

Jefferson County
Board of Commissioners
Agenda Request

To: Board of Commissioners
Mark McCauley, County Administrator

From: Monte Reinders, P.E., Public Works Director/County Engineer 

Agenda Date: July 15, 2024

Subject: Workshop – DRAFT Sewer Utility Code for the Irondale and Port Hadlock Urban Growth Area Chapters 13.04 through 13.05 plus APPENDIX 1 of the Jefferson County Code

Statement of Issue: Public Works staff would like to workshop with the County Commissioners regarding the Sewer Utility Code proposed for the Irondale and Port Hadlock Urban Growth Area, focused on Chapters 13.04, 13.05, and Appendix 1. These Chapters and the Appendix address customer connections to the wastewater system as well as proposed rates, charges, and fees.

Analysis/Strategic Goals/Pro's & Con's: The Port Hadlock Urban Growth Area Wastewater Treatment System (PHUGA Sewer System) has been in development for multiple years. There are many components to the creation of a new utility. The design and construction of the wastewater treatment plant, low pressure sewer collection system, and on-site grinder pump connections are in progress and moving forward. In addition to the design and construction of the PHUGA Sewer System, County staff has created the proposed Sewer Utility Code. Key Chapters of the sewer code include the following sections which will be workshopped today:

- Chapter 13.04 – Connection to the PHUGA Sewer System
- Chapter 13.05 – Sewer Charges
- Appendix 1 – PHUGA Sewer System Fee Schedule

The entire Draft Proposed sewer ordinance is included as an attachment to this agenda request.

Significant work effort went into the creation of the current final draft of the sewer utility code. The code was created by researching multiple jurisdictions' sewer codes (county codes, city codes and public utility codes) and using/modifying parts of these sewer codes which best fit the PHUGA. In addition, financial analysis of sewer charges, fees, and rates were completed throughout the sewer utility code creation process. Once a draft was created, County staff began "ground truthing" the research and financial analysis through public outreach. Staff met with PHUGA community members and stakeholders in order to address the specific needs of

this community and obtain feedback. Outreach included meetings with individual property owners to review the draft proposed sewer code language, specifically the connection policy and proposed rates, fees and charges; check in meetings with county commissioners; meetings with non-profit agencies (Habitat for Humanity, Peninsula Housing Authority, OlyCAP, NW Wooden Boat School, and Bayside Housing) to discuss low-income rate programs, rates and fees, and obtain feedback; and meetings with the PUD No. 1 of Jefferson County (JPUD) on administering low-income programs and billing.

Today's workshop will be followed by additional workshop sessions or special meetings to review other sections of the draft code with the Board. The schedule for these follow-up workshops and meetings will be discussed today. The goal is to have the ordinance adopted in the September/October timeframe.

Fiscal Impact/Cost Benefit Analysis: Adoption of the Sewer Code will result in policies, rates, charges, and fees that are intended to support business growth and encourage affordable housing while also supporting operations and maintenance of the wastewater system. As has been previously discussed, there will be a need for additional revenue from the County to offset operations costs in the early years of sewer startup as the customer base builds up.

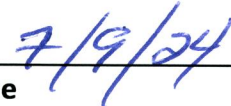
Recommendation: Public Works would like feedback from the Board of County Commissioners regarding Sewer Code Chapters 13.04 and 13.05, and Appendix 1.

Department Contact: Samantha Harper, P.E., Wastewater Project Manager, ext. 175.

Reviewed By:



Mark McCauley, County Administrator



Date

**STATE OF WASHINGTON
COUNTY OF JEFFERSON**

**An Ordinance Adopting a Sewer Utility Code
for the Port Hadlock Urban Growth Area,
with New Chapters 13.01, 13.02, 13.03, 13.04,
13.05, 13.06, 13.07, 13.08, and 13.09 of the
Jefferson County Code and Amending JCC
2.30.080 and JCC 19.10.010**

ORDINANCE NO. _____

WHEREAS, RCW [36.94.020](#) authorizes Jefferson County to construct, operate and maintain, conduct, and operate systems of sanitary sewerage, and grants Jefferson County the authority to control, regulate, operate, and manage such systems of sanitary sewerage; and,

WHEREAS, the [Washington Constitution](#), Article XI, Section 11, confers upon county legislative authorities the police power to adopt regulations necessary to protect the health, safety, and well-being of its residents; and,

WHEREAS, RCW [36.32.120\(7\)](#) provides that the county legislative authorities shall make and enforce, by appropriate resolutions or ordinances, all such police and sanitary regulations as are not in conflict with state law; and,

WHEREAS, local governments have considerable latitude in exercising police powers through enacting reasonable regulations. A regulation is reasonable if it promotes public safety, health, or welfare, and bears a reasonable and substantial relation to accomplishing the purpose being pursued; and,

WHEREAS, detailed planning for the designation of an Irondale Port Hadlock Urban Growth Area (“PHUGA”) in compliance with the requirements of the Growth Management Act (“GMA”) started and has been ongoing since the adoption of the first Jefferson County GMA Comprehensive Plan in 1998; and,

WHEREAS, development of a sewer system is required to provide urban services in the PHUGA so that urban development may occur, as required by RCW [36.70A.110](#) under the GMA; and,

WHEREAS, Jefferson County needs urban services to stimulate economic development and the growth of affordable housing; and,

WHEREAS, the University of Washington College of the Built Environment currently ranks Jefferson County as the second least affordable county in Washington based on median home prices compared to wages; and,

WHEREAS, the Department of Public Works developed the “Port Hadlock UGA Sewer Facility Plan” in 2008 and updated the plan in 2021 as the “Port Hadlock UGA Sewer Facility Plan Update;” and,

WHEREAS, the “Port Hadlock UGA Sewer Facility Plan” has been adopted as an element of Jefferson County’s comprehensive plan, consistent with RCW [36.94.030](#); and,

WHEREAS, the Port Hadlock UGA Sewer Facility Plan, as updated, meets the Washington Administrative Code (“WAC”) requirements for comprehensive sewer plans and engineering reports (*see* WAC [173-240-050](#) and WAC [173-240-060](#)), and the requirements for facility plans established in the Code of Federal Regulations (“CFR”) (*see* 40 CFR Part [35.2030](#)); and,

WHEREAS, through the tireless efforts of many individuals, including local, state and federal elected officials; the department of public works director Monte Reinders, and other employees of Jefferson County, sufficient funding was secured by Jefferson County to develop the PHUGA sewer system; and,

WHEREAS, the development of the Port Hadlock UGA sewer system (“PHUGA sewer system”) is consistent with Goal CF-6 of the Jefferson County Comprehensive Plan Goal CF-G-6, which states: “Promote sanitary sewer systems that accommodate growth, are cost-effective to construct and operate, and are consistent with the Comprehensive Plan; and,

WHEREAS, the PHUGA sewer system is being installed in Port Hadlock; and,

WHEREAS, to become operational, the Board of County Commissioners needs to adopt a sewer utility code; and,

WHEREAS, RCW [36.94.130](#) authorizes the board of county commissioners to adopt by reasonable rules and regulations governing the construction, maintenance, operation, use, connection and service of the system of sanitary sewerage; and,

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Jefferson County, Washington as follows:

Section 1. Whereas Clauses are Findings of Fact. The Whereas clauses above are findings of fact for this ordinance.

Section 2. Purpose. The purpose of adoption of the PHUGA sewer utility code is to:

- (1) Provide for the planning, design, construction, use, maintenance, repair, improvement, extension, replacement, and inspection of the PHUGA sewer system;
- (2) Establish programs and regulations to provide for the appropriate use of the PHUGA sewer system;
- (3) Provide for the enforcement of the provisions of this code;
- (4) Provide for the adoption of engineering standards, county manuals, and technical specifications;
- (5) Provide for and promote the health, safety, and welfare of the general public;
- (6) Establish charges for constructing, operating, and maintaining the PHUGA sewer system; and,
- (7) Provide for appeals of certain decisions of the Director of Public Works.

