appeal.

2. In its petition, the appealing party must indicate the Wastewater Discharge permit provisions objected to, the reasons for this objection, and the alternative condition(s), if any, it seeks to place in the Wastewater Discharge permit.

3. The effectiveness of the Wastewater Discharge permit shall not be stayed pending the appeal.

4. If the Director fails to act within thirty (30) days, a request for reconsideration shall be deemed to be denied. Decisions not to reconsider a Wastewater Discharge permit, not to issue a Wastewater Discharge permit, or not to modify a Wastewater Discharge permit shall be considered final administrative actions for purposes of judicial review.

5. Aggrieved parties seeking judicial review of the final administrative Wastewater Discharge permit decision must do so by filing a complaint with the Superior Court of Pierce County within thirty (30) days of final agency action and properly served upon the Control Authority or Contributing Jurisdiction.

13.18.630 Wastewater Discharge Permit Modification

The Director may modify a Wastewater Discharge permit or other Control Document for good cause, including, but not limited to, any of the following reasons:

A. To incorporate any new or revised Federal, State, or local Pretreatment Standards or requirements including new or revised Local Limits;

B. To address new or changed operations, processes, production rates, waste streams, or changes in water volume or character;

C. To reflect conditions at the POTW requiring an authorized Discharge to be reduced or curtailed. Such requirements may be either temporary or permanent;

D. Based on information that indicates a permitted Discharge poses a threat to POTW or staff, the receiving waters, or to violate a prohibition of these Pretreatment Regulations;

E. To address violations of any terms or conditions of the Wastewater Discharge permit;

F. To address misrepresentations or failure to fully disclose all relevant facts in the Wastewater Discharge permit application or in any required report;

G. To incorporate revisions based on a variance from Categorical Pretreatment Standards approved pursuant to 40 CFR Part 403.13;

H. To correct typographical or other errors in the Wastewater Discharge permit; or

I. To reflect a transfer of the facility ownership or operation to a new owner or operator as required under SMC 13.18.640.

13.18.640 Wastewater Discharge Permit Transfer

Wastewater Discharge permits may be transferred to a new owner or operator only if the permittee gives at least thirty (30) days advance notice to the Director and the Director approves the Wastewater Discharge permit transfer. Failure to provide advance notice of a transfer renders the Wastewater Discharge permit void as of the date of facility transfer. The notice to the Director must include a written certification by the new owner or operator which:

A. States that the new owner and/or operator have no immediate intent to change the facility's operations and processes;

B. Identifies the specific date on which the transfer is to occur; and

C. Acknowledges full responsibility for complying with the existing Wastewater Discharge permit.

Provided that the notice required above occurs and that there were no significant changes to the manufacturing operation or Wastewater Discharge, the new owner will be considered an existing connection per SMC 13.18.520 and be covered by the existing limits and requirements in the previous owner's Discharge approval.

13.18.650 Wastewater Discharge Permit Revocation

The Director may revoke a Wastewater Discharge permit or other Control Document for good cause, including, but not limited to, when a Non-Domestic User has:

A. Failed to notify the Director of significant changes to the Wastewater prior to the changed Discharge;

B. Failed to provide prior notification to the Director of changed conditions pursuant to SMC 13.18.740;

C. Misrepresented or failed to fully disclose all relevant facts in the Wastewater Discharge permit application;

D. Falsified self-monitoring reports or tampered with monitoring equipment;

E. Refused to allow the Control Authority timely access to the facility premises and records;

F. Failed to meet effluent limitations or permit conditions;

G. Failed to pay applicable fines or sewer charges;

H. Failed to meet compliance schedule deadline dates;

I. Failed to complete a Wastewater survey or Wastewater Discharge permit application;

J. Failed to provide advance notice of the transfer of business ownership;

K. Violated any Pretreatment Standard or requirement, or any terms of the Wastewater Discharge permit or these Regulations;

L. Ceased operations; or

M. Transferred business ownership.

Prior Wastewater Discharge permits issued to a Non-Domestic User are void upon the effective date of the new Wastewater Discharge permit issued to that Non-Domestic User.

13.18.660 Wastewater Discharge Permit Reissuance

A Non-Domestic User with a Wastewater Discharge permit due to expire shall apply for Wastewater Discharge permit reissuance by submitting a complete permit application, in accordance with SMC 13.18.540, a minimum of one hundred twenty (120) days prior to the expiration of the Non-Domestic User's existing Wastewater Discharge permit. A Non-Domestic User, whose existing permit or Control Document has expired, and has submitted its re-application in the time period specified herein, shall be deemed to have an effective permit or Control Document until the Director issues or denies the new permit or Control Document. The Director may waive the time limit for submittal of a reissuance application, for good cause shown.

Section 7. Reporting Requirements

13.18.700 Baseline Monitoring Reports

A. When Categorical Pretreatment Standards for an industry category are published (promulgated), Non-Domestic Users that perform that process and either currently Discharge or are scheduled to Discharge Wastewater from the process to the POTW, must submit a baseline monitoring report to the Director. This report must contain the information listed in SMC 13.18.700(C). The report is due within one hundred eighty (180) days after the effective date of a Categorical Pretreatment Standard, unless the final administrative decision on a category determination comes later.

B. Non-Domestic Users that wish to begin discharging Wastewater to the POTW from operations subject to Categorical Pretreatment Standards after EPA has published the Standards (called New Sources), shall submit a baseline monitoring report to the Director containing the information listed in SMC 13.18.700(C). However, for New Sources, the report must be provided at least one hundred twenty (120) days before desiring to Discharge. New Sources shall describe the method of pretreatment they intend to use to meet applicable Categorical Pretreatment Standards. Because monitoring data will not be available for proposed facilities, New Sources instead must provide estimates of the anticipated flow rates and quantity of Pollutants to be discharged.

C. The baseline monitoring report shall include the following information:

1. All information required in SMC 13.18.540(A)(1) through (A)(9).

2. Additional conditions for Existing Sources measuring Pollutants.

a. Non-Domestic Users shall take a minimum of three representative sample to compile the data for the baseline monitoring report.

b. Non-Domestic Users shall take samples immediately downstream from Pretreatment Facilities if such exist or immediately downstream from the regulated process if no pretreatment exists. If the Non-Domestic User mixes other Wastewaters with the regulated Wastewater prior to

pretreatment, the Non-Domestic User must provide the flows and concentrations necessary to apply the combined wastestream formula of SMC 13.18.310(C) and 40 CFR Part 403.6(e). Where the Non-Domestic User wants an alternate concentration or mass limit, and it is allowed by Federal rules at 40 CFR Part 403.6(e), the User shall propose the adjusted limit and provide supporting data to the Control Authority.

c. Sampling and analysis shall be performed in accordance with SMC 13.18.800 (Sample Collection), and SMC 13.18.790 (Analytical Requirements).

d. The Director may allow the report to use only historical data if the data is good enough to allow the evaluation of whether (and which) industrial pretreatment measures are needed.

e. The baseline monitoring report shall indicate the time, date, and place of sampling, methods of analysis. The User shall certify that the sampling and analysis presented is representative of normal work cycles and expected Pollutant Discharges to the POTW.

3. Compliance Certification. A statement, reviewed by the Authorized Representative of the Non-Domestic User and certified by a qualified professional experienced in the design, construction, and operation of Pretreatment Facilities indicating whether Pretreatment Standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment steps are required to meet the Pretreatment Standards and requirements.

4. Compliance Schedule. While New Sources must install the treatment required to meet the Pretreatment Standards prior to operation, Existing Sources may be granted a compliance schedule where they must provide additional pretreatment and/or O&M to meet the Pretreatment Standards. In such cases, the Non-Domestic User shall propose the shortest schedule by which they can provide the additional pretreatment and/or O&M. The completion date which the Non-Domestic User proposes in this schedule may not be later than the compliance date established for the applicable Pretreatment Standard. Any compliance schedule authorized pursuant to this Section must also meet the requirements set out in SMC 13.18.710.

Signature and Report Certification. All baseline monitoring reports must be certified in accordance with SMC 13.18.830(A) and signed by an Authorized Representative of the User.

13.18.710 Compliance Schedule Progress Reports

The following conditions shall apply to compliance schedules proposed by Existing Sources according to SMC 13.18.700(C)(4) and incorporated into permits:

A. The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the Non-Domestic User to meet the applicable Pretreatment Standards (such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation);

B. No increment referred to above shall exceed nine (9) months;

C. The Non-Domestic User shall submit a progress report to the Director no later than fourteen (14) days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the User to return to the established schedule; and

D. In no event shall more than nine (9) months elapse between such progress reports to the Director.

13.18.720 Reports on Compliance with Categorical Pretreatment Standards Deadline

Both Existing Sources and New Sources must submit a report on whether compliance has been initially achieved. For Existing Sources, the report is due ninety (90) days after the date applicable Categorical Pretreatment Standards give as the final compliance date. For a New Source, the report is due ninety (90) days after starting to Discharge to the POTW.

In both cases, the report must contain the information described in SMC 13.18.540(A)(3)through SMC 13.18.540(A)(6). For Existing Sources, it must also contain the compliance certification of SMC 13.18.700(C)(3) and, if needed, the compliance schedule described in SMC 13.18.700(C)(4). Non-Domestic Users subject to equivalent mass or concentration limits, as allowed by SMC 13.18.310, must include a reasonable measure of their long term production rate. Other Non-Domestic Users subject to Standards based on a unit of production (or other measure of operation) must include their actual production during the sampling period. All compliance reports must be signed and certified in accordance with SMC 13.18.830(A).

13.18.730 Periodic Compliance Reports

A. The Director may specify the necessary minimum sampling and reporting frequencies and include applicable requirements in permits. Significant Industrial Users (SIUs) must:

1. Report at least twice a year, in June and December unless otherwise specified;

2. Report the flows and concentrations for the reporting period of regulated Pollutants in all Discharges subject to Pretreatment Standards;

3. Report average and maximum daily flows for the reporting period and identify where flow estimates are used; and

4. Include the documentation needed to show compliance with applicable BMPs, pollution prevention alternatives, maintenance, treatment, or record keeping requirements.

B. Non-Domestic Users must sign and certify all periodic compliance reports in accordance with SMC 13.18.830(A) of these Regulations.

C. Non-Domestic Users must take Wastewater samples which are representative of their range of Discharge conditions and of any Discharge not disclosed in their permit application. Non-Domestic Users must properly operate, clean, and maintain sampling and flow metering facilities and devices and ensure they function properly. The Director will not allow Non-Domestic User claims that sampling results are unrepresentative due to a Non-Domestic User's failure to meet this requirement, without extenuating circumstances approved by the Director.

D. Non-Domestic Users subject to the reporting requirements in this Section must report any additional monitoring which might determine compliance with permit requirements. This includes any additional monitoring of regulated Pollutant at their respective effluent monitoring locations using procedures prescribed in SMC 13.18.800. In such cases, the results of this monitoring shall be included in periodic monitoring reports.

E. If a Non-Domestic User sampled and analyzed more frequently than was required by the Director or by these Regulations, using methodologies in 40 CFR Part 136, it must submit all results of sampling and analysis of the Discharge during the reporting period.

F. Any Non-Domestic User subject to equivalent mass or concentration limits established by the Director or by unit production limits specified in the applicable Categorical Pretreatment Standards, shall report production data as outlined in SMC 13.18.310(E).

G. Zero Discharge Non-Domestic Users shall submit periodic reports as required by the Director stating that no Industrial Wastewater has been discharged to the POTW.

H. If the Director calculated limits to factor out dilution flows or nonregulated flows, the Non-Domestic User will be responsible for providing flows from the regulated process flows, dilution flows and nonregulated flows.

I. Flows shall be reported on the basis of actual measurement; however, the Director may accept reports of average and maximum flows estimated by verifiable techniques if the Director determines that an actual measurement is not feasible.

J. The Director may authorize a Categorical Industrial User to forego sampling of a Pollutant regulated by a Categorical Pretreatment Standard when it is not present in raw Wastewater provided that:

1. The CIU submits a request for the waiver with their permit application or reapplication;

2. The CIU analyzes a sample (or samples) representative of all Wastewater from all processes before any treatment and includes all results with the request;

3. The CIU demonstrates through source water and untreated process water sample results that the Pollutant never exceeds intake water levels. (Pollutants simply reduced by treatment to background levels are ineligible for the waiver.);

4. The CIU shows, where non-detectable sample results are returned as provided in subsection (b) or (c) above, that they used the method from 40 CFR Part 136 with the lowest detection level;

5. The Authorized Representative of the User signs the request using the certification statement;

6. The CIU includes in routine monitoring reports, a statement certifying that there has been no increase in the Pollutant in its waste stream due to activities of the Industrial User; and

7. The CIU reports and immediately resumes the monitoring, which would otherwise have been required upon discovering that a waived Pollutant is present or expected to be present based on changes to the User's operations.

K. The Director will document the reasons supporting the waiver in the permit fact sheet, and keep any information submitted by the Non-Domestic User and the fact sheet for three (3) years after the waiver expires. Monitoring waivers are valid after being incorporated in a Non-Domestic User's permit. The waiver is in effect while the Permit is effective. The Director may cancel a monitoring waiver at any time for cause.

13.18.740 Reports of Changed Conditions

Each Non-Domestic User must notify the Director of any substantial changes to the Non-Domestic User's operations or system which might alter the nature, quality, or volume of its Wastewater. This notification must be made at least thirty (30) days before the desired change and be sent to the Director. In such cases:

A. The Director may require the User to submit any information needed to evaluate the changed condition. The Director may also require a new or revised Wastewater Discharge permit application under SMC 13.18.540; and

B. The Director may issue, reissue, or modify a Wastewater Discharge permit applying the procedures of Section 6 of these Regulations in response to a User's notice under this Section.

13.18.750 Reports of Potential Problems

A. Any Non-Domestic User which has any unusual Discharge that could cause problems to the POTW must immediately notify the Director by telephone of the incident. This notification shall include the location of the Discharge, type of waste, concentration, and volume, if known, and corrective actions taken by the Non-Domestic User to control and curtail the Discharge. Such Discharges may include spills, Slug Loads, accidental Discharges, or other Discharges of a non-routine, episodic nature. Problems to the POTW which require reporting under this Section include violating Pretreatment Requirements, Pretreatment Standards, or other requirements of Section 3 of these Pretreatment Regulations such as vapor toxicity and explosivity limits.

B. Within five (5) days following such Discharge, the Non-Domestic User shall submit a detailed written report describing the cause(s) of the Discharge and the measures to be taken by the User to prevent similar future occurrences. Such notification shall not relieve the Non-Domestic User of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, natural resources, or any other damage to Person or property; nor shall such notification relieve the Non-Domestic User of any fines, penalties, or other liability which may be imposed pursuant to these Pretreatment Regulations**.**

C. Non-Domestic Users required to submit an Accidental Discharge/Slug Discharge Control Plan (per SMC 13.18.420) shall post notice in a prominent location advising employees who to call at the POTW to inform the Director of a potential problem Discharge (SMC 13.18.750(A)). Non-Domestic Users shall ensure that all employees who may cause or witness such a Discharge are advised of the emergency notification procedures.

D. All Non-Domestic Users must immediately notify the Director of any changes at their facility which might increase their potential for a Slug Discharge. This includes increasing the volume of materials stored or located on site which, if discharged to the POTW, would cause problems. Non-Domestic Users required to prepare an Accidental Discharge/Slug Discharge Control Plan under SMC 13.18.420 shall also modify their plans to include the new conditions prior to, or immediately after making such changes.

13.18.760 Reports of Unpermitted Users

All Non-Domestic Users not required to obtain a Wastewater Discharge permit shall provide appropriate reports to the Director as the Director may require. This may include, but not be limited to, periodically completing, and signing Industrial User Surveys, monitoring reports, and reports regarding compliance with Best Management Practices.

13.18.770 Notice of Violation / Repeat Sampling and Reporting

If sampling performed by a Non-Domestic User indicates a violation, the User must notify the Director within twenty-four (24) hours of becoming aware of the violation. The Non-Domestic User shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Director within thirty (30) days after becoming aware of the violation. The Director may waive the repeat sampling requirement where the Control Authority or Contributing Jurisdiction has sampled the effluent for the Pollutant in question prior to the Non-Domestic User obtaining sampling results.

13.18.780 Notification of the Discharge of Hazardous Waste

A. Any Non-Domestic User that proposes to Discharge any volume of hazardous waste as defined in 40 CFR 261 (listed or characteristic wastes) or dangerous waste as defined WAC Chapter 173-303, or any facility that proposes to Discharge any amount of acutely hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e), is required to provide a request in writing to the Director. Discharging such waste without the Director's approval as provided herein is prohibited. The request shall be provided with the initial Wastewater Discharge approval application and repeated with each subsequent reapplication.

B. Any Non-Domestic User who Discharges any substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261, or WAC Chapter 173-303 must also comply with the following requirements:

1. Notify the Director, the EPA Region 10 Office of Air, Waste, and Toxics Director, and State hazardous waste authorities, in writing, of the Discharge. Maintain a copy of this notification and include it in all subsequent permit applications or re-applications under these Pretreatment Regulations.

2. Include the following information in the notification:

   a. The name of the hazardous waste as found in 40 CFR Part 261;

   b. The EPA hazardous waste number; and

   c. The type of Discharge (continuous, batch, or other).

3. If the Discharge totals more than two hundred twenty (220) pounds of hazardous waste in any month, also provide:

   a. The hazardous constituents contained in the wastes;

   b. An estimate of the mass and concentration of hazardous constituents in the wastestream discharged during that calendar month; and

   c. An estimate of the mass of constituents in the wastestream expected to be discharged during the following twelve (12) months.

4. This notice shall be repeated for new or increased Discharges of substances subject to this reporting requirement.

5. All notifications must take place prior to discharging a substance for which these reporting requirements apply. If this is not possible, the notice must be provided as soon after Discharge as practical and describe why prior notice was not possible.

6. Non-Domestic Users must provide notifications under this paragraph only once to EPA and the State for each hazardous waste discharged. However, all of the information of these notices shall be repeated in each new permit application submitted under these Pretreatment Regulations.

7. This requirement does not relieve the Non-Domestic User from requirements to provide other notifications, such as of changed conditions under SMC 13.18.540, or applicable permit conditions, permit application requirements, and prohibitions.

8. Pollutants that are reported under the reporting requirements for Categorical Industrial Users in baseline monitoring, final and periodic compliance reports are not subject to the notification requirements in this Section.

C. Non-Domestic Users must report all Discharges of more than thirty-three (33) pounds per month of substances which, if otherwise disposed of, would be hazardous wastes. Non-Domestic Users must also report any Discharge of acutely hazardous wastes as specified in 40 CFR Parts 261.30(d) and 261.33(e). Subsequent months during which the Non-Domestic User Discharges more of a hazardous waste for which notice has already been provided do not require another notification to EPA or the State but must be reported to the Director.

D. If new regulations under RCRA describe additional hazardous characteristics or substances as a hazardous waste, the Non-Domestic User must provide notifications under paragraphs A, if required by paragraph B within ninety (90) days of the effective date of such regulations.

E. For any notification made under this Section, the Non-Domestic User shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical and shall describe that program and reductions obtained through its implementation.

F. This provision does not create a right to Discharge any substance not otherwise permitted to be discharged by these Pretreatment Regulations, a permit issued thereunder, or any applicable Federal or State law.

13.18.790 Analytical Requirements

All Pollutant sampling and analyses required under these Pretreatment Regulations shall conform to the most current version of 40 CFR Part 136, unless otherwise approved by the Director or specified in an applicable Categorical Pretreatment Standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for a Pollutant, or the Director determines that the 40 CFR Part 136 sampling and analytical techniques are inconsistent with the goal of the sampling, the Director may specify an analytical method. If neither case applies, Users shall use validated analytical methods or applicable sampling and analytical procedures approved by EPA.

13.18.800 Sample Collection

Non-Domestic Users must ensure all samples they collect to satisfy sampling requirements under these Pretreatment Regulations are representative of the range of conditions occurring during the reporting period. Non-Domestic Users must also ensure that, when specified, samples are collected during the specific period.

A. Non-Domestic Users must use properly cleaned sample containers appropriate for the sample analysis and sample collection and preservation protocols specified in 40 CFR Part 136 and appropriate EPA guidance.

B. Non-Domestic Users must obtain samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides, and volatile organic compounds using Grab Sample collection techniques.

C. For certain Pollutants, Non-Domestic Users may composite multiple Grab Samples taken over a 24hour period. Non-Domestic Users may composite Grab Samples for cyanide, total phenols, and sulfides either in the laboratory or in the field and may composite Grab Samples for volatile organics and oil & grease in the laboratory prior to analysis.

D. For all other Pollutants, Non-Domestic Users must employ 24-hour flow-proportional composite samplers unless the Director authorizes or requires an alternative sample collection method.

E. The Director may authorize Composite Samples for parameters unaffected by the compositing procedures, as appropriate.

F. The Director may require Grab Samples either in lieu of or in addition to composite sampling to show compliance with instantaneous Discharge limits.

G. In all cases, Non-Domestic Users must take care to ensure the samples are representative of their Wastewater Discharges.

H. Non-Domestic Users sampling to complete baseline monitoring and ninety (90) day compliance reports required by SMC 13.18.720 and SMC 13.18.700, must satisfy some specific requirements. These reports require at least four (4) Grab Samples for pH, cyanide, total phenols, oil and grease, sulfide, and volatile organic compounds. Non-Domestic Users may Composite Samples prior to analysis if allowed in SMC 13.18.800(C). Where historical sampling data exists; the Director may also authorize fewer samples.

I. For periodic compliance reports, (SMC 13.18.730), the Director may specify the number of Grab Samples necessary to assess and assure compliance with applicable Pretreatment Standards and requirements.

J. Samples should be taken immediately downstream from Pretreatment Facilities if such exist or immediately downstream from the regulated or manufacturing process if no pretreatment exists or as determined by the Director and/or contained in the Non-Domestic User's Wastewater Discharge permit. For Categorical Industrial Users, if other Wastewaters are mixed with the regulated Wastewater prior to Pretreatment the Non-Domestic User shall measure the flows and concentrations necessary to allow use of the combined waste stream formula of 40 CFR 403.6(e) in order to evaluate compliance with the applicable Categorical Pretreatment Standards. For other SIUs, for which the Director has adjusted its Local Limits to factor out dilution flows, the user shall measure the flows and concentrations necessary to evaluate compliance with the adjusted Pretreatment Standards.

K. All sample results shall indicate the time, date and place of sampling, and methods of analysis, and shall certify that such sampling and analysis is representative of normal work cycles and expected Pollutant Discharges from the user. If a Non-Domestic User sampled and analyzed more frequently than what was required in its Wastewater Discharge approval, using methodologies in 40 CFR Part 136, it must submit all results of sampling and analysis of the Discharge as part of its self-monitoring report.

L. Where a treated regulated process waste stream is combined prior to treatment with Wastewaters other than those generated by the regulated process, the industrial user may monitor either the segregated process waste stream or the combined waste stream for the purpose of determining compliance with applicable Pretreatment Standards. If the industrial user chooses to monitor the segregated process waste stream, it shall apply the applicable Categorical Pretreatment Standard. If the Non-Domestic User chooses to monitor the combined waste stream, it shall apply an alternative Discharge limit calculated using the combined waste stream formula as provided in 40 CFR 403.6(e). The industrial user may change monitoring points only after receiving approval from the Director. The Director shall ensure that any change in an industrial user's monitoring point(s) will not allow the user to substitute dilution for adequate treatment to achieve compliance with applicable requirements.

13.18.810 Date of Receipt of Reports

The Director will credit written reports as having been submitted on the date of the post mark when mailed via certified mail through the United States Postal Service. Reports delivered in any other manner will be credited as having been submitted on the business day received.

13.18.820 Record Keeping

Non-Domestic Users subject to reporting requirements of these Pretreatment Regulations shall retain the below records for all monitoring required by these Pretreatment Regulations and for any additional monitoring which could be used to satisfy minimum monitoring requirements. Non-Domestic Users must make these records available for inspection and copying at the location of the Discharge. Non-Domestic Users must similarly maintain documentation associated with any Best Management Practices required under authority of SMC 13.18.330(I). Monitoring records shall include at least:

A. The time, date, and place of sampling;

B. The sampling and preservation methods used;

C. The individual taking the sample, and individuals with control of the sample prior to analysis;

D. The individual performing the analyses and the date the analysis was completed;

E. The analytical techniques or methods used; and

F. The results of analysis.

Non-Domestic Users are encouraged to retain quality control and quality assurance information provided by the laboratory and submit this information in routine reporting. This information also has value in the event that the sample data is called into question. For analytes for which the State requires use of a certified/accredited laboratory, Users must maintain the scope of accreditation for laboratories performing any analyses for them.

Non-Domestic Users shall maintain the above records for the latest of: at least three (3) years, until any litigation concerning the Non-Domestic User or the Control Authority is complete, or for longer periods when the Non-Domestic User has been specifically notified of a longer retention period by the Director.

13.18.830 Certification Statements

A. The following certification statement must be signed by an Authorized Representative of the Non-Domestic User and included when submitting any of the following:

1. A permit (re)application in accordance with SMC 13.18.550;

2. A baseline monitoring report under SMC 13.18.700;

3. A report on compliance with the Categorical Pretreatment Standard deadlines under SMC 13.18.720; or

4. A periodic compliance report required by SMC 13.18.730(A) through SMC 13.18.730(D).

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

B. Certification of Pollutants Not Present

Non-Domestic Users that have an approved monitoring waiver based on SMC 13.18.730(J) must also include the following certification statement in each report. This statement

certifies that there has been no increase in the pollutant in its waste stream due to activities of the Non-Domestic User:

"Based on my inquiry of the person or persons directly responsible for managing compliance with the Pretreatment Standard for 40 CFR _____ [specify applicable National Pretreatment Standard part(s)], I certify that, to the best of my knowledge and belief, there has been no increase in the level of _____ [list pollutant(s) in the wastewater due to the activities at the facility since filing of the last periodic report under SMC 13.18.730(A).

Section 8. Compliance Monitoring

13.18.840 Right of Entry: Inspection and Sampling

The Director shall have the right to enter the premises of any Non-Domestic User to determine whether the Non-Domestic User is complying with all requirements of these Pretreatment Regulations and any Wastewater Discharge permit or order issued hereunder. Non-Domestic Users shall allow the Director ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.

A. Where a Non-Domestic User has security measures in force which require proper identification and clearance before entry into its premises, the User shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the Director will be permitted to enter without delay for the purposes of performing specific responsibilities.

B. The Director shall have the right to set up on the User's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the Non-Domestic User's operations.

C. Non-Domestic Users shall provide full access to the Director to use any monitoring facilities and utilities available or required in accordance with SMC 13.18.410 and SMC 13.18.420(E) through SMC 13.18.420(F) to confirm that the Standards or treatment required for Discharge to the POTW are being met.

D. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the Non-Domestic User at the written or verbal request of the Director and shall not be replaced. The costs of clearing such access shall be borne by the User.

E. Any unreasonable delay in allowing the Director full access to the Non-Domestic User's premises and Wastewater operations shall be a violation of these Pretreatment Regulations.

13.18.850 Search Warrants

The Director may seek issuance of an administrative search warrant from the Superior Court of Pierce County. Such warrants may be secured when:

A. The Director has been refused access or is unable to locate a representative who can authorize access to a building, structure, or property, or any part thereof, and has probable cause that a violation of these Pretreatment Regulations is occurring on the premises;

B. The Director has been denied access to inspect and/or sample as part of a routine inspection and sampling program of the Control Authority designed to verify compliance with these Regulations or any permit or order issued hereunder; or

C. The Director has cause to believe there is imminent endangerment of the overall public health, safety and welfare of the community by an activity on the premises.

Section 9. Confidentiality Agreement

13.18.900 Confidential Information

Except as provided below, information submitted to demonstrate compliance with Pretreatment Standards and requirements will be available to the public. Non-Domestic Users may have certain information, however, withheld as confidential if the following process is followed.

A. When a Non-Domestic User submits information to the Director, or provides information to inspectors, Users may request that specific information be maintained as confidential. Non-Domestic Users must promptly identify the specific information in writing, and describe why the release would divulge information, processes, or methods of production entitled to protection as trade secrets or confidential business information under applicable State or Federal laws.

B. Upon receipt of such statement of confidentiality, the information shall be filed separately and marked that the information shall not be disclosed except as provided for under this Section.

C. Upon receipt of a public records request for information a Non-Domestic User claims to be exempt from disclosure, the Director shall within five (5) business days of receipt notify the Non-Domestic User of the public disclosure request and inform such User in writing that the information will be disclosed unless the Non-Domestic User obtains a court order directing that the information not be disclosed within no less than ten (10) days of receipt of providing notice of the request to the Non-Domestic User. The Director shall include a copy of the written notification to the Non-Domestic User in the initial response to the public records request required under State law.

D. Unless the court orders the withholding of the information claimed to be confidential or the information is otherwise determined exempt from disclosure, the Director shall provide such information to the Person making the public records request.

E. All other information submitted to the Director and obtained from the Director's oversight shall be available to the public subject to applicable City or Contributing Jurisdiction public records policies.

F. Information held as confidential may not be withheld from governmental agencies for uses related to the NPDES program or Pretreatment Program, or in enforcement proceedings involving the Person furnishing the report.