Section 3. Adoption of PHUGA Sewer Utility Code. The PHUGA sewer utility code as set out in Appendix A is hereby adopted.

Section 4. Miscellaneous Amendments. Miscellaneous amendments to implement the PHUGA sewer utility code to JCC [2.30.080](#) and JCC [19.10.010](#) as set out in Appendix B are hereby adopted.

Section 5. SEPA Compliance.

In 2009, the County incorporated the Port Hadlock UGA Sewer Facility Plan (2008) (“Sewer Plan”) into the County’s Comprehensive Plan Capital Facilities Element (“CFE”) to comply with the Growth Board’s decision finding noncompliance with the County’s Urban Growth Area (“UGA”) and GMA capital facilities planning. Ordinance No. [03-0323-09](#) (Re: MLA09-00024, UGA Final Compliance Action). Ordinance No. [03-0323-09](#) states:

WHEREAS, Jefferson County issued an Addendum document pursuant to the Washington State Growth Management Act and State Environmental Policy Act (SEPA) on February 4, 2009, which is hereby incorporated by reference;

WHEREAS, the SEPA Responsible Official at the Department of Community Development has determined that existing environmental documents, augmented by the integrated SEPA Addendum, provide adequate environmental review to satisfy the requirements of WAC 197-11-600;

Ordinance No. [03-0323-09](#) at 3.

4. The Department of Public Works and Community Development have drafted a feasible financing plan for a sanitary sewer system for the first six years, have completed sound engineering for effluent discharge that will not harm the environment, and have provided for the economic needs of the local population, now and into the future.

Ordinance No. [03-0323-09](#) at 4.

6. The following environmental documents have been adopted pursuant to SEPA administrative rules:

- Draft and Final Environmental Impact Statements (DEIS/FEIS) and addenda prepared in anticipation of adoption of the Comprehensive Plan in 1998. The DEIS and FEIS are dated February 24, 1997 and May 27, 1998, respectively, and examined the potential cumulative environmental impacts of adopting alternative versions of the Comprehensive Plan.
- Draft and Final Supplemental EIS (DSEIS/FSEIS) and addenda for the Comprehensive Plan 1999 Amendments, also known as Tasks III and IV of the Tri-Area / Glen Cove Special Study. The DSEIS and FSEIS are dated June 30, 1999 and August 18, 1999, respectively, and examined the potential environmental impacts of adopting one of the identified planning alternatives for the Tri-Area of Chimacum-Port Hadlock-Irondale and the Glen Cove mixed use area.

- DCD Integrated Staff Report and DSEIS/FSEIS for the 2002, 2003, 2004, 2005 and 2006 Comprehensive Plan Amendment Dockets. Amidst other information, the adopted documents provide background and analysis on the designation of a UGA in the Irondale & Port Hadlock area.
- DCD Integrated GMA/SEPA Staff Report dated February 21, 2007.
- DCD Integrated GMA/SEPA Staff Report dated February 4, 2009.

Ordinance No. [03-0323-09](#) at 4-5. As amended, the Comprehensive Plan incorporated the entire Sewer Plan and it was added as an Appendix to the CFE. Ordinance No. [03-0323-09](#) at 83. A copy of the SEPA checklist was included in the Sewer Plan—Environmental Report and SEPA Checklist. Details from the Sewer Plan were directly incorporated into the Comprehensive Plan’s 6-year CFP. Ordinance No. [03-0323-09](#) at 79.

The Sewer Plan is an engineering document; however, in addition to the engineering specifications it adopted a 6-year and 20-year financing plan to implement the 2008 Sewer Plan or its alternatives. *Id.* The Growth Board found that the County’s CFE, Capital Facilities Plan (“CFP”), and Sewer Plan’s met GMA planning requirements with a financing plan, service areas, phasing, component details, and consistency. *Irondale Community Action Neighbors (ICAN) et al. v. Jefferson County*, WWGMHB No. 07-2-0012c, at 7-10 ([Compliance Order](#), May 1, 2009).

The Sewer Plan was updated in 2021. [Port Hadlock UGA Sewer Facility Plan Update and Appendices](#) (Feb. 2021). The revisions to the Sewer Plan mostly related to funding, engineering specifications (low pressure system with grinders), and minor modifications to the core service area. The revisions allowed the County to implement sewerage the core service area within six years. A Comprehensive Plan Amendment (MLA20-00102) was adopted for the updated Sewer Plan in Ordinance No. [01-0426-21](#), when the 2020 Comprehensive Plan Docket was approved. Ordinance No. [01-0426-21](#) included a SEPA review through a staff issued Addendum to the 1998 Draft and Final Jefferson County Comprehensive Plan Environmental Impact Statements (“EIS”) and subsequent Supplement EISs, and a SEPA Checklist and Addendum that addressed the 2020 Docket items, including the proposed revisions to the Comprehensive Plan. Ordinance No. [01-0426-21](#) at 2.

The County published a SEPA Addendum on February 28, 2021. The SEPA Addendum and supporting SEPA Environmental Checklists provide additional information relating to the Jefferson County Final Environmental Impact Statement (“Final EIS”), May 27, 1998 and associated SEPA documents. These SEPA documents were adopted and the additional information was determined not to involve significant new impacts. A Determination of Significance and Notice of Adoption was published on February 28, 2021. Ordinance No. [01-0426-21](#) at 8.

An agency may use previously prepared environmental documents to evaluate proposed actions, alternatives, or environmental impacts. The proposals may be the same as or different than those analyzed in the existing documents (WAC 197-11-600(2)). These documents are listed in response to Question 8 of the SEPA Environmental Checklist and in the Addendum and were adopted in association with the Comprehensive Plan and development regulations adopted in Ordinance No. [01-0426-21](#). This ordinance is within the scope of the previous EIS documents and the February 28, 2021 Determination of Significance and Notice of Adoption.

Section 10. Effective Date: This ordinance shall take effect immediately upon adoption.

(SIGNATURES FOLLOW ON NEXT PAGE)

DRAFT

ADOPTED this ____ day of _____ 2024.

JEFFERSON COUNTY
BOARD OF COUNTY COMMISSIONERS

SEAL:

Kate Dean, Chair

Greg Brotherton, Member

ATTEST:

Heidi Eisenhour, Member

APPROVED AS TO FORM:

Carolyn Gallaway, Date
Clerk of the Board

Philip C. Hunsucker, Date
Chief Civil Deputy Prosecuting Attorney

APPENDIX A

**SEWER UTILITY CODE FOR
THE IRONDALE AND PORT HADLOCK URBAN GROWTH AREA**

Chapters 13.01 through 13.09 of the Jefferson County Code

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Table of Contents

Chapter 13.01 General Provisions

Sections:

- 13.01.010 Port Hadlock UGA sewer utility created.
- 13.01.020 Purpose.
- 13.01.030 Construction and Severability.
- 13.01.040 Minimum requirements and conflict of provisions.
- 13.01.050 Responsibilities of the sewer utility.
- 13.01.060 County not liable for damages.

Chapter 13.02 Definitions

Sections:

- 13.02.005 Interpretation of terms- general rules.
- 13.02.010 "A" definitions.
- 13.02.020 "B" definitions.
- 13.02.030 "C" definitions.
- 13.02.040 "D" definitions.
- 13.02.050 "E" definitions.
- 13.02.060 "F" definitions.
- 13.02.070 "G" definitions.
- 13.02.080 "H" definitions.
- 13.02.090 "I" definitions.
- 13.02.100 "J" definitions.
- 13.02.110 "K" definitions.
- 13.02.120 "L" definitions.
- 13.02.130 "M" definitions.
- 13.02.140 "N" definitions.
- 13.02.150 "O" definitions.
- 13.02.160 "P" definitions.
- 13.02.170 "Q" definitions.
- 13.02.180 "R" definitions.
- 13.02.190 "S" definitions.
- 13.02.200 "T" definitions.
- 13.02.210 "U" definitions.
- 13.02.220 "V" definitions.
- 13.02.230 "W" definitions.
- 13.02.240 "X" definitions.
- 13.02.250 "Y" definitions.
- 13.02.260 "Z" definitions.