G. Federal rules prevent Wastewater constituents and characteristics and other effluent data, as defined by 40 CFR Part 2.302 from being recognized as confidential information.

Section 10. Publication of Users in Significant Non-Compliance

13.18.1000 Publication of Users in Significant Non-Compliance

A. PUBLISHING: The Director must annually publish a list of the Non-Domestic Users which, at any time during the previous twelve (12) months, were in Significant Non-Compliance with applicable Pretreatment Standards and requirements. The list will be published in a newspaper of general circulation that provides meaningful public notice within the jurisdictions served by the POTW.

B. DEFINITION: The term Significant Non-Compliance means:

1. Any violation of a Pretreatment Standard or requirement including numerical limits, narrative Standards, and prohibitions, that the Director determines has caused, alone or in combination with other Discharges, Interference or Pass Through, including endangering the health of POTW personnel or the general public.

2. Any Discharge that has caused imminent endangerment to the public or to the environment or has resulted in the Director's exercise of its emergency authority to halt or prevent such a Discharge.

3. Any violation(s), including of Best Management Practices, which the Director determines will adversely affect the operation or implementation of the local Pretreatment Program.

4. Chronic violations of Wastewater Discharge limits, defined here as those in which sixty-six percent (66%) or more of all the measurements taken for the same Pollutant parameter taken during a rolling six (6) month period exceed, by any magnitude, a numeric Pretreatment Standard or requirement, including Instantaneous Limits of SMC 13.18.330.

5. Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of Wastewater measurements taken for each Pollutant parameter during a rolling six (6) month period equal or exceed the product of the numeric Pretreatment Standard or requirement, (including Instantaneous Limits, as defined by SMC 13.18.330, multiplied by the applicable criteria. Applicable criteria are 1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other Pollutants except pH.

6. Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in a Wastewater Discharge permit or enforcement

order for starting construction, completing construction, or attaining final compliance.

7. Failure to provide any required report within forty-five (45) days after the due date. This includes initial and periodic monitoring reports, and reports on initial compliance and on meeting compliance schedules.

8. Failure to accurately report non-compliance.

C. APPLICABILITY: The criteria in SMC 13.18.1000(B)(1) through SMC 13.18.1000(B)(3) are applicable to all Users, whereas the criteria in SMC 13.18.1000(B)(4) through SMC 13.18.1000(B)(8) are only applicable to Significant Industrial Users and Categorical Industrial Users

Section 11. Administrative Enforcement Remedies

13.18.1100 Procedures

The Director shall establish enforcement procedures consistent with the provisions of these Pretreatment Regulations. The Director shall adopt an Enforcement Response Plan consistent with the requirements of State law. Such Plan shall ensure that the application of remedies provided for in Section 9 through Section 11 of these Regulations is appropriate to the violation, and consistent with the treatment of other Non-Domestic Users. Any Person may review or obtain a copy in accordance with applicable local, state and federal public records policies of the Enforcement Response Plan by contacting the Control Authority. In response to non-compliance with any requirement of these Pretreatment Regulations, the Control Authority shall apply its Enforcement Response Plan, which shall be incorporated into the enforcement procedures.

13.18.1110 Notification of Violation

The Director may serve a written Notice of Violation on any Non-Domestic User that the Director finds has violated, or continues to violate, any provision of these Pretreatment Regulations, including terms or requirements of a permit, order, or a Pretreatment Standard or requirement. Non-Domestic Users shall, in response to a Notice of Violation, provide the Director a written explanation of the violation, its cause, and a corrective action plan within fourteen (14) calendar days of the receiving this notice. Non-Domestic Users submitting plans to correct non-compliance must include the specific actions they will take to correct ongoing and prevent future violations at the soonest practicable date. The Director's acceptance of a plan does not relieve a Non-Domestic User of liability for any violations. The Director may also take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation.

13.18.1120 Consent Orders

The Director may enter into a consent order or other voluntary agreement to memorialize agreements with Non-Domestic Users violating any requirement of these Pretreatment Regulations. Such agreements must include the specific action(s) required and date(s) they are to be completed to correct the non-compliance. Such documents must be constructed in a judicially enforceable manner and have the same force and effect as Administrative Orders issued pursuant to SMC 13.18.1150 and SMC 13.18.1160.

13.18.1130 Compliance Review Meeting

The Director may order a Non-Domestic User that has violated or continues to violate any provision of these Pretreatment Regulations, a Wastewater Discharge permit, order, Pretreatment Standard or

requirement, to appear before the Director and show cause why the proposed enforcement action should not be taken. Notice shall be served on the Non-Domestic User specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the User show cause why the proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least five (5) days prior to the meeting. Such notice may be served on any Authorized Representative of the User. A compliance review meeting shall not be a bar against, or prerequisite for, taking any other action against the Non-Domestic User.

13.18.1140 Compliance Orders

The Director may issue a compliance order to any Non-Domestic User which has violated any provision of these Pretreatment Regulations including a requirement of a permit, order, or a Pretreatment Standard or requirement. The compliance order may direct that the Non-Domestic User come into compliance within a specified time, install and properly operate adequate treatment facilities or devices, or take such measures as the Director finds are reasonably necessary. These measures may include additional self-monitoring and management practices designed to minimize the amount of Pollutants discharged to the POTW. A compliance order may not extend the deadline for compliance established for a Pretreatment Standard or requirement, or relieve a User of liability for any violation, including a continuing violation. If the Non-Domestic User does not come into compliance within the time provided, sanitary sewer service may be discontinued. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the Non-Domestic User.

13.18.1150 Cease and Desist Orders

When the Director finds that a Non-Domestic User has violated, or continues to violate, any provision of these Pretreatment Regulations, a Wastewater Discharge permit or order issued hereunder, or any other Pretreatment Standard or requirement, or that the User's past violations are likely to recur, the Director may issue an order to the User directing it to cease and desist all such violations and directing the Non-Domestic User to:

A. Immediately comply with all requirements; and

B. Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the Discharge. Issuance of a Cease and Desist Order shall not be a bar against, or a prerequisite for, taking any other action against the Non-Domestic User.

13.18.1160 Administrative Fines

A. When the Director finds that a Non-Domestic User has violated, or continues to violate, any provision of these Pretreatment Regulations, a Wastewater Discharge permit or order issued hereunder, or any other Pretreatment Standard or requirement, the Director may fine such Non-Domestic User in an amount not to exceed five thousand dollars ($5,000). Such fines shall be assessed on a per-violation, per-day basis. In the case of monthly or other long-term average Discharge limits, fines may be assessed for each day during the period of violation.

B. The Director may add the costs of any emergency response, additional monitoring, investigation, and administrative costs related to the non-compliance and the Director's response to the situation to the amount of the fine.

C. The Director will consider the economic benefit enjoyed by a User as a result of the non-compliance in cases where there appears to have been a monetary benefit from not complying. In such cases, the Director shall ensure that fines, to the maximum amounts allowable, exceed the benefit to the Non-Domestic User from the non-compliance.

D. Unpaid charges, fines, and penalties shall, at thirty (30) calendar days past the due date, be assessed an additional penalty at a rate established by the Control Authority, and interest shall accrue thereafter at a rate established by the Control Authority. After thirty (30) calendar days the Control Authority, on its own behalf or as an authorized agent of a Contributing Jurisdiction, shall be authorized to file a lien against the User's property for unpaid charges, fines, and penalties.

E. Non-Domestic Users desiring to dispute such fines must file a written request for the Director to reconsider the fine along with full payment of the fine amount within fifteen (15) business days of being notified of the fine. Where a request has merit, the Director may convene a hearing on the matter. In the event the Non-Domestic User's appeal is successful, the Director shall rebate the difference between the initial and final penalty amounts to the Non-Domestic User.

F. Issuance of an administrative fine shall not be a bar against, or a prerequisite for, taking any other action against the Non-Domestic User.

13.18.1170 Emergency Suspensions

The Director may immediately suspend a Non-domestic User's authorization to discharge to the POTW when the Discharge reasonably appears to present a substantial danger to the health or welfare of Persons. In such cases, the Director will first provide informal notice to the Non-domestic User. The Director may also immediately suspend Non-domestic User's authorization to discharge, after notice and opportunity to respond, that threatens to interfere with the operation of the POTW, or which presents, or may present, a danger to the environment.

A. Any Non-domestic User notified of a suspension of authorization to discharge to POTW shall immediately stop or eliminate the Discharge. If a Non-Domestic User fails to immediately comply voluntarily with the suspension order, the Director may take such steps as deemed necessary to protect the public and its interest in the POTW. Remedies available to the Director include immediately severing the sanitary sewer connection, at the Users expense, turning off pump stations downstream of the Non-Domestic User, and partnering with law enforcement. The Director may not allow the Non-domestic User to recommence its Discharge until the Non-domestic User has demonstrated to the satisfaction of the Director that the situation warranting the suspension has been properly addressed and any proposed termination proceeding has been resolved.

B. Any Non-domestic User that is responsible, in whole or in part, for any Discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution and the measures taken to prevent any future occurrence. Non-Domestic Users shall submit this report to the Director prior to the date of any compliance review meeting or termination hearing under SMC 13.18.1130 and SMC 13.18.1180, respectively.

13.18.1180 Termination of Discharge

Any Non-Domestic User who violates any of the following conditions is subject to having the privilege of discharging to the POTW withdrawn:

A. Discharge of Non-domestic Wastewater without a permit or other Control Document, including:

   1. Where the appropriate permit or Control Document has not been requested;

   2. Where the appropriate permit or Control Document has not yet been issued; or

   3. Where the permit or Control Document has been denied or revoked based on the provisions of SMC 13.18.650 (Wastewater Discharge Permit Revocation).

B. Violation of permit or other Control Document terms and conditions including:

   1. Exceeding any permit or Control Document limit;

   2. Failing to meet other Pretreatment Standards or requirements;

   3. Violating any prohibition; or

   4. Failing to properly monitor and report Discharges or changed conditions.

C. Refusal of reasonable access to the Non-Domestic User's premises for the purpose of inspection, monitoring, or sampling (whether subject to a permit or not).

D. Violation of the Pretreatment Standards and requirements in Section 3 of these Pretreatment Regulations, including failure to satisfy Industrial User Survey requirements.

When the Director determines this remedy is necessary and appropriate to fulfill the intentions of these Pretreatment Regulations, such User will be notified of the proposed termination of its Discharge and be offered an opportunity to show cause under SMC 13.18.1130 of these Pretreatment Regulations why the proposed action should not be taken. Exercise of this option by the Director shall not be a bar to, or a prerequisite for, taking any other action against the User.

SECTION 12. JUDICIAL ENFORCEMENT REMEDIES

13.18.1220 Injunctive Relief

The Director may seek injunctive relief when a User has violated, or continues to violate a provision of these Pretreatment Regulations, including a Pretreatment Standard or requirement, or a permit or order issued hereunder. In such cases, the Director may petition the Superior Court of Pierce County for temporary or permanent injunctive relief, as appropriate, which restrains or compels the specific performance of the Wastewater Discharge permit, Control Document, order, or other requirement imposed by these Pretreatment Regulations on activities of the Non-Domestic User. The Director may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the Non-Domestic User to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a Non-Domestic User.

13.18.1230 Civil Penalties

A. A Non-Domestic User which has violated, or continues to violate a provision of these Pretreatment Regulations, including a Pretreatment Standard or requirement, or a permit or order issued hereunder shall be liable to the Control Authority for a maximum civil penalty of five thousand dollars ($5,000) per violation, per day. In the case of a monthly or other long term average Discharge limit, penalties shall accrue for each day during the period of the violation. Any such assessment, penalty, or charges shall constitute a lien against the individual User's property.

B. The Director may recover reasonable attorneys' fees, court costs, and other expenses associated with any emergency response, enforcement activities, additional monitoring and oversight, and costs of any actual damages to the POTW.

C. Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, any other action the Director may take to resolve non-compliance by a Non-Domestic User.

D. A Non-Domestic User's failure to pay such civil penalties shall constitute a violation of these Pretreatment Regulations and be grounds for termination of sanitary sewer utility services and revocation of the Wastewater Discharge permit or other Control Document or mechanism.

13.18.1240 Criminal Prosecution

A. A Non-Domestic User who willfully or negligently violates any provision of these Pretreatment Regulations, a Wastewater Discharge permit, or order issued hereunder, or any other Pretreatment Standard or requirement shall, upon conviction, be guilty of a misdemeanor, punished by a fine of not more than one thousand dollars ($1,000) per violation, per day, or imprisonment for not more than 90 days in jail, or both.

B. A Non-Domestic User who willfully or negligently introduces any substance into the POTW which causes personal injury or property damage shall, upon conviction, be guilty of a misdemeanor. This penalty shall be in addition to any other criminal charges or judicial remedies, including remedies for causing personal injury, endangerment, or destruction of public property available under State law.

C. A Non-Domestic User who knowingly makes any false statements, representations, or certifications in any application, record, report, plan, or other documentation filed, or required to

be maintained, pursuant to these Pretreatment Regulations, Wastewater Discharge permit, or order issued hereunder, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under these Pretreatment Regulations shall, upon conviction, be guilty of a misdemeanor.

D. In the event of a second criminal conviction of these Pretreatment Regulations, a Non-Domestic User shall, upon conviction, be guilty of a gross misdemeanor, punished by a fine of not more than five thousand dollars ($5,000) per violation, per day, or imprisonment for not more than 364 days in jail, or both.

13.18.1250 Remedies Nonexclusive

The remedies provided for in these Pretreatment Regulations are not exclusive. The Director may take any, all, or any combination of these actions against a noncompliant User. Enforcement of pretreatment violations will generally be in accordance with the Control Authority's Enforcement Response Plan. However, the Director may take other action against any User when the circumstances warrant. Further, the Director is empowered to take more than one enforcement action against any noncompliant User.

SECTION 13. SUPPLEMENTAL ENFORCEMENT ACTION

13.18.1300 Supplemental Penalties

A. The Director may assess a penalty of one hundred dollars ($100) to any Non-Domestic User for each day that a report required by these Pretreatment Regulations, a permit or order issued hereunder is late. The Director's actions to collect late reporting penalties shall not limit the Director's authority to initiate any other enforcement action. Non-Domestic Users desiring to dispute such fines must follow the procedures in SMC 13.18.1160.

B. The Director may assess a penalty of one hundred dollars ($100) for each day that a Non-Domestic User or establishment where fats, oils and grease may be introduced into the POTW is not in compliance with the routine maintenance schedule as authorized in SMC 13.18.410(H). The Director's actions to collect penalties for non-compliance per this Section shall not limit the Director's authority to initiate any other enforcement action. Non-Domestic Users desiring to dispute such fines must follow the procedures in SMC 13.18.1160(E).

13.18.1310 Performance Bonds

The Director may require a satisfactory bond, payable to the Control Authority, in a sum not to exceed a value determined by the Director as necessary to assure the Non-Domestic User will achieve consistent compliance with these Pretreatment Regulations. The Director may require this bond as an enforcement response or as a prerequisite to issue or reissue a Wastewater Discharge permit. Any Non-Domestic User who has failed to comply with any provision of these Pretreatment Regulations, a previous permit or order issued hereunder, or any other Pretreatment Standard or requirement may be subject to this requirement. This bond may also be required of any category of User which has led to public burdens in the past regardless of the compliance history of the particular User. The Control Authority may use this bond to pay any fees, costs, or penalties assessed to the User whenever the Non-Domestic Users account is in arrears for over thirty (30) days. This includes the costs of cleanup of the site if the Non-Domestic User goes out of business, sells the business to a Person that does not first assume the bond, or goes bankrupt. Non-Domestic Users may petition the Director to convert their performance bond to a requirement to provide Liability Insurance, or to forego any such safeguard based on their performance. A Non-Domestic User may petition no more frequently than once in any twelve (12) month period.

13.18.1320 Liability Insurance

The Director may require any Non-Domestic User to provide insurance if they previously failed to comply with any provision of these Pretreatment Regulations, a previous permit, or order issued hereunder, or any other Pretreatment Standard or requirement. The Director may also require Non-Domestic Users in businesses which historically have left a public burden to clean up pollution to obtain this insurance, regardless of their compliance history. In such cases, Non-Domestic Users must provide proof that the insurance is sufficient to cover any liabilities incurred under these Pretreatment Regulations, including the cost of damages to the POTW and the environment caused by the User. The Director may require Non-Domestic Users to provide the proof of such insurance either in response to non-compliance or prior to issuing or reissuing a Wastewater Discharge permit.

13.18.1330 Payment of Outstanding Fees and Penalties

The Director may decline to issue or reissue a Wastewater Discharge permit to any Non-Domestic User who has failed to pay any outstanding fees, fines or penalties incurred as a result of any provision of these Pretreatment Regulations, a previous permit or order issued hereunder.

13.18.1340 Water Supply Severance

The Director may order water service to a Non-Domestic User severed whenever a Non-Domestic User has violated or continues to violate any provision of these Pretreatment Regulations, a permit, or order issued hereunder, or any other Pretreatment Standard or requirement. Non-Domestic Users wishing to restore their service must first demonstrate their ability to comply with these Pretreatment Regulations and pay the related costs of this action.

13.18.1350 Public Nuisances

A violation of any provision of these Pretreatment Regulations or a permit or order issued hereunder, or any other Pretreatment Standard or requirement, is hereby declared a public nuisance and shall be corrected or abated as directed by the Director. Any Person(s) creating a public nuisance shall be subject to the provisions of applicable law governing such nuisances, including reimbursing the Control Authority for any costs incurred in removing, abating, or remedying said nuisance.

13.18.1360 Contractor Listing

Non-Domestic Users which have not achieved compliance with applicable Pretreatment Standards and requirements may not be eligible to receive a contractual award for the sale of goods or services to the Control Authority or Contributing Jurisdiction. Existing contracts for the sale of goods or services to the Control Authority or Contributing Jurisdiction held by a Non-Domestic User found to be in Significant Non-Compliance with Pretreatment Standards or requirements may be terminated at the discretion of the Director.

SECTION 14. AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATIONS

13.18.1400 Upset

A. For the purposes of this Section, the word “upset” means an exceptional incident in which there is unintentional and temporary non-compliance with Categorical Pretreatment Standards because of factors beyond the reasonable control of the User. An upset does not include non-compliance to the extent caused by operational error, improperly designed Pretreatment Facilities, inadequate Pretreatment Facilities, lack of preventive maintenance, or careless or improper operation.

B. An upset shall constitute an affirmative defense to punitive actions in response to non-compliance with Categorical Pretreatment Standards SMC 13.18.320, but not Local Limits SMC 13.18.340, when the requirements of SMC 13.18.1400(C) are met.

C. A Non-Domestic User who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

1. An upset occurred and the User can identify the cause(s) of the upset.

2. The facility was at the time being operated in a prudent and workman-like manner and was in compliance with applicable operation and maintenance procedures.

3. Where the upset involved reduction, loss, or failure of its Pretreatment Facility (e.g. a power failure), the User controlled production of all Discharges to the extent necessary to maintain compliance with Categorical Pretreatment Standards until the facility was restored or an alternative method of treatment was provided.

4. The Non-Domestic User submitted the following information to the Director within twenty-four (24) hours of becoming aware of the upset. When initially provided orally, the Non-Domestic User must have provided a written report within five (5) days that includes:

a. A description of the Indirect Discharge and cause of non-compliance;

b. The period of non-compliance, including exact dates and times or, if not corrected, the anticipated time the non-compliance is expected to continue; and

c. Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the non-compliance.

D. In any enforcement proceeding, the Non-Domestic User seeking to establish the occurrence of an upset shall have the burden of proof.

E. Users will have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for non-compliance with Categorical Pretreatment Standards.

13.18.1410 Prohibited Discharge Standards

A Non-Domestic User will have an affirmative defense to an enforcement action brought against it for non-compliance with the prohibitions in SMC 13.18.300(A) and SMC 13.18.300(B)(3) through SMC 13.18.300(B)(7) in certain cases. The Non-Domestic User must be able to prove that it did not know, or have reason to know, that its Discharge, alone or in conjunction with Discharges from other sources, would cause Pass Through or Interference and that either:

A. A Local Limit exists for each Pollutant discharged and the Non-Domestic User was in compliance with each limit directly prior to, and during, the Pass Through or Interference; or

B. No Local Limit exists, but the Discharge did not change substantially in nature or constituents from the Non-Domestic User's prior Discharge when the Control Authority was regularly in compliance with its NPDES permit, and in the case of Interference, was in compliance with applicable sludge use or disposal requirements.

13.18.1420 Bypass

A. For the purposes of this Section, severe property damage means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production

B. A Non-Domestic User may be authorized to allow a Bypass to occur if it does not cause Pretreatment Standards or Pretreatment Requirements to be violated and is for essential maintenance to assure efficient operation.

C. Any other Bypass must meet the following requirements:

1. Non-Domestic Users knowing in advance of the need for a Bypass must submit prior notice to the Director, at least ten (10) days before the Bypass whenever possible; and

2. Non-Domestic Users must notify the Director of any unanticipated Bypass that exceeds applicable Pretreatment Standards within twenty-four (24) hours of becoming aware of the Bypass. Non-Domestic Users must provide a written follow-up report within five (5) days. The Director may waive the written report if the oral report was timely and complete. Unless waived, the written report must contain:

   a. A description of the Bypass (volume, Pollutants, etc.);

   b. What caused the Bypass;

   c. When, specifically, the Bypass started and ended;

   d. When the Bypass is expected to stop (if ongoing); and

   e. What steps the User has taken or plans to take to reduce, eliminate, and prevent the Bypass from reoccurring.

D. Bypass is prohibited, and the Director may take an enforcement action against a User for a Bypass, unless:

1. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

2. There were no feasible alternatives to the Bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a Bypass which occurred during normal periods of equipment downtime or preventive maintenance; and

3. The Non-Domestic User submitted notices as required under SMC 13.18.1420(C).

E. The Director may approve an anticipated Bypass, after considering its adverse effects, if the Director determines that it will meet the three (3) conditions listed in SMC 13.18.1420(E).

SECTION 15. ADMINISTRATIVE HEARING

13.18.1500 Right to Administrative Hearing

A. Any affected Non-Domestic User shall have the right to an administrative hearing to appeal the Director's determination to take any of the following actions:

1. Issue or deny a Non-Domestic User's Wastewater Discharge permit or other Control Document;

2. Impose particular conditions or requirements in a Non-Domestic User's Wastewater Discharge permit or other Control Document;

3. Suspend a Non-Domestic User's Wastewater services or Wastewater Discharge permit or other Control Document pursuant to SMC 13.18.1200;

4. Terminate the Non-Domestic User's Wastewater services or Wastewater Discharge permit or other Control Document pursuant to SMC 13.18.1210;

5. Modify the Non-Domestic User's Wastewater Discharge permit or other Control Document pursuant to SMC 13.18.630;

6. Issue a Notice of Violation pursuant to SMC 13.18.1110;

7. Require annual publication pursuant to SMC 13.18.1000;

8. Issue a compliance order pursuant to SMC 13.18.1140;

9. Impose administrative penalties pursuant to SMC 13.18.1160;

10. Impose civil penalties pursuant to SMC 13.18.1230;

11. Assess damages and costs against the User pursuant to SMC 13.18.1230;

12. Impose any other discretionary action upon the User, or deny any discretionary action requested of the Director by the User, if such action or omission directly affects the Non-Domestic User; or

13. Take any other action with respect to the User which requires the opportunity for hearing by State law or constitutional right.

13.18.1510 Request for Administrative Hearing

A. A hearing pursuant to this Section shall be requested by the Non-Domestic User, in writing to the Director within fifteen (15) business days of the User's actual notice of the Director's action or determination from which the User seeks appeal. Failure to request such hearing within this period shall constitute a waiver of the right to administrative hearing, unless the Director determines that good cause exists for the delay.

B. Any request for administrative hearing shall adequately identify the affected Non-Domestic User, the Director's action or determination from which the User seeks appeal, and the basis or reasons for the appeal.

C. The Director shall respond to all requests for administrative hearing within fifteen (15) business days of receipt of request from the User, or five (5) business days if the User is contesting suspension of Wastewater services, permit, or other Control Document.

D. The Director may deny a request for hearing if the request is untimely, the action contested is not subject to appeal, or if the Director determines in good faith that the request is incomplete or additional information is needed to identify the User, determine the particular action or decision appealed, or determine the basis or reasons for appeal. If the request is denied, the Director shall state the basis for the denial in the Director's response.

E. If the request for hearing is granted, the Director shall set a date for hearing no sooner than ten (10) days or later than thirty (30) days from the date of the Director's response to the request. The Director may extend the date for hearing upon good cause for delay and timely notice to the Non-Domestic User.

F. The Director's response granting an administrative hearing shall notify the Non-Domestic User of the following items:

1. The names and addresses of all parties to whom notice has been sent;

2. The mailing address and telephone number of the department or office designated to represent the Director, typically the Control Authority or Contributing Jurisdictions' Attorney's Office;

3. The official file or reference number and name of the proceeding;

4. The name, title, mailing address, and telephone number of the appointed hearings officer, if known;

5. A brief statement of the time, location, and nature of the administrative hearing;

6. A statement that the hearing is provided pursuant to this Section under the authority conferred upon the Director by SMC 13.18.020;

7. A reference to the particular Sections of these Regulations, State law, or Federal law upon which the Director intends to rely;

8. A short statement of the factual or legal matters asserted by the Director, if known; and

9. A statement that a party who fails to attend or participate in the scheduled hearing may be found in default.

13.18.1520 Hearings Officer

A. The Hearings Officer for an administrative hearing under this Section shall be the Director or the Director's designate.

B. A Person that has served as an investigator, prosecutor, or advocate in an adjudicative proceeding, or in its pre-adjudicative stage, or one who is subject to the authority, direction, or discretion of such a Person, may not serve as a Hearings Officer in the same proceeding.

13.18.1530 Petition for Disqualification

A. Any party to the hearing may present a written petition for disqualification of a designated Hearings Officer. A Hearings Officer shall be subject to disqualification for actual bias, prejudice, interest, or any other cause sufficient to disqualify a judge under State law. Such petition shall particularly describe the basis or reasons asserted for disqualification, and must be submitted to the designated Hearings Officer within ten (10) days of official notice of the Hearings Officer's identity, or within five (5) days of actual knowledge of the basis for disqualification, whichever is longer. Failure to timely submit a petition for disqualification shall result in a waiver of that party's objection to the

Hearings Officer. Petition for disqualification must be submitted at least two (2) days prior to hearing date.

B. The Hearings Officer shall consider and decide such petition within ten (10) days and issue a written order stating facts and reasons for the determination made.

C. The time for hearing set pursuant to SMC 13.18.1510 shall be stayed pending determination of a petition for disqualification.

13.18.1540 Pleadings, Briefs, Motions, Service

The Hearings Officer shall allow all parties, at appropriate stages of the proceeding, to submit and respond to written and oral pleadings, motions, petitions and objections. A party that submits written pleadings, briefs, petitions, or other documents to the Hearings Officer shall deliver a copy in advance to all other parties. The Hearings Officer may refuse to consider written pleadings, motions, petitions, and other documents which have not been delivered to other parties.

13.18.1550 Default

A. When a party fails to attend or participate in a hearing pursuant to this Section, the Hearings Officer may issue an order of default disposing of the matter in favor of the opposing party.

B. Within seven (7) days of issuance of order of default, the party against whom the order has been issued may petition the Hearings Officer, in writing, to repeal the order of default and set a new date for hearing. Upon good cause shown by the defaulting party, and a finding by the Hearings Officer, on the record, that repeal of the order of default is required in the administration of justice, such repeal of the order of default may be granted and the hearing re-set.

13.18.1560 Continuance

A. Upon the written or oral motion of any party, or on his or her own accord, the Hearings Officer may grant a continuance of the date set for hearing for any good cause. Upon request for continuance, the party requesting continuance shall advise all other parties of the request. The Hearings Officer shall afford all other parties an opportunity to address a request for continuance before granting such motion. If contested, the Hearings Officer shall determine in his or her discretion whether good cause has been presented, taking into due consideration the orderly and efficient administration of such hearings.

B. Upon order of continuance, the Hearings Officer shall determine a new date for hearing not to exceed thirty (30) days from the date of the previously arranged hearing, and shall advise all parties of the new date and time for hearing, and new location, if applicable.

C. The time limits for hearing otherwise established by this Section shall be deemed to be waived by all parties upon issuance of an order of continuance.

13.18.1570 Procedure at Hearing

A. The Hearings Officer shall preside over and regulate the course of proceedings at the hearing.

B. To the extent necessary to make an informed and rational decision, the Hearings Officer shall allow all parties the opportunity to present evidence and argument, conduct cross-examination, and submit rebuttal evidence.

C. Upon finding that the rights of the parties will not be prejudiced, the Hearings Officer may allow all or part of the hearing to be conducted by telephone, or other electronic means.

D. The formal rules of evidence shall not apply to the presentation of evidence at the hearing. The Hearings Officer shall allow evidence if, in the judgment of the Hearings Officer, the evidence is of the kind upon which reasonably prudent persons are accustomed to rely in the conduct of their affairs. Upon the motion of any party, or upon his or her own accord, the Hearings Officer may exclude the presentation of evidence that the Hearings Officer determines is not relevant, cumulative, prejudicial, or excludable on the basis of constitutional or State law.