Chapter 13.03 Authority and Relationship to Plans

Sections:

- 13.03.010 Authority.
- 13.03.020 Technical standards and specifications incorporated by reference.

Chapter 13.04 Connection to PHUGA Sewer System

Sections:

- 13.04.010 Connection-when required or permitted.
- 13.04.020 Mobile home park requirements.
- 13.04.030 PHUGA sewer system extension.
- 13.04.040 Sewer connection permit required for connection.
- 13.04.050 Exception to sewer connection requirement.
- 13.04.060 Sewer easements required as a condition of sewer connection permit.
- 13.04.070 Construction or alteration of PHUGA sewer system components – requirements.
- 13.04.080 Location of building sewer and side sewer connection.
- 13.04.090 Work in WSDOT or county right of way.
- 13.04.100 Inspection of work by director.
- 13.04.110 Ownership and maintenance of PHUGA sewer system components.
- 13.04.120 Disconnecting from the PHUGA sewer system.

Chapter 13.05 Sewer Charges

Sections:

- 13.05.005 Purpose.
- 13.05.010 Establishment of PHUGA sewer system customer charges.
- 13.05.020 Annual fee adjustment.
- 13.05.030 Discounted charges for sewer service for qualifying customers.
- 13.05.040 Billing methodology.
- 13.05.050 Determination of monthly user charges.
- 13.05.060 High-strength wastewater charge.
- 13.05.070 System development charge.
- 13.05.075 Waiver or deferral of system development charge (“SDC”) for low-income housing.
- 13.05.080 Other charges.
- 13.05.090 Special assessments.
- 13.05.100 Delinquent payment – interest and liens.
- 13.05.110 Periodic Fee Review.

Chapter 13.06 Discharge Restrictions, Pretreatment Requirement, and Prohibited Waste Discharge Permits

Sections:

- 13.06.010 Industrial and commercial pretreatment of discharge required.
- 13.06.020 Discharge limitations.
- 13.06.025 Grease traps and grease interceptors.
- 13.06.030 Pretreatment requirements.
- 13.06.035 Standards and conditions for discharge of industrial wastewater, chemicals of concern, or prohibited wastes.
- 13.06.040 Inspection to ascertain character of wastewater.
- 13.06.050 Discharge from mobile tanks.
- 13.06.060 Violator liable for costs.

Chapter 13.07 Enforcement and Remedies for Misuse of PHUGA Sewer System

Sections:

- 13.07.010 Violations and remedies.
- 13.07.020 Enforcement authority.
- 13.07.030 Action authorized pursuant to Title [19](#) JCC.
- 13.07.040 Administrative fines and penalties.
- 13.07.050 Civil liability for removal of unauthorized connections or taps.
- 13.07.060 Civil liability of dischargers for expenses and fines for violations of permits issued to the PHUGA sewer system utility caused by them.
- 13.07.070 Administrative appeal.
- 13.07.090 Criminal penalties.
- 13.07.090 Remedies nonexclusive.

Chapter 13.08 Assessment Reimbursement Areas and Latecomer Agreements

Sections:

- 13.08.010 Authority and purpose.
- 13.08.020 Applicability.
- 13.08.030 Application – contents and requirements.
- 13.08.040 Review and approval of application for utility system improvement.
- 13.08.050 Preliminary determination.
- 13.08.060 Preliminary determination notice.
- 13.08.070 Latecomer agreement.
- 13.08.080 Execution, notice, and recording.
- 13.08.090 Construction – final costs and conveyance.
- 13.08.100 Defective work.
- 13.08.110 Payment of latecomer assessments – remittance to developer.
- 13.08.120 Segregation.
- 13.08.130 Term of latecomer agreements.
- 13.08.140 County fees.
- 13.08.150 Appeal.
- 13.08.160 Enforcement of latecomer obligations.
- 13.08.170 County participation authorized.
- 13.08.180 Interpretation and consistency with state law.

Chapter 13.09 APPEALS

Sections:

- 13.09.010 Applicability.
- 13.09.015 Appeal procedures in this Chapter to be supplemented by Title [19](#) JCC.
- 13.09.020 Appeal and administrative hearing officer.
- 13.09.030 Service of administrative hearing notice.
- 13.09.040 Administrative hearing procedure.
- 13.09.050 Administrative hearing decision.
- 13.09.060 Issuance of administrative hearing decision.
- 13.09.070 Appeal to the hearing examiner.
- 13.09.080 Hearing examiner appeal procedure, decision, payment of costs, and judicial review.
- 13.09.090 Final decision.

Chapter 13.01 General Provisions

Sections:

- 13.01.010 Port Hadlock UGA sewer utility created.
- 13.01.020 Purpose.
- 13.01.030 Construction and Severability.
- 13.01.50 Minimum requirements and conflict of provisions.
- 13.01.050 Responsibilities of the sewer utility.
- 13.01.060 County not liable for damages.
- 13.01.070 Operator of the Port Hadlock UGA sewer utility

13.01.010 Port Hadlock UGA sewer utility created.

- (1) RCW [36.94.020](#) authorizes counties to provide sewer service.
- (2) The board of county commissioners establishes a sewer utility for the Port Hadlock UGA, for the purpose of developing, operating, and maintaining the PHUGA sewer system.
- (3) The sewer utility governed by this division of the Jefferson County code shall be known as the Port Hadlock UGA Sewer System Utility (“PHUGA sewer system utility”).
- (4) The PHUGA sewer utility shall be developed, operated, and maintained in a manner consistent the Port Hadlock UGA Sewer Facility Plan (2008), as periodically updated.
- (5) Chapters 13.01 through 13.09 of the Jefferson County Code shall be known as the “PHUGA sewer utility code.”
- (6) This PHUGA sewer utility code is enacted pursuant to the police power of Jefferson County, a political subdivision of the State of Washington, as set forth in article 11, section 11 of the Washington State Constitution, to protect the public health, safety, and welfare of the citizens of Jefferson County and Chapter [36.94](#) RCW.

13.01.020 Purpose.

The purpose of this PHUGA sewer utility code is to:

- (1) Provide for the planning, design, construction, use, maintenance, repair, improvement, extension, replacement, and inspection of the PHUGA sewer system;
- (2) Establish programs and regulations to provide for the appropriate use of the PHUGA sewer system;
- (3) Provide for the enforcement of the provisions of this PHUGA sewer utility code;
- (4) Provide for the adoption of engineering standards, county manuals, and technical specifications;
- (5) Provide for and promote the health, safety, and welfare of the general public;
- (6) Establish charges for constructing, operating, and maintaining the PHUGA sewer system; and,
- (7) Provide for appeals of certain decisions of the director of the department of public works.

13.01.030 Construction and Severability.

- (1) Liberally construed. The provisions of this PHUGA sewer utility code shall be liberally construed to accomplish the purposes of this PHUGA sewer utility code as enumerated in JCC 13.01.020.

(2) Severability. If any provision of this PHUGA sewer utility code, engineering standards, or related manuals, or its application to any person or circumstance, is determined to be invalid by a court of competent jurisdiction, all other provisions of the code, engineering standards, or related manuals, or the application of the provision to other person or circumstances are not affected. Any offending provision of the code, engineering manual, or related manuals shall be severable from the remainder.

13.01.040 Minimum requirements and conflict of provisions.

(1) The requirements of this PHUGA sewer utility code are the minimum requirements for the use and management of the PHUGA sewer system, and shall not be construed to prevent the enforcement of more stringent standards imposed by other federal, state, or local law and regulations.

(2) Should a conflict occur between the provisions of this code, the engineering standards or manuals adopted by the county in relation to this code, the most restrictive requirement shall be applied, except when constrained by federal, state, or local law.