E. All testimony of witnesses shall be made under oath or affirmation and the Hearings Officer is authorized by these Regulations to administer such oath or affirmation as set forth in RCW 5.28.010-060.

F. The Hearings Officer may take administrative notice of: any fact judicially cognizable; technical or scientific facts within the Director's specialized knowledge; officially published laws and regulations of the Control Authority or any Contributing Jurisdiction, the State, the United States, or any other state; and any codes or standards that have been adopted by the Control Authority or any Contributing Jurisdiction, an agency of the United States, the State, or any other state, or by a nationally recognized organization or association.

Parties shall be notified of any such information which the Hearings Officer takes administrative notice and shall have the opportunity to address and/or contest the facts or materials so noticed prior to issuance of a final order.

13.18.1580 Record of Proceedings

A. The Hearings Officer shall cause the hearing to be recorded in a method chosen by the Director. The Director shall not be required to prepare a transcript, unless required to do so by other provision of law.

B. Any party may make arrangements to record the hearing through any means of choice, provided that the party arranges and pays for the expenses of recording, and provided further that the chosen recording means does not cause distraction or disruption.

C. Upon issuance of a Final Order, the Director shall maintain the record of hearing for a period of ninety (90) days, for the purposes of judicial review.

13.18.1590 Public Access

Administrative hearings pursuant to this Section shall be generally open to public observation, unless required to be private by State law or constitutional provision, or if the Non-Domestic User requests confidentiality and establishes that evidence to be presented at the hearing is protected from public

disclosure under the standards set forth in SMC 13.18.900. The Hearings Officer may order the hearing to be closed upon other good cause shown by the parties, such as undue distraction or disruption.

13.18.1600 Ex Parte Communications

A. Once designated, the Hearings Officer shall not communicate, directly or indirectly, regarding any issue in the proceeding other than communications necessary to procedural aspects of maintaining an orderly process, with any elected official, officer, employee or other representative of the Control Authority or any Contributing Jurisdiction who has specific knowledge of the matter, or with any other Person who has a direct or indirect interest in the outcome of the hearing, without notice and opportunity for all parties to participate, except as otherwise provided in this Part.

B. The Hearings Officer may receive aid and advice from the Control Authority or any Contributing Jurisdictions' Attorney's Office, provided that the Hearings Officer initiates the communication, the particular employee providing advice has not and/or will not represent the Director at the hearing, and provided further that any such communications are limited to the resolution of legal issues requiring specialized knowledge or resources.

C. The Hearings Officer may communicate with employees or consultants of the Control Authority or any Contributing Jurisdiction who have not participated in the proceeding in any manner, and who are not engaged in any investigative or prosecutorial functions in the same or a factually related case.

D. Persons with whom the Hearings Officer may not communicate regarding any issue in the hearing under the provisions of SMC 13.18.1600(A) shall not initiate communication with the Hearings Officer, without notice and opportunity for all parties to participate, unless necessary to procedural aspects of maintaining an orderly process.

E. Nothing in this Section shall prohibit the parties from communicating with the Hearings Officer when specifically authorized or required to do so by these Regulations or State law.

F. A Hearings Officer who receives or initiates prohibited communications shall notify all parties and identify the party making the communication, or to whom the communication was made, and place on the record the substance of all prohibited communications. Any party may submit a written rebuttal statement to the Hearings Officer in response to a prohibited communication, and such statement shall be placed on the record, provided that the rebuttal is submitted within ten (10) days of the party's notice of the prohibited communication, and further that notice of the rebuttal is provided to all other parties. Such prohibited statements and rebuttals included on the record shall not be considered evidence in the Hearings Officer's determination and may form the basis for a petition for disqualification of the Hearings Officer.

13.18.1610 Issuance of Final Order

A. The Hearings Officer shall issue a written Final Order within fifteen (15) business days of conclusion of the hearing. The Hearings Officer may extend the time for Final Order upon notice to the parties and upon good cause, including but not limited to: excessive evidence or testimony, factual or legal complexities requiring additional investigation or research, or time conflict with other prearranged matters. The Hearings Officer shall be reasonably diligent in issuing Final Orders within the timelines specified in this Section.

B. The Final Order shall include the following elements:

1. A statement of findings and conclusions, and the reasons and basis therefor, on all material issues of fact, law, or discretion presented on the record;

2. The remedy, sanction, or other action determined to be applicable;

3. Any specific findings substantially based upon the credibility or demeanor of witnesses and the reasons therefor; and

4. A statement advising the parties of the right to seek judicial review in Pierce County Superior Court by filing the appropriate petition within thirty (30) days of issuance of the Final Order.

C. Findings of fact shall be based exclusively upon the evidence contained in the record of the hearing and shall be based upon the kind of evidence upon which reasonably prudent persons are accustomed to rely in the conduct of their affairs.

D. The Hearings Officer may rely upon any specialized knowledge of the Control Authority or Contributing Jurisdictions in evaluating evidence.

E. The Hearings Officer may allow the parties time after conclusion of the hearing to submit memos, briefs, or proposed orders. A party submitting a memo, brief, or proposed order shall provide notice of the submittal to all other parties and comply with the provisions of SMC 13.18.1540.

F. The Hearings Officer may accept and issue, or incorporate into the Final Order, any stipulated agreement made between the parties, provided the Hearings Officer determines that such stipulated agreement does not offend the administration of justice.

G. Nothing in this Section shall be interpreted as requiring a hearing prior to any emergency suspension under these Regulations.

SECTION 16 JUDICIAL REVIEW

13.18.1620 Final Action

A. An administrative hearing, where provided by these Regulations, shall be a prerequisite to judicial review of the Director's determination, action, or omission under this Part. A Non-Domestic User shall not be deemed to have exhausted administrative remedies unless such hearing is timely requested and conducted or denied.

B. A Final Order issued by a Hearings Officer pursuant to Section 15 of these Regulations, or the Director's refusal to grant a request for administrative hearing, shall constitute final agency action for purposes of administrative review.

C. Except to the extent that these Regulations or another statute provides otherwise, the record resulting from any administrative hearing shall constitute the exclusive basis for agency action in judicial review of the administrative hearing.

D. Unless otherwise provided by law, petition for judicial review of final agency action shall be submitted to Superior Court of Pierce County within thirty (30) days of final agency action and properly served upon the Control Authority.

SECTION 17 WASTEWATER TREATMENT Charges and Fees

13.18.1700 Pretreatment Charges and Fees

The Control Authority may adopt reasonable fees for reimbursement of costs of setting up and operating the Control Authority's Pretreatment Program which may include:

A. Fees for Wastewater Discharge permit applications including the cost of processing such applications;

B. Fees for monitoring, inspection, and surveillance procedures including the cost of collection and analyzing a User's Discharge, and reviewing monitoring reports submitted by Users;

C. Fees for reviewing and responding to accidental Discharge procedures and construction;

D. Fees for filing appeals;

E. Fees to recover administrative and legal costs (not included in SMC 13.18.1700(B)) associated with the enforcement activity taken by the Director to address Non-Domestic User non-compliance; and

F. Other fees as the Control Authority may deem necessary to carry out the requirements contained herein. These fees relate solely to the matters covered by these Regulations and are separate from all other fees, fines, and penalties chargeable by the Control Authority.

13.18.1710 High Strength User Charges and Fees

Non-Domestic Users meeting the definition of a High Strength User as defined in SMC 13.18.330(G) shall be subject to appropriate charges and fees as determined by the Director.

A. A monthly sanitary sewer charge for flow is levied on each High Strength User discharging directly to the POTW. This charge is at a rate as determined by the Director and is based upon the measured volume of total Wastewater discharged to the POTW or metered water consumption.

B. Rates for strength of Industrial Wastewater from High Strength Users are established for each pound of BOD and each pound of suspended solids as determined by the Director.

C. Industrial Wastewater samples taken for the purpose of determining charges are to be taken by the Control Authority or as otherwise determined by the Control Authority. The samples taken shall be Composite Samples. Charges shall apply as specified in SMC 13.18.1710(B), as determined on the basis of at least one twenty-four (24) hour flow proportioned or timed sample analysis to be obtained twice per month and such analyses averaged for each month; provided, a new average for strength of Industrial Wastewater may be computed, regardless of previous averages, when changes in preliminary treatment or industrial process changes have been made which are expected to significantly change the average strength of the Wastewater.

D. Sampling procedures and methods to determine the mean wastewater strength for the purpose of determining charges shall be conducted by or under the direction of the Director. Samples shall involve a twenty-four (24) hour flow-proportioning or timed sampling device, where feasible, and be in accordance with methods as prescribed in SMC 13.18.790 and SMC 13.18.780. Sampling shall be conducted at sampling manholes or other locations adjudged by the Director to be suitable points from which samples would be representative, either singly or with other samples, of the Industrial Wastewater to be sampled. Samples shall be analyzed by an accredited laboratory as required by Chapter 173-50 WAC.

SECTION 18 MISCELLANEOUS PROVISIONS

13.18.1800 Severability

If any provision, paragraph, word, or Section of these Regulations is invalidated by any court of competent jurisdiction, the remaining provisions shall not be affected and shall continue in full force and effect.

13.18.1810 Conflict

All other resolutions or regulations, or parts thereof, inconsistent, or conflicting with any part of these Regulations are hereby repealed to the extent of such inconsistency or conflict.

EXHIBIT B – Update to SMC 13.16 Sewers

Chapter 13.16

SEWERS

Sections:

13.16.010 General requirements.
13.16.020 Administration of chapter provisions.
13.16.030 Definitions.
13.16.040 Unsanitary deposit of waste unlawful.
13.16.050 Discharge of certain liquids unlawful – Exceptions.
13.16.060 Construction of privies, septic tanks and cesspools.
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13.16.080 Private sewage system – Permitted when.
13.16.090 Private sewage system – Construction – Inspection required.
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13.16.110 Public sewage system – Public sewer availability – Connection required.
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13.16.140 Public (side) sewer connection – Permit required.
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~~13.16.410 Preliminary treatment facility maintenance.~~
~~13.16.420 Manhole requirement.~~
~~13.16.430 Measurements, tests and analyses.~~
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13.16.450 Sewer blockage.
13.16.460 Authority to inspect.
13.16.470 Violation – Unauthorized tampering – Penalty.
13.16.480 Violation – Notification.
13.16.490 Violation – Continuation – Penalty.
13.16.500 Violation – Liability.

13.16.010 General requirements.
A. The following rates and regulations are established for the control of the Sumner municipal sewer system. In the event of any conflicting provisions or requirements between the stipulations of this chapter and any other existing ordinances, the provisions or requirements of this chapter shall control.

B. The design and installation of all sewer mains and appurtenances shall be in accordance with the Sumner Development Specifications and Standard Details and applicable provisions of the following:

1. SMC Title 13, Public Services;

2. Chapter 15.24 SMC, Fire Code;

3. Chapter 15.44 SMC, Mechanical Code;

4. Chapter 15.48 SMC, Plumbing Code;

5. Chapter 17.28 SMC, Subdivision Development Standards;

6. WSDOT Standard Specifications for Road, Bridge, and Municipal Construction, latest edition;

7. Department of Ecology Criteria for Sewage Works Design.

In the event of conflict between the Sumner Development Specifications and Standard Details, WSDOT specifications, and Ecology standards, the Sumner Development Specifications and Standard Details shall take precedence. The manufacturer's recommended installation procedures shall be adhered to. (Ord. 2356 § 2 (part), 2011: Ord. 2077 § 1 (part), 2004)

13.16.020 Administration of chapter provisions.
The public works director shall administer this chapter. (Ord. 2356 § 2 (part), 2011: Ord. 2077 § 1 (part), 2004. Formerly 13.16.460)

13.16.030 Definitions.
For the purpose of this chapter, the words or phrases in this section shall have the following meanings:

~~1. "Best management practices (BMPs)" means a technique or methodology that, through experience and research, has proven to reliably lead to a desired result.~~

1. "BOD (denoting biochemical oxygen demand)" means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20 degrees Celsius, expressed in parts per million by weight.

2. "Building drain" means that part of the lowest horizontal piping of a drainage system which receives the discharge from pipes inside the walls of the building and conveys it to the building sewer, beginning five feet outside the inner face of the building wall.

3. "Building (side) sewer" means the extension from the building drain to the public sewer or other place of disposal.

4. "City" means the city of Sumner, Washington, or as indicated by the context, and may mean the sewer department, sewer superintendent, clerk-treasurer, engineer, public works director or other employee or agent representing the city in the discharge of his duties.

5. "City engineer" means the city engineer of the city. Any act in this chapter required or authorized to be done by the city engineer may be done on behalf of the city engineer by an authorized professional engineer of the engineering department.

6. "Combined sewer" means a sewer receiving both surface runoff and sewage.

7. "Council" means the city council of the city of Sumner.

8. "Sumner Development Specifications and Standard Details" means those standard specifications and details which have been prepared by the city engineer. These Development Specifications and Standard Details are applicable to public works construction, construction of systems that will be owned and/or maintained by the city, or construction of systems that will connect to the city's system.

9. "Equivalent residential unit (ERU)" means a unit of measurement to determine system development charges and shall be based on 200 gallons per day of domestic wastewater with a strength of 250 mg/l of BOD_5 and TSS (denoting total suspended solids) and an ammonia concentration of 25 mg/l and oil and grease concentration of 10 mg/l.

~~11. "Fats, oils and greases (FOG)" means organic compounds derived from animal and/or plant sources that contain multiple carbon triglyceride molecules. These substances are detectable and measurable using analytical procedures established in Title 40 of the Code of Federal Regulations, Part 136 (40 CFR 136).~~

10. "Garbage" means solid wastes from the preparation, cooking and dispensing of food and from the handling, storage and sale of produce.

~~13. "Grease interceptor" means a device designed and installed so as to separate and retain deleterious, hazardous, or undesirable matter from normal wastes and permit normal sewage or liquid wastes to discharge into the disposal terminal by gravity. A grease interceptor is an interceptor of at least 750-gallon capacity to serve one or more fixtures and which shall be located to allow proper access for inspection and maintenance for continuous operation.~~

~~14. "Grease trap" means a device designed and installed so as to separate and retain deleterious, hazardous, or undesirable matter from normal wastes and permit normal sewage or liquid wastes to discharge into the disposal terminal by gravity. A grease trap shall be sized to accommodate 25 gpm/50 lbs. minimally and shall be located to allow access for inspection and maintenance.~~

~~15. "Industrial wastes" means the liquid wastes from industrial processes as distinct from sanitary sewage of a domestic nature.~~

11. "Natural outlet" means any outlet into a watercourse, pond, ditch, lake or other body of surface or ground water.

12. "Non-Domestic Wastewater" means Wastewater that is not Domestic Wastewater.

13. "Person," "customer," "owner," "occupant" or "agent," wherever used in this chapter, means and includes natural persons of either sex, associations, copartnerships and corporations whether acting by themselves or by an agent or employee; the singular number shall be held to include the plural and the masculine pronoun to include the feminine.