13.01.050 Responsibilities of the sewer utility.

The PHUGA sewer system utility is responsible for providing service to customers within the Port Hadlock UGA, subject to the requirements of this PHUGA sewer utility code, other provisions of the Jefferson County Code, and applicable state and federal law. The responsibilities of the utility include the following:

- (1) Development of a comprehensive sewer plan for the PHUGA sewer system;
- (2) Collection, treatment, and disposal of domestic, commercial, and industrial wastewater in accordance with federal and state regulations;
- (3) Establishment of charges for collection, treatment, and disposal of wastewater that provide adequate revenue for administration, operation, and maintenance of the PHUGA sewer system; and,
- (4) Provision for customer billing services and processes that are fair, equitable, and in compliance with accepted accounting principles.

13.01.060 County not liable for damages.

(1) The county shall not be liable for damages for loss of production, sales, or service if the PHUGA sewer system fails or is curtailed, suspended, interrupted or interfered with, for any cause reasonably beyond the county's control. Such failure, curtailment, suspension, interruption, or interference shall not be held to constitute a breach of contract on the part of the county, or in any way affect any liability for payment for PHUGA sewer system services made available or for money due on or before such occurrence.

(2) Nothing contained in this code is intended nor shall be construed to create or form the basis for any liability on the part of the county, its officers, employees, or agents, for any injury or damage resulting from the failure of property owners or responsible parties to comply with the provisions of this code, engineering standards, related manuals, technical specifications, or enforcement orders under Title [19](#) JCC related to this code.

13.01.070 Operator of the Port Hadlock UGA sewer utility.

The department under the direction of the director shall operate the PHUGA sewer utility. The director, with the concurrence of the board of county commissioners may enter into agreements with other persons for the operation of the PHUGA sewer utility.

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Chapter 13.02 Definitions

Sections:

- 13.02.005 Interpretation of terms- general rules.
- 13.02.010 “A” definitions.
- 13.02.020 “B” definitions.
- 13.02.030 “C” definitions.
- 13.02.040 “D” definitions.
- 13.02.050 “E” definitions.
- 13.02.060 “F” definitions.
- 13.02.070 “G” definitions.
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- 13.02.090 “I” definitions.
- 13.02.100 “J” definitions.
- 13.02.110 “K” definitions.
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- 13.02.180 “R” definitions.
- 13.02.190 “S” definitions.
- 13.02.200 “T” definitions.
- 13.02.210 “U” definitions.
- 13.02.220 “V” definitions.
- 13.02.230 “W” definitions.
- 13.02.240 “X” definitions.
- 13.02.250 “Y” definitions.
- 13.02.260 “Z” definitions.

13.02.005 Interpretation of terms - general rules.

The following rules apply to interpretation of words as used in this PHUGA sewer utility code:

- (1) All words shall have their normal and customary meanings, unless specifically defined otherwise in this Chapter;
- (2) Any gender-specific term shall be interpreted as if it is male, female, or neutral gender;
- (3) Any term phrased in the plural shall also be interpreted to mean the singular, and any singular term shall be interpreted to also mean the plural; and,
- (4) The present tense shall include the future.

13.02.010 “A” definitions.

“Accessory dwelling unit” or “ADU” has the same meaning as in JCC [18.10.010](#).

“Aggrieved person” means a person who received an adverse decision by the director on decisions listed in JCC 13.07.060.

“Applicant” means a person who applies for a permit to connect to the PHUGA sewer system.

“Assessment” means a fee to be paid by the property owner for the cost of private construction of PHUGA sewer system improvements for property within an assessment reimbursement area.

“Assessment Reimbursement Area” means that area within the Port Hadlock UGA, which includes all parcels or real property likely to require connection to or service by PHUGA sewer system improvements constructed by a developer and the county.

13.02.020 “B” definitions.

“Base rate” means the fixed portion of the monthly charge that does not vary with the amount of water usage described in JCC 13.05.040.

“Biosolids” means primarily organic solids produced by treatment processes that can be beneficially recycled.

“Biological Oxygen Demand” or “BOD.” means biochemical oxygen demand, which is the quantity of oxygen utilized in the biochemical oxidation of organic matter in five days at twenty degrees Celsius under standard laboratory procedure expressed in milligrams per liter. A single-family residence is generally considered to have a BOD of less than or equal to 300 mg/l.

“Boundary” for purposes of Chapter 13.09 JCC means the geographical limits of property to be included in a proposed local improvement district.

“Building drain sewer” means the piping of a sewage system which extends from structure to the grinder pump tank.

“Building permit” is a permit issued by the department of community development authorizing the construction, installation, repair, or remodel of a structure on a property.

13.02.030 “C” definitions.

“Campground” means a facility in which one or more sites are offered for persons using tents or other personal, portable overnight shelters.¹

“Clean Water Act” means the federal Clean Water Act (33 U.S.C. §§ [1251](#) *et seq.*), as currently enacted or as later amended,

“Clear, cogent and convincing evidence” means evidence that Clear, cogent, and convincing evidence exists when the element has been shown by the evidence to be highly probable. Proof by clear, cogent, and convincing evidence requires a greater showing than is required under the “preponderance of the evidence” standard that is used in many civil cases. Preponderance of the evidence exists when an element has been shown to be more probably true than not true. On the other hand, proof by clear, cogent, and convincing evidence does not require as great a showing

¹ This definition was adapted from the definition of “campground and camping facilities” in JCC 18.10.030.

as is required under the “reasonable doubt” standard used in criminal cases. Reasonable doubt means such a doubt as exists in the mind of a reasonable person after fully, fairly, and carefully considering all the evidence or lack of evidence. “Preponderance of the evidence” and “beyond a reasonable doubt” are defined here solely to aid in understanding the meaning of “clear, cogent, and convincing” evidence.

“CFR” means the federal Code of Federal Regulations, as currently enacted or as later amended.

“Community action agency” means a private corporation or public agency established pursuant to the Economic Opportunity Act of 1964, Pub. L. 88-452, which is authorized to administer funds received from Federal, State, local, or private funding entities to assess, design, operate, finance, and oversee antipoverty programs, which is part of the community action agency network pursuant to RCW [43.63A.115](#).

“Contractor” means a person that is bonded and licensed by the State of Washington as a general contractor, and that, in addition to other types of construction skills, is capable of the following: constructing, installing, repairing, excavating, and connecting building sewers, grinder pumps and tanks (along with their control box and electrical connection), side sewers (connecting from the grinder pump tank into the pressure sewer system), and decommissioning of an existing on-site sewage system.

“Cost of construction” for purposes of Chapter 13.09 JCC means those costs incurred for permit charges, design, acquisition of right-of-way and easements, sewer easements, labor, materials and installation required to create PHUGA sewer system improvements.

“County” means Jefferson County, Washington.

“Customer” means a property owner or tenant who is receiving service from a connection to the PHUGA sewer system.

13.02.040 “D” definitions.

“Department” means the Jefferson County department of public works.

“Development” means any new, remodeled or improved structure that requires a new wastewater system or the expansion of existing wastewater treatment and disposal. Development also includes any new use or change of use for which the JCC requires connection to the PHUGA sewer system.

“Developer” means a person that contracts with the county for the construction of PHUGA sewer system improvements that are required for further development of real property. For the avoidance of doubt, “developer” may include a property owner.

“Director” means the director of Jefferson County Department of Public Works or their designee.

“Disconnect box” means an electronic shut off switch located between the property owner’s electrical panel and PHUGA sewer utility electric grinder pump control panel.

“Discharge” means any addition of a solid, liquid, or gaseous substance to the PHUGA sewer system (other than infiltration or inflow), whether intentional or unintentional, and includes, but is not limited to: spilling, leaking, pumping, pouring, emitting, emptying, or dumping from any point source.

“Disposal” means discharging, discarding, or abandoning any substance to PHUGA sewer system.