14. "Premises" means a continuous tract of land, building or group of adjacent buildings under a single control with respect to use of sewers and responsibility for payment therefor. Subdivisions of such use or responsibility shall constitute a division into separate premises as defined in this section.

15. "Properly shredded garbage" means the wastes from the preparation, cooking and dispensing of food that have been shredded to such degree that all particles will be carried freely under the flow of conditions normally prevailing in public sewers, with no particle greater than one-half inch in any dimension.

16. "Sanitary sewer" means a sewer which carries sewage and to which storm, surface and ground waters are not intentionally admitted.

17. "Sewage" means a combination of the water-carried wastes from residences, business buildings, institutions and industrial establishments, together with such ground, surface and storm waters as may be present.

~~22. "Sewage treatment plant" means any arrangement of devices and structures used for treating sewage.~~

18. "Sewer main" means a watertight pipe carrying wastewater in which all owners of abutting properties have equal rights and which is controlled by public authority.

19. "Shall" and "May." Shall is mandatory; may is permissive.

20. "Side sewer" is the watertight pipe carrying wastewater from a building or facility to the sewer main. Side sewer refers to the pipe beginning five feet outside of the building to the tee connection at the sewer main.

21. "Storm sewer" or "storm drain" means a sewer which carries storm and surface waters and drainage, but excludes sewage and polluted industrial wastes.

22. "Sumner municipal sewer system" means the system of conduits, pumps, treatment plants and structures used for the purpose of conveying from their source, treating in any manner, and conveying to final points of disposal all wastes of any nature permitted by this chapter to enter the system. Specifically included as integral parts of the system are all conduits of any nature forming a part of the general network, all pumps, treatment plants and structures of any kind used in connection with the collection, treatment and disposal of the wastes handled by the system and all appurtenances to any of the above, either physically or functionally connected therewith.

~~28. "Superintendent" means the superintendent of the sewer department of the city. Any act in this chapter required or authorized to be done by the superintendent may be done on behalf of the superintendent by an authorized employee of the sewer department.~~

23. "Suspended solids" means solids that either float on the surface of, or are in suspension in, water, sewage or other liquids, and which are removable by laboratory filtering with a pore opening of 47 microns.

24. "Watercourse" means a natural earthen channel or ditch in which a flow of water occurs, either continuously or intermittently. (Ord. 2356 § 2 (part), 2011: Ord. 2077 § 1 (part), 2004. Formerly 13.16.020)

13.16.040 Unsanitary deposit of waste unlawful.
It is unlawful for any person to place, deposit or permit to be deposited in an unsanitary manner any human or animal excrement, garbage or other objectionable waste upon public or private property within the city, or in any area under the jurisdiction of the city. (Ord. 2356 § 2 (part), 2011: Ord. 2077 § 1 (part), 2004. Formerly 13.16.030)

13.16.050 Discharge of certain liquids unlawful – Exceptions.
It is unlawful to discharge to any natural outlet within the city, or any area under the jurisdiction of the city, any sanitary sewage, industrial wastes or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this chapter. (Ord. 2356 § 2 (part), 2011: Ord. 2077 § 1 (part), 2004. Formerly 13.16.040)

13.16.060 Construction of privies, septic tanks and cesspools.
Except as provided in this chapter, it is unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of sewage. (Ord. 2356 § 2 (part), 2011: Ord. 2077 § 1 (part), 2004. Formerly 13.16.050)

13.16.070 Installation and connection of toilet facilities required.
The owner of all houses, buildings or properties used for human occupancy, employment, recreation or other purpose, situated within the city and abutting on any street, alley or right-of-way in which there is now located a public sanitary sewer of the city, is required at his expense to install suitable toilet facilities therein and to connect such facilities directly with the proper public sewer in accordance with the provisions of this chapter within 90 days after date of official notice to do so; provided, that the public sewer is within 200 feet of the property line. (Ord. 2356 § 2 (part), 2011: Ord. 2077 § 1 (part), 2004. Formerly 13.16.060)

13.16.080 Private sewage system – Permitted when.
Where a public sanitary sewer is not available under the provisions of SMC 13.16.070, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this chapter and the rules and regulations promulgated by the Tacoma-Pierce County health department for on-site sewage disposal facilities. (Ord. 2356 § 2 (part), 2011: Ord. 2077 § 1 (part), 2004. Formerly 13.16.070)

13.16.090 Private sewage system – Construction – Inspection required.
A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Tacoma-Pierce County health department and the public works department. The county health department shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the county health department when the work is ready for final inspection, and before any underground portions are covered. (Ord. 2356 § 2 (part), 2011: Ord. 2077 § 1 (part), 2004)

13.16.100 Private sewage system – Construction – Specifications.
The type, capacities, location and layout of a private on-site sewage disposal system shall comply with all recommendations and be approved by the Tacoma-Pierce County health department. No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where the area of the lot is less than 15,000 square feet. No septic tank or cesspool shall be permitted to discharge to any public sewer or to any natural outlet. (Ord. 2356 § 2 (part), 2011: Ord. 2077 § 1 (part), 2004)

13.16.110 Public sewage system – Public sewer availability – Connection required.
At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in SMC 13.16.070, and only when the private sewage system fails or is ruled as a health hazard by the county health department, a direct connection shall be made to the public sewer in compliance with this chapter, and any septic tanks, cesspools and similar private sewage disposal facilities shall be decommissioned, filled with suitable material, inspected and proper paperwork completed in accordance with the rules and regulations of the Tacoma-Pierce County health department in effect at the time of decommissioning. (Ord. 2356 § 2 (part), 2011: Ord. 2077 § 1 (part), 2004)

13.16.120 Private sewage facilities – Operation and maintenance.
The owner shall operate and maintain the private sewage facilities in a sanitary manner at all times, at no expense to the city. (Ord. 2356 § 2 (part), 2011: Ord. 2077 § 1 (part), 2004)

13.16.130 Chapter provisions not exclusive.
No statement contained in this chapter shall be construed to interfere with any additional requirements that may be imposed by the Tacoma-Pierce County health department or the Department of Ecology. (Ord. 2356 § 2 (part), 2011: Ord. 2077 § 1 (part), 2004)

13.16.140 Public (side) sewer connection – Permit required.
No person shall uncover, make any connections with or operate into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a permit from the city at the permit center. (Ord. 2356 § 2 (part), 2011: Ord. 2077 § 1 (part), 2004)

13.16.150 Permits for building side sewers – Classifications – Application.
There shall be two classes of site development permits associated with building side sewer construction:

A. For domestic sewage generated by residential, institutional, industrial and commercial service; and

B. For service to establishments producing industrial wastes. Industrial sewer applicants shall be required to submit an industrial user survey and enter into an industrial WWTF agreement.

In either case, the owner or his agent shall make application on a form furnished by the city at the permit center. (Ord. 2356 § 2 (part), 2011: Ord. 2077 § 1 (part), 2004)

13.16.160 Permit – Display required.
The permits required from the city engineer under the terms of this chapter must be posted in some conspicuous place at or near the work at all times during the performance of the work and until it is completed. (Ord. 2356 § 2 (part), 2011: Ord. 2077 § 1 (part), 2004)

13.16.170 Permit – Time limitations.
Permit time limitations shall be as established in chapter 15.74 SMC. (Ord. 2356 § 2 (part), 2011: Ord. 2077 § 1 (part), 2004)

13.16.180 Permit – Renewal fees.
Permit renewal fees shall be as specified in chapter 15.74 SMC. (Ord. 2356 § 2 (part), 2011: Ord. 2077 § 1 (part), 2004)

13.16.190 Permit – Connection without prohibited.
In case any police officer, building official, engineer, health officer or any other city employee finds any person engaged in the work of breaking ground for the purpose of making connections with a public or private sewer or drain, or private septic tank, then it shall be their duty to ascertain if that person has a permit from the city engineer to make such sewer connections. In the event that this person has no permit for making such connection, it shall be the duty of the officers or personnel to immediately report the fact to the city engineer and/or building official. (Ord. 2356 § 2 (part), 2011: Ord. 2077 § 1 (part), 2004)

13.16.200 Building sewer expense and installation responsibility.
All construction, costs and expenses incident to the installation and connection of the building sewer to the sewer main shall be the responsibility of the property owner. All work within the street right-of-way shall be done by a contractor bonded/licensed in Washington State and the city of Sumner and experienced in performing this type of work. The owner or his contractor shall indemnify the city from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer. The city may choose to construct the side sewer portion located in the public right-of-way. The applicant shall bear the full cost of labor including benefits, materials and equipment with a 1.25 multiplier to cover indirect costs. (Ord. 2356 § 2 (part), 2011: Ord. 2077 § 1 (part), 2004)

13.16.210 Permit fees.
A. Permit Fee for Domestic Waste. Upon issuance of a complete permit for domestic sewage as outlined in SMC 13.16.150, the applicant shall pay a nonrefundable permit fee in the amount as

set forth in subsection C of this section. Said fee shall be full compensation for processing, review, approval and inspection of the work. This fee does not cover any cost for the installation of said sewer. The total fee for permit approval shall be the sum of the elements outlined in subsection C of this section. Plan review fees shall be accrued until the construction plans are approved for construction. Accrued review fees shall be paid regardless of whether a permit is issued. Inspection fees shall be accrued until final project approval and shall be assessed to the permittee as they are accrued.

Burdened rates for city staff are actual salaries plus benefits with a 1.25 multiplier to cover indirect costs. city staff burdened rates are specific in the Sumner utility rate and fee schedule.

B. Permit Fee for Non-Domestic ~~Industrial~~ Wastewater. The permit fee structure for all Non-Domestic wastewater is included in Title 13 Chapter 49. ~~Prior to submitting an application, the applicant shall meet with the public works director and superintendent of the wastewater treatment plant or their designate to determine if the city of Sumner is willing and capable of conveying and treating the proposed waste. If the public works director determines that the city is capable and willing to accept the waste load as represented by the applicant, he shall notify the prospective applicant in writing that they may proceed with making a formal application for service. At that time the applicant shall fill out an industrial waste survey, provide complete plans, specifications and calculations of proposed pretreatment facilities, flow measurement and sampling station. Said notification does not bind the city to provide the service if additional or different information comes to light during the application review process. Upon issuance of a permit for a sewer connection for industrial waste, the applicant shall pay a nonrefundable permit fee in the amount as set forth in subsection C of this section. Said fee shall be full compensation for processing, review and approval of the permit and inspection of the work.~~

C. Permit fees for domestic and industrial side sewer permits are as follows:

1. Base Permit Fee.

   - For all users discharging domestic sewage: $195.00;
   - Private side sewer replacement/repair: $60.00;
   - Industrial waste discharges: $400.00.

2. Plan Review Fee.

   - One hour x current engineering burdened rate (minimum);
   - In-house plan review fee: Hours x current engineer burdened rate;
   - Third-party review fees as billed to the city, including city administrative costs.

3. Inspection Fee.

   - Two hours x current inspector burdened rate (minimum);
   - ([[# LF Sewer/150] x 4] + 10) x current inspector burdened rate;

• Additional inspection as warranted: Number of hours x current staff burdened rate. (Ord. 2356 § 2 (part), 2011: Ord. 2348 § 1, 2011; Ord. 2339 § 1, 2010: Ord. 2077 § 1 (part), 2004)

13.16.220 System development charges.

A. It is the policy of the city that all property owners seeking to connect to the city sewer system shall bear their equitable share of the cost of the general facilities of such system. Therefore, a system development charge may be paid either (1) upon the approval of a building (side) sewer permit application and prior to any construction, or (2) deferred according to subsection (D) of this section to the city at the city's finance department. The cost of such system development charge shall be computed according to the following schedule:

1. The fee for connection to the city sewer system shall be assessed per equivalent residential unit (ERU) as defined in SMC 13.16.030. All commercial, institutional, and industrial users discharging domestic sewage shall pay the system development charge per ERU as defined in SMC 13.16.030 for the amount of sewage that would be discharged to the city sewer system at full use of the intended facility or building. The system development charge per ERU is specified in the following list. This list shall be used in determining the number of ERUs for the building unless the applicant has a minimum of three previous years of water meter records at their present location that would more accurately reflect the waste load generated by the facility. The city engineer may choose to use the data submitted rather than determining the number of ERUs from the list. All ERU calculations used to determine system development charges shall be carried to the nearest 0.01 ERU.

Single-family residence	1.0	ERU per unit
Multifamily residence	0.75	ERU per unit
Accessory dwelling units	0.5	ERU
Retail	1.25	ERU per 1,000 sq/ft of building
Restaurant	0.14	ERU per occupant load
Assembly	0.08	ERU per occupant load
Office	0.8	ERU per 1,000 sq/ft of building
Industrial domestic	0.1	ERU per 1,000 sq/ft of building
High cubed warehouse	0.03	ERU per 1,000 sq/ft of

		building
Mobile home park	1.0	ERU per space
Motel	0.65	ERU per room
Service station	4.0	ERU per pump
Mini-mart	6.0	ERU per pump

Industrial waste loads shall pay a system development charge based on the number of ERUs as defined in SMC 13.16.030 (since Non-Domestic Wastewaters ~~industrial wastes~~ are different in strength and composition). Four parameters in the definition of an ERU shall be weighted as follows in calculating the number: Flow, five-day BOD and TSS shall each be weighted at 0.3 and ammonia shall be weighted at 0.1.

2. Sixty-five percent of the fee shall be used for the treatment/disposal system upgrades.

3. Thirty-five percent of the fee shall be used for pump stations, force mains and sewer interceptor system upgrades.

B. Effective October 1st of each year, the system development charge shall be adjusted according to the Seattle Construction Cost Index (SCCI). The schedule of system development charges for the sewer is specified in the Sumner utility rate and fee schedule, as amended from time to time, available online and at City Hall.

C. The system development charges collected under this chapter shall be deposited in the utilities capital reserve fund and used only for utility system improvements.

D. Deferral of Payment of System Development Charges. An applicant for a building permit or site development permit may request a deferral of the full system development charge payment until final inspection or 18 months from the date of original permit issuance, whichever occurs first. Deferral of system development charges, and the application process for a deferral, shall be in accordance with the provisions and requirements of SMC 3.50.115(A)(1) through (11) as currently written or hereafter amended. (Ord. 2711 § 4, 2019: Ord. 2660 § 2, 2018; Ord. 2473 § 1, 2014; Ord. 2435 § 1, 2013: Ord. 2417 § 1, 2012; Ord. 2368 § 1, 2011: Ord. 2356 § 2 (part), 2011)

13.16.230 Bond required.

A. Building (Side) Sewer – Street Restoration Bond. No permit shall be issued under the provisions of this chapter for any disturbance of the right-of-way until the applicant therefor executes and delivers the city street restoration bond, or an assignment of funds in lieu of bond, in the sum of $5,000, or 120 percent of the cost of the project, whichever is greater, with surety approved by the city treasurer conditioned on the faithful performance of the provisions of this chapter. The bond shall be conditioned that the applicant acting under the permit shall restore said street, alley, public place or right-of-way to its former condition within the time specified by the city engineer or his or her designee. Such bond shall further be conditioned to indemnify and hold harmless the city from any and all judgments, costs or expenses arising from injuries or damage to any person or property on account of such work. Such bond shall remain in full force and effect for a period of one year following final project approval.

B. Sewer Main and Appurtenances – Performance and Payment Bond. No permit shall be issued under the provisions of this chapter until the applicant therefor executes and delivers to the city a bond, or an assignment of funds in lieu of bond, in the sum of $5,000, or 120 percent of the cost of the project, whichever is greater, the form to be approved by the city attorney, and with surety approved by the city treasurer conditioned on the faithful performance of the provisions of this chapter. The bond shall be conditioned that the applicant acting under the permit shall complete all improvements as shown on the construction plans as approved by the public works department. Such bond shall further be conditioned to indemnify and hold harmless the city from any and all judgments, costs or expenses arising from injuries or damage to any person or property on account of such work. Such bond shall remain in full force and effect until final project acceptance by the Sumner city council.

See Chapter 1 of the Sumner Development Specifications for additional information regarding final project acceptance.

C. Sewer Main and Appurtenances – Maintenance and Defect Bond. After satisfactory completion of the improvements and prior to release of the performance bond by the city, the developer/contractor shall commence a two-year maintenance and defect period where the improvements are maintained and operated by the city of Sumner. A cash or surety bond to be used at the discretion of the public works department to correct design and/or workmanship defects and maintenance deficiencies affecting public health, safety, and welfare shall be posted and maintained throughout the two-year maintenance period by the developer/contractor. The amount of the bond shall be 20 percent of the actual construction cost of the public improvements. (Ord. 2356 § 2 (part), 2011: Ord. 2077 § 1 (part), 2004. Formerly 13.16.220)

13.16.240 Liability insurance.
All contractors performing work within any existing city right-of-way shall have a valid permit covering the work and shall be currently licensed and bonded with the state of Washington and the city during the course of the work.

In addition to required bonds, all permittees or their contractors shall maintain a liability policy for the duration of the permit in the amount of not less than $1,000,000 for bodily injury liability (for each occurrence) and for not less than $1,000,000 for property damage liability (for each occurrence). Such insurance shall include the CG 20 12 endorsement naming the city of Sumner, its officers and employees as specifically named additional insureds, and the project site address and city project/permit number shall be included in the project description. The permittee shall not reduce or cancel the liability policy without 30 days' written prior notice to the city. Permittees shall present the city with a certificate of insurance before the city shall issue any permit.

See Sumner Development Specifications and Standard Details, Chapter 1, for additional information regarding insurance requirements. (Ord. 2356 § 2 (part), 2011)

13.16.250 Building sewers – Separate connection required – Exceptions.
A separate and independent building sewer shall be provided for every building, except:

A. Where one building stands at the rear of another on a common lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard or

driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer;

B. Upon approval of the city engineer or his or her designee;

C. Both buildings shall have common ownership. (Ord. 2356 § 2 (part), 2011: Ord. 2077 § 1 (part), 2004. Formerly 13.16.230)

13.16.260 Old building (side) sewers – Permitted when.
Old building sewers may be used in connection with new buildings only when they are found, on examination and tested by the city engineer or his or her designee, to meet all requirements of this chapter. (Ord. 2356 § 2 (part), 2011: Ord. 2077 § 1 (part), 2004. Formerly 13.16.240)

13.16.270 Building (side) sewers – Construction requirements.
Building (side) sewers shall be constructed in accordance with the Sumner Development Specifications and Standard Details. Type and size of pipe, gradient, fittings, trenchwork, including bedding and backfill, etc., shall conform to these standards and as directed by the city engineer or his or her designee. Private side sewers located on private property between the right-of-way line and the building as well as that portion owned and maintained by the city sewer utility shall be installed and tested in accordance with these standards. Current copies of the Sumner Development Specifications and Standard Details are available for purchase at the permit center. (Ord. 2356 § 2 (part), 2011: Ord. 2077 § 1 (part), 2004. Formerly 13.16.250)

13.16.280 Building (side) sewers – Record drawings.
Upon final inspection and observation of satisfactory testing of a building (side) sewer by the engineering division of the public works department, the city engineer or his or her designee shall direct his staff to prepare a detailed scaled as-built drawing of the installation noting on the drawing pertinent data such as size and type of pipe, location, dimensions from landmarks, depth, slope and other pertinent data and file said as-built in the address file for the property for future reference by both the property owner and the city. (Ord. 2356 § 2 (part), 2011: Ord. 2077 § 1 (part), 2004. Formerly 13.16.260)

13.16.290 Building (side) sewers – Ownership.
The building (side) sewer located in the public right-of-way shall become the property of the city and will be maintained, repaired and replaced by the city's public works department. The portion of the building (side) sewer located on the customer's property is owned by the property owner and shall be his responsibility to keep the sewer in good working order and free from extraneous ground water or surface runoff water. A cleanout shall be provided at the property line for all new building (side) sewer installations. At such time the city's public works department or the property owner makes repairs and/or replaces an old side sewer that does not have a cleanout at the property line, the party doing the work shall install a cleanout in accordance with the Sumner Development Specifications and Standard Details in effect at the time. (Ord. 2356 § 2 (part), 2011: Ord. 2077 § 1 (part), 2004. Formerly 13.16.270)

13.16.300 Private building (side) sewer replacement/repair – Permit.
A permit is required to make repairs or to replace a private building sewer. The private sewer is connected to the public system, and its condition affects the whole system. A property owner shall apply for a permit for private side sewer replacement at the city's permit center and pay a

nonrefundable fee as set forth in the Sumner utility rate and fee schedule. The fee shall be full compensation for the cost of processing, plan review, inspection and preparation of an as-built drawing. The city does not require the work be done by a licensed contractor. The work may be performed by the owner, but the materials and workmanship shall fully conform to the requirements set forth in the Sumner Development Specifications and Standard Details. The work shall be inspected, tested and approved by the public works department prior to backfill. (Ord. 2356 § 2 (part), 2011: Ord. 2077 § 1 (part), 2004. Formerly 13.16.280)

13.16.310 Lifting by artificial means – Permitted when.
In all buildings in which any building sewer is too low to permit gravity flow to the public sewer, sanitary sewage carried by such sewer shall be lifted by approved artificial means and discharged to the sewer. The city engineer or his or her designee shall determine which type of pump system is appropriate and to be installed for the particular service. (Ord. 2356 § 2 (part), 2011: Ord. 2077 § 1 (part), 2004. Formerly 13.16.290)

13.16.320 Inspection and testing.
Any persons performing work under a permit pursuant to the provisions of this chapter shall notify the permit center when the work will be ready for inspection and testing and shall specify in such notice the location of the premises. If the city engineer or his or her designee finds the work or material used is not in accordance with the provisions of this chapter or if the installed building (side) sewer does not pass the test required under this chapter, he shall notify the person doing the work and also the owner of the premises by posting a written notice upon the premises. Such posted notice shall be all the notice that is required to be given of the defects in the work or material or the failure of the test found in such inspection, and a copy of such notice shall be kept on file in the office of the city engineer or his or her designee. (Ord. 2356 § 2 (part), 2011: Ord. 2077 § 1 (part), 2004. Formerly 13.16.300)

13.16.330 Filling trenches – Inspection required.
No trench shall be filled or any connected sewer covered until the work from the point where the same connects with the public sewer or other outlet to the point where it connects with the iron pipe or other plumbing of the building or premises to be connected shall have been inspected and approved by or under the direction of the city engineer or his or her designee and until the same has been made in all respects to conform to the provisions of this chapter. (Ord. 2356 § 2 (part), 2011: Ord. 2077 § 1 (part), 2004. Formerly 13.16.310)

13.16.340 Testing methods.
A. All side sewers and sewer mains shall be tested in accordance with the Sumner Development Specifications and Standard Details. Testing shall be performed prior to backfilling the trench and making connections.

B. Any and all equipment required for the pressure testing of side sewers and sewer mains shall be furnished by the persons doing the work under the supervision of the city engineer or his or her designee.

C. The city may also require video and/or deflection testing of the completed side sewers and sewer mains to determine alignment and constant grade. Acceptance or rejection of the work shall be based on the requirements in the Sumner Development Specifications and Standard Details. (Ord. 2356 § 2 (part), 2011: Ord. 2077 § 1 (part), 2004. Formerly 13.16.320)

13.16.350 Protecting excavations – Public property to be restored.
All excavations shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the city. (Ord. 2356 § 2 (part), 2011: Ord. 2077 § 1 (part), 2004. Formerly 13.16.340)

13.16.360 Stormwater and unpolluted drainage.
Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to a natural outlet approved by the city engineer or his or her designee. Industrial cooling water or unpolluted process waters may be discharged, upon approval of the city engineer or his or her designee, to a storm sewer or natural outlet.

If a private side sewer has ground water infiltrating into it due to a broken pipe or joint, the owner will be notified and shall apply for a permit in accordance with SMC 13.16.300 and make the necessary repairs in a timely manner as set forth in SMC 13.16.480. (Ord. 2356 § 2 (part), 2011: Ord. 2077 § 1 (part), 2004)

~~**13.16.370 Prohibited discharges designated.**~~
~~Except as provided in this chapter, no person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewer:~~

~~A. Any liquid or vapor having a temperature higher than 150 degrees Fahrenheit.~~

~~B. Any water or waste which may contain more than 100 parts per million, by weight, of polar and nonpolar fats, oil, greases, wax, whether emulsified or not, or containing substances which may solidify or become viscous at temperatures between 32 and 150 degrees Fahrenheit.~~

~~C. Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid, gas or petroleum products.~~

~~D. Any garbage.~~

~~E. Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, hair, animal bone, eggshell, paunch manure or any other solid or viscous substance regardless of size or quantity or whole or shredded that is capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewage works.~~

~~F. Any waters or wastes having any corrosive property capable of causing damage or hazard to pipe, structures, equipment or personnel of the sewage works.~~

~~G. Any waters or wastes containing suspended solids of such character and quantity that unusual attention or expense is required to handle such materials at the sewage treatment plant.~~

~~H. Any noxious or malodorous gas or substance capable of creating a public nuisance.~~

~~I. Substances with a pH below six or above nine.~~

~~J. Any liquid waste with color that will interfere with the efficiency of the UV disinfection at the wastewater treatment facility (WWTF).~~

~~K. Any liquid waste containing metals such as iron, chromium, copper, zinc, silver, mercury, lead and cadmium having a concentration of any of these metals that exceeds the background (potable water) levels by more than 10 percent.~~

~~L. Cooling water.~~

~~M. Unpolluted industrial process waters.~~

~~N. Storm, surface, or roof runoff, ground water, or subsurface drainage.~~

~~O. All other wastes found by the city to be harmful to the city's sewer collection or treatment facilities. (Ord. 2526 § 1, 2015: Ord. 2356 § 2 (part), 2011: Ord. 2077 § 1 (part), 2004)~~

~~13.16.380 Pretreatment device required when.~~

~~A. New Facilities. Grease interceptors shall be installed for all commercial and/or industrial facilities involving food preparation or that will discharge liquid waste as defined in SMC 13.16.370. All devices shall be of a type and capacity approved by the city engineer or designee and shall be located as to be readily and easily accessible for cleaning and inspection.~~

~~B. Existing Facilities with Pretreatment Devices. On or after July 1, 2008, all existing commercial and/or industrial establishments involving food preparation or that discharge liquid waste containing polar and nonpolar grease, or any other wastes or ingredients as defined in SMC 13.16.370 shall be permitted to operate and maintain existing other; provided, that the equipment is in efficient operating condition to maintain discharges of less than 100 ppm FOG. Any commercial and/or industrial facilities that are known to cause grease related cleaning activities in the sanitary sewer, a grease-related sanitary sewer overflow or fail to implement and enforce BMPs will be required to install a properly sized and functioning grease interceptor within 90 calendar days from notification by the city. Any facilities that have existing grease traps that were not previously approved and are known to cause grease-related cleaning activities in the sanitary sewer or lateral shall replace the grease trap with a grease interceptor.~~

~~C. Existing Facilities without Grease Removal. Any commercial establishment involving food preparation or that discharges any waste as defined in SMC 13.16.370 shall be required to install a properly sized and functioning pretreatment device grease interceptor within 90 calendar days from notification by the city.~~

~~D. FOG Control Program. All facilities required to have a pretreatment device shall implement a FOG control program meeting the requirements specified in Section 4.5 of the Sumner Development Specifications and Standard Details.~~

~~E. Enzymes, Bacteria and Other Agents. The direct addition into the building plumbing, grease trap, or interceptor of enzymes, chemicals or other agents designed to emulsify the grease compounds is prohibited. Any attempt to modify the trap into a biological reactor by adding bacterial or microbial agents is also prohibited.~~

~~F. Inspection. City access to pretreatment devices shall be granted in accordance with SMC 13.16.460.~~

~~G. Enforcement. In the event a pretreatment device fails a visual or effluent sample analysis inspection, the owner shall be given written notice of the noncompliant condition and must take immediate steps to bring the device into compliance. The owner is responsible for all associated costs.~~

~~Failure on the part of any owner to maintain continued compliance with any requirements set forth in the SMC may result in the initiation of enforcement action. Such enforcement action may include, but is not limited to: a verbal request or warning documented in the inspection form, a warning letter/maintenance letter (via email, fax, USPS, or hand delivery), notice of violation, administrative fine of $100.00, termination of any city services, or facility closure as outlined in SMC 13.16.470 through 13.16.500.~~

~~Both cleaning and maintenance actions where a discharge of FOG is ongoing shall be completed in seven days and the business contact shall contact the city official for a re-inspection. An extension may be granted by the city official, if corrective actions have been initiated (e.g., an appointment made with a contractor to address a maintenance concern). In the case of an impending backup, or current obstruction, the city official may require the corrective action be taken immediately.~~

~~If an obstruction of the sanitary sewer collection system occurs that causes a sanitary sewer backup and/or overflow and such overflow can be attributed in part or in whole to an accumulation of any material as defined in SMC 13.16.370 in the sanitary sewer main line the city will take appropriate enforcement actions, as stipulated in SMC 13.16.490 and 13.16.500, against the generator or contributor of such materials. These actions may include recovery of all costs associated with cleanup activities, fines, civil penalties or a discontinuance of sanitary sewer and/or water service.~~