“Duplex” has the same meaning as in JCC [18.10.040](#).²

“Dwelling unit” has the same meaning as in JCC [18.10.040](#).³

13.02.050 “E” definitions.

“Easement” means an acquired, nonpossessory interest in land owned by another party.

“Effluent” means the discharge from the PHUGA sewer system.

“Electrical panel” means an enclosed box that contains important electrical components for a property, which must be connected to the grinder pump control panel to establish a sewer connection.

“Equivalent residential unit” or “ERU” means a wastewater service unit which is substantially equivalent to an average single-family residence in wastewater volume output, quality and strength of the discharge, and function.

13.02.060 “F” definitions.

“Failing” of an on-site sewage system means that in the opinion of the county department of public health, an on-site sewage system (“OSS”) threatens the public health or environment by inadequately treating sewage or by creating a potential for direct or indirect human contact between sewage, as specified by Chapter [8.15](#) JCC and Chapter [246-272A](#) WAC. Examples of a failing on-site sewage system include, but are not limited to:

- (1) Sewage on the surface of the ground;
- (2) Sewage backing up into a structure caused by slow soil absorption of an on-site sewage system discharge;
- (3) Sewage leaking from an on-site sewage tank or collection system;
- (4) Cesspools or seepage pits where evidence of groundwater or surface water quality degradation exists;
- (5) Inadequately treated effluent contaminating groundwater or surface water; or,
- (6) Noncompliance with standards required on an on-site sewage system permit.

(WAC [246-272A-0010](#)).

“Food manufacture and processors” or “FMP” means those manufacturing facilities primarily engaged in manufacturing or processing food, either for human or nonhuman (pets, livestock, etc.)

² JCC [18.10.040](#) says, “Duplex. (See ‘Dwelling unit, two-family.’)” “‘Dwelling unit, two-family’ (duplex) means a single structure containing two dwelling units.”

³ JCC [18.10.040](#) says, “‘Dwelling unit’ means one or more rooms or structures designed for occupancy by an individual or family for living and sleeping purposes, containing kitchen facilities and rooms with internal accessibility, for use solely by the dwelling’s occupants.”

consumption. Manufacturers or processors include, but are not limited to, dairies; creameries; slaughterhouse, meat processing, and packing facilities; industrial bakeries; condiment producers; salad dressing producers; cooking oil facilities; canning facilities; and, any other commercial or industrial structure that discharges fats, oils, or grease (“O&G”) into the PHUGA sewer system.

“Food service establishments” or “FSE” means those establishments engaged in the activity of preparing, serving, or otherwise making food available for consumption by humans, which use one or more of the following preparation methods: cooking by frying (all methods), baking (all methods), grilling, sautéing, rotisserie cooking, broiling (all methods), boiling, blanching, roasting, toasting, infrared heating, searing, barbecuing, and any other method of food preparation that produces or may produce hot, non-drinkable food product in or on a receptacle that requires washing. These establishments include, but are not limited to, restaurants, bakeries, commercial kitchens, caterers, hotels, schools, religious institutions, hospitals, prisons, correctional facilities, and care institutions.

13.02.070 “G” definitions.

“Garage” means a covered structure designed to provide shelter for vehicles, which is accessory to a single-family residence or a duplex.⁴

“Garbage” means putrescible material resulting from the preparation and consumption of food except body waste, swill and animal carcasses.

“Grease trap or interceptor” means a filter or tank designed to remove excess grease, fats, and oils from the wastewater stream for operations, such as restaurant operations. There are two types of devices that remove fats, oils, and grease (“O&G”): a “grease trap” that is typically located under a sink, and a “grease interceptor” that is usually a larger concrete tank located outside the establishment. The applicable county-adopted state plumbing code in Title [15](#) JCC will specify the type of device that will be required for the particular use in need of O&G removal.

“Grinder pump” means a pump located for a service connection that grinds any solids within wastewater, and then pumps the liquid and ground solids into the PHUGA sewer system.

“Grinder pump control panel” means a grinder pump’s centralized electric components that provide electrical coordination for system operation.

“Grinder pump system” means a grinder pump and tank, and a side sewer from the grinder pump tank to the pressure sewer system, along with the electrical system necessary to power operation of the grinder pump system.

“Grinder pump tank” means a tank that contains a grinder pump.

13.02.080 “H” definitions.

“Hazardous substance” means any hazardous substance as defined in RCW [70A.305.020](#)(13).

⁴ Adapted from Spokane Municipal Code [17A.020.070](#).

“High strength wastewater” means any sewage containing contaminants at concentrations greater than normal domestic wastewater, including wastewater with expected discharges of BOD or TSS of greater than 300 mg/L; or, O&G of greater than 50 mg/L.

“Housing authority” means a housing authority created by a city or a county pursuant to RCW [35.82.030](#). Pursuant to RCW [35.82.080](#), a housing authority must fix the rentals for low-income dwelling accommodations at the lowest possible charges consistent with its providing decent, safe and sanitary dwelling accommodations, and no housing authority shall construct or operate any such project for profit, or as a source of revenue to the city or the county. A housing authority is a separate legal entity from the city or county that creates it and its powers are limited to those listed in RCW [35.82.070](#) with its own board of directors, manager and staff.

13.02.090 “I” definitions.

“Industrial waste” means a liquid, solid or gaseous substance, or combination thereof, resulting from any process of industry, manufacturing, food or liquid processing, business, trade or research, including the development, recovering or processing of natural resources. “Industrial waste” includes garbage, but does not include wastewater or storm drainage.

“Inspector” means any employee or representative of the department designated by the director to inspect sewer construction, operation or maintenance.

13.02.100 “J” definitions.

“JCC” means the Jefferson County Code, as currently enacted or as later amended.

13.02.110 “K” definitions.

[RESERVED]

13.02.120 “L” definitions.

“Latecomer agreement” means a written agreement between the county and one or more developers (as approved and executed by the director) for providing PHUGA sewer system components for partial reimbursement of the cost of construction of PHUGA sewer system improvements to the developer by property owners who benefit by the PHUGA sewer system improvements but who did not contribute to the original cost of construction, as authorized by RCW [36.94.190](#).

“Local Improvement District” or “LID” means a special assessment district formed by the county pursuant to RCW [36.94.220](#) *et seq*, for the purpose of providing a mechanism for financing PHUGA sewer system improvement through payment of assessments over time on the benefitting properties.

“Low-income person” means a single person, family, or unrelated persons living together whose adjusted individual’s or household income from all sources meets any of the following criteria:

- (1) Persons at 200 percent of poverty level based upon household size using poverty level calculations established by the state of Washington for Jefferson County or by the federal government if state calculations are not available;

- (2) Persons at or below 80 percent of the median family income adjusted for family size, for Jefferson County, as reported by the United States Department of Housing and Urban Development (“HUD”);
- (3) Persons who receive supplemental security income (“SSI”) or social security disability income (“SSDI”) pursuant to 42 U.S.C. [Chapter 7](#), as currently enacted or as later amended;
- (4) Persons who are residents of state licensed adult family homes who receive SSI or SSDI and who primarily rely on Medicaid;
- (5) Persons who live in a housing complex operated by a housing authority that received grant funding with requirements for limiting rents for low-income residents; or,
- (6) Persons who receive housing assistance pursuant to section 8 of the federal Housing Act of 1937 (42 U.S.C. [§ 1437](#)).

13.02.130 “M” definitions.

“Membrane bioreactor” (“MBR”) means a wastewater treatment process that combines the extended aeration-activated sludge process with a physical separation process using membranes immersed into aeration basins. An MBR provides a positive barrier to particulate, colloidal and dissolved solids above the 0.1-micron range, and produces Class A reclaimed water.

“Mobile home park” means any real property that is rented or held out for rent to others for the placement of two or more mobile homes, manufactured homes, park models, or a combination thereof, for the primary purpose of production of income, except where the real property is rented or held out for rent for seasonal recreational purposes only and is not intended for year-round occupancy. For purposes of this definition, all related definitions contained in RCW [59.30.020](#) apply.⁵

“Multifamily dwelling” has the same meaning as in JCC [18.10.130](#) and JCC [18.10.040](#).⁶

13.02.140 “N” definitions.

“Nonprofit organization,” whether public or private, means a corporation, or other organization recognized under the United States Internal Revenue Code as a qualified recipient of tax-deductible charitable contributions for the charitable purpose of providing low-income or affordable housing, including but not limited to organizations having received approval from the Internal Revenue Service of such status upon the filing of all forms as required for recognition as a 501(c)(3) corporation.

“Non-residential property” means any property that is not used solely for residential purposes.

“Non-residential customer” means any customer whose property is non-residential property.

⁵ This is a much better definition than the one in JCC [18.10.130](#), which does not cover manufactured homes or park models.

⁶ JCC [18.10.130](#) says, Multifamily Dwelling. (See “Dwelling unit, multiple-family.”) and JCC [18.10.040](#) says, “‘Dwelling unit, multiple-family’ means one or more structures containing three or more dwelling units.”

“Nursing/convalescent/assisted living facility” has the same meaning as in JCC [18.10.140](#).⁷

13.02.150 “O” definitions.

“O&G” (formerly referred to as “FOG”) means oil and grease, a component of wastewater typically originating from food stuffs (animal fats or vegetable oils) or consisting of compounds of alcohol or glycerol with fatty acids (soaps and lotions). Typically expressed in mg/L.

“On-site sewage system” or “OSS” or “on-site sewage systems” has the same meaning as on-site sewage system (“OSS”) in JCC [8.15.050](#).

13.02.160 “P” definitions.

“Person” means any individual, firm, company, corporation, partnership, association, society or group, and includes person as that term is defined in RCW [1.16.080](#).

“Petition” means a document signed by one or more property owners within the Port Hadlock UGA that requests that the county to form a local improvement district or “LID.”

“pH” means the negative logarithm of the concentration of hydrogen ions (H⁺) in a solution measured in standard units; pH is the intensity factor of acidity.

“PHUGA sewer manual” means the Port Hadlock UGA Sewer System Design Standards and Plans Manual, a document containing the technical and administrative requirements for the PHUGA sewer system, including specifications, details, drawings, administrative forms, connection requirements, ownership responsibilities, and other matters pertinent to connection to the PHUGA sewer system.

“PHUGA sewer system” means the Port Hadlock UGA sewer system.

“PHUGA sewer system fee schedule” means the schedule of charges for the operation of the PHUGA sewer system adopted by the board of county commissioners by resolution, pursuant to the process identified in Chapter [3.80](#) JCC, establishing the charges enacted under this PHUGA sewer utility code.

“PHUGA sewer system improvements” means PHUGA sewer system improvements, including but not limited to: right-of-way easements, sewer easements, design, engineering, surveying, inspection, testing, connection charges, and installation as required by the county. Utility system improvements also include, but are not limited to treatment plants, low pressure sewer mains, lift stations, force mains, and telemetry systems.

“PHUGA sewer system utility” means the entity that operates the PHUGA sewer system.

“PHUGA sewer utility code” means Chapters 13.01 through 13.09 JCC.

“Point source” means any discernible, confined, and discrete conveyance, including, but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock,

⁷ [18.10.140](#) says, “‘Nursing/convalescent/assisted living facility’ means a facility or residence that provides health or long-term care services to residents, including nursing or other supportive or restorative health services on a 24-hour basis (RCW [43.190.020](#)).”

concentrated animal feeding operation, or vessel or other floating craft, from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture.

“Pollutant” means dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, and industrial, municipal, and agricultural waste discharged into the PHUGA sewer system without a required permit. This term does not include: (i) sewage from vessels exempt from regulation by States under section 312 of the Clean Water Act (33 U.S.C. [§ 1322](#)); or, (ii) dredged or fill material discharged in accordance with a permit issued under section 404 of the Clean Water Act (33 U.S.C. [§ 1344](#)).

“Port Hadlock UGA” or “PHUGA” means the Irondale and Port Hadlock Urban Growth Area established pursuant to the Jefferson County comprehensive plan and Ordinance No. [10-0823-04](#), as amended.

“Pressure sewer system” means a system of connected pipes that collects wastewater from individual properties and conveys it to the wastewater treatment plant, using grinder pump systems on individual properties.

“Pretreatment” means the treatment of wastewater from a property, including industrial or commercial operations, that generates sewage with higher strength than expected wastewater strength from most residential discharges. The method for pretreatment is determined by the Washington State Department of Ecology and the director.

“Pretreatment facility” means a facility for pretreatment of effluent.

“Process water” means non-drinkable water used in relation to industrial processes and facilities.

“Property owner” means the owner of record of a lot or parcel within the Port Hadlock UGA.

13.02.170 “Q” definitions.

[RESERVED]

13.02.180 “R” definitions.

“RCW” means the Revised Code of Washington, as currently enacted or as later amended.

“Recreational vehicle (RV)” has the same meaning as in JCC [18.10.180](#).⁸

“Recreational vehicle park” or “RV park” has the same meaning as in JCC [18.10.180](#).⁹

⁸ JCC [18.10.180](#) says, “‘Recreational vehicle (RV)’ means a vehicle designed primarily for recreational camping or travel use that has its own motive power or is mounted on or towed by another vehicle, including travel trailers, fifth-wheel trailers, folding camping trailers, truck campers, and motor homes, but not mobile homes (RCW [43.22.335](#)).)”

⁹ JCC [18.10.180](#) says, “‘Recreational vehicle park’ means a commercially developed tract of land in which two or more recreational vehicle sites are established as the principal use of the land.”

“Residential” means an occupancy that contains a kitchen, bathroom, and sleeping quarters, and is designed for use as a long- term residence, including, but not limited to: single family residences, duplexes, multifamily dwellings, apartments, congregate living facilities (non-transient) with more than 16 occupants, and mobile home parks with three or more dwelling units. Motels and hotels are not considered “residential.”

13.02.190 “S” definitions.

“Sewer connection charge” means the charge to connect to the PHUGA sewer system.

“Sewer connection permit” means a written document issued by the department which grants a person the right to connect to the PHUGA sewer system and which identifies the requirements for doing so.

“Sewer easement” means an easement that grants the department authorization to enter onto private property for the purposes of constructing and maintaining the PHUGA sewer system.

“Sewer main” means a sanitary sewer line or pressure sewer system that conveys wastewater from one or more side sewers to the PHUGA sewer system.

“Sewer service charge” means any charge authorized by this PHUGA sewer system code.

“Side sewer” means the pipe from the grinder pump tank to the PHUGA sewer system.

“Single-family residence” has the same meaning as in JCC [18.10.190](#).¹⁰

“Structure” means a permanent or temporary edifice or building or any piece of work artificially built up or composed of parts joined together in some definite manner, whether structure installed on, above, or below the surface of the ground, and which is used for human occupancy, employment, business, or recreation, and that has a need or requirement for having sewage service. For purposes of this PHUGA sewer system code, “structure” also includes but is not limited to a commercial facility, an industrial facility, a “manufactured home,” a “mobile home,” a “park trailer,” and a “recreational vehicle” as those terms are defined in RCW [43.22.335](#).

“Suspended solids” means particles that float on or are suspended in wastewater and which may be substantially removed by treatment processes, including by filtering. Suspended solids are measured in milligrams per liter.

“System development charge” or “SDC” means a fee paid by a customer for a new connection to the PHUGA sewer system or for an expansion of an existing connection’s wastewater flow or an increase in wastewater strength. An SDC is intended to: (i) capture the customer’s fair-share of the current and future capital costs of the PHUGA sewer system in place to serve the new connection or increase in volume or strength of a connection; or, (ii) represent the capital cost of new components projected by the director to meet capacity needs.