~~Any person who knowingly makes any false statements, representation, record, report, or other document filed with the city or who falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required under this document is subject to administrative fines or facility closure as outlined in SMC 13.16.470 through 13.16.500.~~

~~H. Pretreatment devices shall be constructed in accordance with chapter 15.48 SMC and the Sumner Development Specifications and Standard Details.~~

~~I. Exemptions. Grease traps shall not be considered an alternative to grease interceptors except in the following conditions:~~

~~1. Grease traps shall have twice the required grease storage capacity as required in the Uniform Plumbing Code for the applicable flow rate. Grease traps shall be sized for 25 gpm/50 lbs., minimally.~~

~~2. A single grease trap shall not serve more than one building or tenant space.~~

~~3. Pretreatment devices shall not be installed without a permit.~~

~~J. Pretreatment devices shall be designed by a professional engineer to accept all grey water from the facility to include: Hand washing sinks, mop sinks, any sink used in beverage or food preparation, dishwasher waste, and any garbage disposals, grinders, or shredders. If the facility is~~

~~equipped with a hydromechanical grease interceptor (i.e., grease trap) discharge shall be pretreated as follows:~~

~~1. A garbage disposal, shredder, grinder or like device must have a dedicated trap or solids interceptor to capture large amounts of materials before they enter the hydromechanical grease interceptor.~~

~~2. A dishwasher or sanitizer must have a dedicated trap or solids interceptor to capture large amounts of solids, and allow high temperature waste water to cool before entering the hydromechanical grease interceptor.~~

~~The design must demonstrate that the specified grease trap has an adequate flow capacity to handle all of these connections. The minimum grease trap capacity is 25 gpm and 50 lbs. Proposed grease interceptors must conform to the Sumner Development Specifications and Standard Details. (Ord. 2526 § 2, 2015: Ord. 2356 § 2 (part), 2011: Ord. 2077 § 1 (part), 2004)~~

~~13.16.390 Interceptor and trap maintenance.~~
~~A. Where installed, all pretreatment devices shall be maintained by the owner, at his expense, in continuously efficient operation at all times. Pretreatment devices shall be maintained per City of Sumner Waste Discharge Standards or the manufacturer specifications.~~

~~B. Reports and/or maintenance logs shall document the date of service, volume pumped, name of the licensed disposal company (or employee completing the work), waste disposal location for each pretreatment device and other information on the form provided by the city. Maintenance records shall be kept a minimum of three years at the location of the device, and provided to the city upon request. (Ord. 2526 § 3, 2015: Ord. 2356 § 2 (part), 2011: Ord. 2077 § 1 (part), 2004)~~

~~13.16.400 Preliminary treatment facilities – Required when.~~
~~Pretreatment facilities shall be required as follows:~~

~~A. The admission into the public sewers of any waters or wastes having:~~

~~1. A five-day BOD greater than 350 parts per million by weight; or~~

~~2. Containing more than 350 parts per million by weight of suspended solids; or~~

~~3. Containing any quantity of substances having the characteristics described in SMC 13.16.370; or~~

~~4. An average daily flow greater than two percent of the average daily sewage flow of the city shall be subject to the review and approval of the city engineer or his or her designee.~~

~~B. Where necessary in the opinion of the city engineer or his or her designee, the owner shall provide, at his expense, such preliminary treatment as may be necessary to:~~

~~1. Reduce the BOD to 300 parts per million and the suspended solids to 350 parts per million by weight; or~~

~~2. Reduce objectionable characteristics or constituents to within the maximum limits provided for in SMC 13.16.370; or~~

~~3. Control the quantities and rates of discharge of such waters or wastes or any two or all three of the above.~~

~~C. Plans and specifications for proposed preliminary treatment facilities shall be submitted by the owner for the city engineer's or his or her designee and the Washington State Department of Ecology's approval. No construction of such facilities shall be started until these approvals are obtained in writing and the necessary permits are issued through the Sumner permit center. Design of such facilities shall be accomplished by a professional engineer registered in the appropriate discipline in the state and his/her stamp and signature shall appear on the plans and specifications. (Ord. 2356 § 2 (part), 2011: Ord. 2077 § 1 (part), 2004)~~

~~13.16.410 Preliminary treatment facility maintenance.~~
~~Where preliminary treatment facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense. (Ord. 2356 § 2 (part), 2011: Ord. 2077 § 1 (part), 2004)~~

~~13.16.420 Manhole requirement.~~
~~The owner of any property served by a building sewer carrying industrial wastes shall install a suitable control manhole in the building sewer to facilitate observation, sampling and measurement of the wastes. Such manhole shall be accessible and safely located and shall be constructed in accordance with plans approved by the city engineer or his or her designee. The manhole shall be installed by the owner at his expense and shall be maintained by him so as to be safe and accessible at all times. The city engineer or his or her designee can waive the requirement for a manhole. (Ord. 2356 § 2 (part), 2011: Ord. 2077 § 1 (part), 2004)~~

~~13.16.430 Measurements, tests and analyses.~~
~~All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in SMC 13.16.370 and 13.16.400 shall be determined in accordance with "Standard Methods for the Examination of Water and Sewage," and shall be determined at the control manhole provided for in SMC 13.16.420 or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. (Ord. 2356 § 2 (part), 2011: Ord. 2077 § 1 (part), 2004)~~

~~13.16.440 Special agreements with industrial concerns.~~
~~No statement contained in this chapter shall be construed as preventing any special agreement or arrangement between the city and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the city for treatment, subject to payment therefor by the industrial concern. (Ord. 2356 § 2 (part), 2011: Ord. 2077 § 1 (part), 2004)~~

13.16.450 Sewer blockage.
The user and/or owner is responsible for keeping their side sewer clean and free of obstructions from the building to the main. When a backup occurs in the sewer, the customer shall first call the city shops and/or the public works department and ask that an operator be sent out to ascertain if the blockage is in the city-owned portion or the privately owned portion of the sewer.

If a customer is having backup problems on a regular basis, they may schedule a video inspection of the side sewer. The sewer department will schedule the work and perform the

inspection within 15 working days after receiving the request, including the installation of a cleanout at the property line if needed and cleaning of the line. There is no charge for this work. If the inspection finds misalignment of joints and/or pipe or broken pipe, the property owner shall make repairs to the side sewer in a timely manner. If the broken or misaligned sewer is that portion owned by the city, the sewer department will make repairs within 20 working days. If the misaligned or broken sewer pipe is owned by the property owner, he shall file for a permit for sewer replacement as set forth in SMC 13.16.300 within 75 days and have the work completed within 120 days.

If a side sewer has no cleanouts for access, the sewer department will only install a cleanout to provide access during regular working hours unless the situation poses significant risk to property or public health. (Ord. 2356 § 2 (part), 2011: Ord. 2077 § 1 (part), 2004)

13.16.460 Authority to inspect.
Duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter upon all properties in order to inspect, observe, measure, sample, and test effluents destined for the wastewater treatment facility. Any such intrusions will be conducted in accordance with the provisions of this chapter.

~~B. Inspection. The city shall inspect pretreatment devices on both a scheduled and unscheduled, unannounced basis to determine whether the requirements set forth in this chapter are being met. Each establishment using a pretreatment device shall allow city representatives or other duly authorized employees bearing proper credentials and identification access at all reasonable times or during normal hours of operation to all parts of the premises for the purpose of inspection, observation, records examination, measurement, sampling and testing in accordance with the provisions of the SMC. The city shall have the right to set up on any property devices necessary for conducting wastewater sampling inspection, compliance monitoring and/or metering operations. All costs for laboratory collection and analysis shall be the responsibility of the establishment. The city representative may request a business representative be present during the inspection to: open, operate, or assist in inspecting the device as required to prove operating effectiveness. During inspection at a minimum the following shall be considered:~~

~~1. Grease Interceptors/Gravity Grease Interceptors.~~

~~a. Grease interceptors shall be considered out of compliance according to the following:~~

~~i. If the average accumulation of scum, suspended solids, and sludge (measured by depth) in the device totals 25 percent of the total depth. Grease interceptors must be serviced and emptied of accumulated waste content as required to maintain a minimum design capability or effective volume, but not less than once every 90 calendar days. If a facility determines that cleaning every 90 calendar days is unnecessary in order to remain in compliance with city requirements, the facility may make a written application for a variance from the cleaning schedule;~~

~~ii. If amounts of FOG in excess of 100 ppm are evident in the effluent tee, or chamber, of the device. This will be determined by visual inspection (identifying a residue, sheen or grease bloom) or by sampling and laboratory testing;~~

~~iii. The device shall be free of foreign debris;~~

~~iv. The device and all corresponding parts and pieces shall be properly installed and in good working order (e.g., lids must open and work freely, seal must be in good condition, threads on bolts and nuts must work freely and fasten properly);~~

~~b. Sanitary wastes cannot be introduced into the grease interceptor;~~

~~c. Any facility that has a grease interceptor shall utilize a licensed disposal company to clean the interceptor and dispose of the waste;~~

~~d. Wastes removed from a grease interceptor shall be disposed of at a facility permitted to receive such waste in accordance with all city, county, state and federal regulations. Grease, solids, or liquids removed from pretreatment devices shall not be returned to any grease interceptor, private sanitary sewer line, any portion of the sanitary sewer collection system or any portion of the stormwater system;~~

~~e. Flushing the grease interceptor with large quantities of water in an effort to cause accumulated grease to pass through is prohibited;~~

~~f. No debris, equipment supplies, or storage units or any other materials shall be stacked or placed within a three-foot radius of the grease interceptor's access lids or sampling ports.~~

~~2. Grease Traps/Hydromechanical Grease Interceptors.~~

~~a. Grease traps shall be considered out of compliance according to the following:~~

~~i. If the average accumulation of scum, suspended solids and sludge (measured by depth) in the device totals 15 percent of the total depth. Grease traps must be serviced and emptied of accumulated waste contents as required to maintain a minimum design capability or effective volume, but not less than once every 90 calendar days. If a facility determines that cleaning every 90 calendar days is unnecessary in order to remain in compliance with city requirements, the facility may make a written application for a variance from the cleaning schedule;~~

~~ii. If amounts of FOG in excess of 100 ppm are evident in the effluent tee, or chamber, of the device. This will be determined by visual inspection (identifying a residue, a sheen, or grease bloom) or by sampling and laboratory testing;~~

~~iii. The device shall be free of foreign debris;~~

~~iv. The device and all corresponding components shall be properly installed and in good working order (e.g., lids must open and work freely, seals must be in good condition, threads on bolts and nuts must work freely and fasten properly);~~

~~b. Sanitary wastes cannot be introduced into the grease trap/hydromechanical interceptor;~~

~~c. Any facility that has a grease trap may utilize a licensed disposal company or employee, to clean the interceptor and dispose of the waste properly. These disposal methods include:~~

~~i. Absorbing liquids with the proper materials.~~

~~ii. Storing the removed materials in a lead proof container and disposing of them in a sanitary landfill.~~

~~iii. Recycling the removed materials with a licensed disposal or recycling contractor;~~

~~d. Wastes removed from a grease trap shall be disposed of in accordance with all city, county, state and federal regulations. Grease, solids or liquids removed from pretreatment devices shall not be returned to any grease interceptor, private sanitary sewer line, any portion of the sanitary sewer collection system or any portion of the stormwater system;~~

~~e. Flushing the grease trap with large quantities of water in an effort to cause accumulated grease to pass through is prohibited;~~

~~f. No debris, equipment, supplies, storage units or any other materials shall be stacked or placed within a three-foot radius of the grease trap/hydromechanical interceptors access lids or sampling ports.~~

~~3. Oil Water Separators (OWS).~~

~~a. Oil water separators shall be considered out of compliance according to the following:~~

~~i. If the average accumulation of oils, suspended solids and sludge (measured by depth) in the device totals 15 percent of the total depth. OWS must be serviced and emptied of accumulated waste contents as required to maintain a minimum design capability or effective volume, but not less than once every 180 calendar days. If a facility determines that cleaning every 180 calendar days is unnecessary in order to remain in compliance with city requirements, the facility may make a written application for a variance from the cleaning schedule.~~

~~ii. If amounts of FOG in excess of 100 ppm are evident in the effluent tee or chamber of the device. This will be determined by visual inspection (identifying a residue, a sheen or grease bloom) or by sampling and laboratory testing.~~

~~iii. The device shall be free of foreign debris.~~

~~iv. The device and all corresponding components shall be properly installed and in good working order (e.g., lids must open and work freely, seals must be in good condition, threads on bolts and nuts must work freely and fasten properly).~~

~~v. If coalescing plates or filters appear to be plugged or are otherwise not functioning.~~

~~b. Sanitary wastes cannot be introduced into the OWS.~~

~~c. Any facility that has an OWS must utilize a licensed disposal company to clean the device and dispose of the waste properly. These disposal methods include:~~

~~i. Recycling or disposing of the removed materials with a licensed disposal or recycling contractor.~~

~~d. Wastes removed from an OWS shall be disposed of in accordance with all city, county, state and federal regulations. Grease, solids or liquids removed from pretreatment devices shall not be returned to any on-site device, private sanitary sewer line, any portion of the sanitary sewer collection system or any portion of the stormwater system.~~

~~e. Flushing the OWS with large quantities of water in an effort to cause accumulated oil to pass through is prohibited.~~

~~f. No debris, equipment, supplies, storage units or any other materials shall be stacked or placed within a three-foot radius of the OWS access lids or sample ports. (Ord. 2526 § 4, 2015: Ord. 2356 § 2 (part), 2011: Ord. 2077 § 1 (part), 2004. Formerly 13.16.470)~~

13.16.470 Violation – Unauthorized tampering – Penalty.
No unauthorized person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the municipal sewage works. Any person who violates this provision is guilty of a misdemeanor and upon conviction thereof shall be punishable by up to 90 days jail/$1,000 fine. (Ord. 2356 § 2 (part), 2011: Ord. 2077 § 1 (part), 2004. Formerly 13.16.480)

13.16.480 Violation – Notification.
Any person found to be violating any provisions of this chapter except SMC 13.16.470 shall be served by the city with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations. (Ord. 2356 § 2 (part), 2011: Ord. 2077 § 1 (part), 2004. Formerly 13.16.490)

13.16.490 Violation – Continuation – Penalty.
Any person who continues any violation beyond the time limit provided for in SMC 13.16.480 is guilty of a misdemeanor, and upon conviction thereof shall be punishable by up to 90 days jail/$1,000 fine for each violation. Each day in which any such violation continues is a separate offense. (Ord. 2356 § 2 (part), 2011: Ord. 2077 § 1 (part), 2004. Formerly 13.16.500)

13.16.500 Violation – Liability.
Any person violating any of the provisions of this chapter shall become liable to the city for any expense, loss or damage occasioned the city by reason of such violation. (Ord. 2356 § 2 (part), 2011: Ord. 2077 § 1 (part), 2004. Formerly 13.16.510)