¹⁰ JCC [18.10.190](#) says, “‘Single-family residence’ means a dwelling unit designed for and occupied by no more than one family.”

13.02.200 “T” definitions.

“Technical standards and specifications” means the technical standards and specifications listed in JCC 13.03.020.

“Total suspended solids” or “TSS” means waterborne particles that exceed two microns in size. A single-family residence is generally considered to have a TSS of less than or equal to 300 mg/l.

13.02.210 “U” definitions.

[RESERVED]

13.02.220 “V” definitions.

“Volume” means the amount of wastewater that is discharged to the PHUGA sewer system as estimated by that customer’s water use records from the Jefferson County Public Utility District No. 1.

“Volume charge” means a charge based on metered domestic water usage.

13.02.230 “W” definitions.

“Wastewater” means the liquid and liquid-carried waste from structures, together with minor quantities of groundwater, stormwater and surface waters that are not intentionally admitted. “Wastewater” includes both domestic wastewater as defined in WAC [173-240-020\(4\)](#), industrial wastewater as defined in WAC [173-240-020\(8\)](#).

“WAC” means the Washington Administrative Code, as currently enacted or as later amended.

“WSDOT” means the Washington State Department of Transportation.

13.02.240 “X” definitions.

[RESERVED]

13.02.250 “Y” definitions.

[RESERVED]

13.02.260 “Z” definitions.

[RESERVED]

Chapter 13.03 Authority and Relationship to Plans

Sections:

13.03.010 Authority.

13.03.020 Technical standards and specifications incorporated.

13.03.010 Authority.

- (1) The director is vested with the authority to manage and operate the PHUGA sewer system utility.
- (2) The director may delegate their authority, or any portion of authority, as is necessary to perform the director's responsibilities and duties with respect to the PHUGA sewer system utility.
- (3) The director is authorized to negotiate and present to the board of county commissioners any interlocal agreement necessary to perform the director's responsibilities and duties for management and supervision of the PHUGA sewer system utility.
- (4) The director shall retain appropriate personnel, conduct inspections, issue appropriate sewer connection permits, maintain necessary records and files, establish and collect sewer service charges, and do or cause to be done all things necessary and proper for the administration and enforcement of this PHUGA sewer utility code.
- (5) The director shall keep and maintain records of:
 - (a) All sewer connection permits, construction drawings, and inspection reports related to installation, operation and maintenance of the PHUGA sewer system;
 - (b) All repair records, including but not limited to repair of sewer lines, sides sewers, building sewers, grinder pumps, electrical panel work, and on-site sewage system de-commissioning; and,
 - (c) Any other related construction work, equipment inventory, and other records necessary for construction, operation, and maintenance of the PHUGA sewer system.
- (6) The director is authorized to promulgate rules, policies or procedures as may be necessary to administer and enforce this PHUGA utility code, including, but not limited to administrative rules, forms, the PHUGA sewer manual and other technical manuals necessary for the function and operation of the PHUGA sewer system utility.
- (7) The director may be delegated additional authority to conduct activities as necessary to protect health and safety by motion of the board of county commissioners.

13.03.020 Technical standards and specifications incorporated by reference.

The following technical documents and standards are adopted and incorporated by reference for purposes of this PHUGA sewer system code:

- (1) Port Hadlock UGA Sewer Facility Plan (2008) and [Port Hadlock UGA Sewer Facility Plan Update](#) and [Appendices](#) (Feb. 2021), as may be amended or updated.

- (2) Port Hadlock UGA Sewer System Design Standards and Plans Manual as may be amended or updated by the director.
- (3) State of Washington, Department of Ecology, [Criteria for Sewage Works Design \(The Orange Book\)](#) (2022), as may be amended or updated.
- (4) State of Washington, Department of Ecology, [Reclaimed Water Facilities Manual \(The Purple Book\)](#) (2019), as may be amended or updated.
- (5) [Jefferson County Department of Environmental Health, On-Site Sewage System Management Plan](#) (2007), as may be amended or updated.
- (6) Jefferson County Department of Community Development, [Comprehensive Plan](#), 2018, as may be amended or updated.
- (7) Chapter [51-56](#) WAC – Uniform Plumbing Code and Uniform Plumbing Code Standards. The 2009 Edition of the Uniform Plumbing Code, published by the International Association of Plumbing and Mechanical Officials, is hereby adopted by reference with the additions, deletions, and exceptions noted in the Washington Administrative Code.
- (8) Chapter [8.15](#) JCC (on-site sewage system code).
- (9) Chapter [246.272A](#) WAC (on-site sewage system regulation).

Chapter 13.04 Connection to PHUGA Sewer System

Sections:

- 13.04.010 Connection-when required or permitted.
- 13.04.020 Mobile home park requirements.
- 13.04.030 PHUGA sewer system extension.
- 13.04.040 Sewer connection permit required for connection.
- 13.04.050 Exception to sewer connection requirement.
- 13.04.060 Sewer easements required as a condition of sewer connection permit.
- 13.04.070 Construction or alteration of PHUGA sewer system components – requirements.
- 13.04.080 Location of building sewer and side sewer connection.
- 13.04.090 Work in WSDOT or county right of way.
- 13.04.100 Inspection of work by director.
- 13.04.110 Ownership and maintenance of PHUGA sewer system components.
- 13.04.120 Disconnecting from the PHUGA sewer system.

13.04.010 Connection-when required or permitted.

(1) This section concerns areas within the Port Hadlock UGA where the PHUGA sewer system is “available” as described in JCC [18.18.060\(4\)](#), where individual properties within those areas are required or permitted to connect to the PHUGA sewer system.

(2) No existing or new residential or non-residential properties in the Port Hadlock UGA where the PHUGA sewer system is not “available” as described in JCC [18.18.060\(4\)](#) shall be required to connect to the PHUGA sewer system.

(3) The following properties within those areas of the PHUGA where the PHUGA sewer system is available and where they shall connect to the PHUGA sewer system as shown in [Table 4-1](#) below.

Table 4-1				
Properties within Port Hadlock UGA where Sewer Connection Required				
Land Use	“Adequate” ⁽¹⁾ On-Site Sewage System?	Sewer System “Available” ⁽²⁾ ?	Sewer System “Nearby” ⁽³⁾ ?	Connection Required?
Sewer Not “Available” ⁽²⁾				
Existing development	No	No	N/A	No
New development	N/A	No	N/A	No
Sewer “Available” ⁽²⁾				
Existing development	No	Yes	Yes	Yes
Existing single-family residence or duplex	Yes	Yes	Yes	No
New single-family residence or duplex	N/A	Yes	Yes	Yes
Remodeled single-family residence or duplex	Yes	Yes	Yes	No
Remodeled single-family residence or duplex	No	Yes	Yes	Yes

Table 4-1				
Properties within Port Hadlock UGA where Sewer Connection Required				
Land Use	“Adequate”⁽¹⁾ On-Site Sewage System?	Sewer System “Available”⁽²⁾?	Sewer System “Nearby”⁽³⁾?	Connection Required?
New Accessory Dwelling Unit (ADU)	Yes	Yes	Yes	No
New Accessory Dwelling Unit (ADU)	No	Yes	Yes	Yes
Garage and addition to a single-family residences without plumbing	Yes	Yes	Yes	No
Existing multifamily dwelling	Yes	Yes	Yes	Yes
New multifamily dwelling	N/A	Yes	Yes	Yes
Remodeled multifamily dwelling	Yes	Yes	Yes	Yes
Remodeled multifamily dwelling	No	Yes	Yes	Yes
Existing non-residential properties with less than 1 ERU per month average	Yes	Yes	Yes	No
Existing non-residential properties with equal to or greater than 1 ERU per month average	Yes	Yes	Yes	Yes
New non-residential properties	N/A	Yes	Yes	Yes
Remodeled non-residential properties	N/A	Yes	Yes	Yes
(1) “Adequate” means that the on-site sewage system (“OSS”) has a current inspection, is not failing, and existing flows or proposed flows resulting from a building remodel or change of use will not trigger the need for modification to the OSS as determined by the Director of the Jefferson County Department of Environmental Health. If the Director of the Jefferson County Department of Environmental Health determines that a remodel or change of use would require modification to or expansion of an OSS, then a sewer connection is required if the PHUGA sewer system is “available” and “nearby.” (2) “Available” is as described in JCC 18.18.060(4)(a): “Sewers will be considered to be available to the phased implementation area when sewer infrastructure enters a sewer phase area, according to the phased areas outlined in the Port Hadlock Sewer Facility Plan, September 2008.” When sewers are “available,” urban growth area standards in Chapter 18.18 JCC apply. JCC 18.18.060(4)(a) says: “If the proposed use or major modification is located outside of a phased sewer service area where sewers are available, then transitional rural development standards in Chapter 18.19 JCC apply.” (3) “Nearby” means: (a) For a single-family residence or a duplex, a sewer collection line must be located in a street, alley or easement that borders at least one edge of the subject property; and,				

Table 4-1				
Properties within Port Hadlock UGA where Sewer Connection Required				
Land Use	“Adequate”⁽¹⁾ On-Site Sewage System?	Sewer System “Available”⁽²⁾?	Sewer System “Nearby”⁽³⁾?	Connection Required?
(b) For a multiple-family residence of at least three or more units or any non-residential property, a sewer collection line must be located within 200 feet of the subject property, where the 200-foot distance shall be measured along the usual or most feasible route to access to the sewer collection line.				

13.04.020 Mobile home park requirements.

- (1) Pursuant to RCW [35.67.370](#), an existing mobile home park with an existing functional on-site sewage system is not required to connect to the PHUGA sewer system, unless the Jefferson County Department of Environmental Public Health determines that the on-site sewage system serving the mobile home park is failing, as defined in this PHUGA sewer utility code and WAC [272-246A-280](#).
- (2) An existing mobile home park within the PHUGA may apply for connection to the PHUGA sewer system pursuant to Chapter 13.04.040 JCC.
- (3) Any new mobile home park within the PHUGA is required to connect to the PHUGA sewer system as provided for in this Chapter.
- (4) Any expansion of or addition to a mobile home park within the PHUGA are required to connect to the PHUGA sewer system as provided for in this Chapter.

13.04.030 PHUGA sewer system extension.

- (1) Any property owner within the PHUGA may apply for a connection to the PHUGA sewer system pursuant to the requirements of this Chapter. For the following types of applications, the director will provide the applicant with an initial assessment of the viability of the application:
 - (a) A petition by property owners to form a Local Improvement District (“LID”) pursuant to Chapter 13.09 JCC; and,
 - (b) An application by a person to apply to connect to the PHUGA sewer system by providing their own funding source(s) for extension of the PHUGA sewer system collection and conveyance system, and any capacity increases in the treatment system or conveyance system necessary as a result of the expansion.
- (2) Factors that will be considered in determining whether to permit new connections to the PHUGA sewer system include:
 - (a) PHUGA sewer system capacity, including collection, conveyance, and MBR capacity;
 - (b) Ability to treat and dispose of proposed of high strength wastewater or accommodate need for pretreatment;

(c) Whether the applicant can demonstrate in their application the feasibility of extension by submitting the following:

(i) The exact location of the extension;

(ii) Engineered drawings of all PHUGA sewer system improvements necessary to accomplish connection, stamped by a licensed professional engineer in the state of Washington and in compliance with all technical specifications required by the director;

(iii) Any required sewer easements; and,

(d) Any other information determined necessary by the director to fully evaluate an application.

(3) The county may, at its sole discretion, initiate an expansion of the PHUGA sewer system service area within the PHUGA. The county may initiate formation of a LID for the purpose of funding sewer extensions or expansions, or the county may secure grants or appropriations for this purpose.

(4) When sewer becomes available to properties by means of a sewer system extension, connection requirements for affected properties shall be as shown in Table 4-1 in JCC 13.04.010.

13.04.040 Sewer Connection permit required for connection.

(1) Property owners who request to or who are required to connect to the PHUGA sewer system shall make application to the director or their designee. The application shall be made on forms developed by the department.

(2) Issuance of a sewer connection permit does not release the property owner from obtaining other permits as may be required under law.

(3) The applicant shall pay all applicable sewer connection permit and inspection charges, and a system development charge as required by Chapter 13.05 JCC upon application for a sewer connection permit.

(4) The applicant shall provide all information required for the sewer connection permit application submittal, as determined by the director by administrative rule authorized by JCC 13.03.010(6). Submittal requirements include but are not limited to: all documentation necessary to demonstrate compliance with technical specifications, any necessary sewer easements for equipment installation and maintenance pursuant to JCC 13.04.060, design drawings, engineering calculations, and maps.

(5) As a part of application review, the director may request changes and designate changes in the placement of all PHUGA sewer system components required on the parcel to assure proper functioning of the PHUGA sewer system. The director may require the applicant to furnish plans prepared and stamped by a professional engineer, licensed in the State of Washington, when necessary, due to the complexities of a specific connection or when deviations from the technical standards and specifications are proposed.

(6) In evaluating the application, the director shall determine whether sewer capacity is available and whether the connection meets all requirements of this PHUGA sewer utility code and the PHUGA sewer manual. If the director finds that the application meets all requirements and that sewer capacity is available, the director may approve the application and issue a sewer connection permit.

(7) The director may include conditions of approval of a sewer connection permit to ensure completion of all necessary technical steps and construction work to establish the connection, and require timelines for the applicant to make the connection. The director shall include a condition disclosing that if the applicant fails to make the connection in a timely manner, the director may complete the connection as specified in JCC 13.04.070(6).

(8) The property owner shall comply with all the conditions and requirements of the sewer connection permit.

(9) Property owners presently using an existing on-site sewage system shall comply with the any decommissioning requirements prescribed by the director of the Jefferson County Department of Public Health. At minimum, decommissioning or abandonment of an on-site sewage system shall conform to the requirements of WAC [246-272A-0300](#) and Chapter [8.15](#) JCC, as now or hereafter amended.

(10) It is unlawful to make any connection or addition to any part of the PHUGA sewer system without a valid sewer connection permit issued by the director.

(11) If a building permit is required under Title [15](#) JCC, a sewer connection permit issued under this Chapter shall be valid for the same period of time that the building permit is pending (not yet finalized or expired). If no building permit is required, the PHUGA sewer connection permit shall be valid for one year from the date of issuance. Upon written request by the applicant, the sewer connection permit may be extended one time for a one-year period.

13.04.050 Exception to sewer connection requirement.

(1) The director, in their sole discretion after consultation with the directors of Jefferson County departments of community development and public health, may provide for an exception to the PHUGA sewer system connection requirements of this Chapter for a residential property when the PHUGA sewer system connection:

- (a) Is not technically feasible due to pre-existing artificial or natural geographic barriers that were not put in place by the applicant or their predecessors; or,
- (b) When the property is located in an existing sewer service area available to the residential property as defined in JCC [18.19.120\(4\)](#) and which has capacity to accommodate the proposed development and there are other extenuating circumstances that the director determines makes the connection not technically feasible.

This exception should be interpreted narrowly, and only used in exceptional circumstances.

(2) The grant of a waiver will in no way prevent or deter the extension of public sewers at a future date.

(3) The director may impose conditions to the grant of a waiver, including but not limited to requiring a no-protest agreement for future connection to public sewer.

(4) The requester of the exception may appeal a denial by the director as authorized under Chapter 13.09 JCC and RCW [36.01.330](#).

13.04.060 Sewer easements required as a condition of sewer connection permit.

(1) As a condition of approval of a sewer connection permit, the property owner shall grant sewer easements and other legal instruments as required by the director to allow for access, construction, installation, modification, operation, maintenance, and repair of county-owned and maintained equipment, including, but not limited to: the grinder pump and tank, the grinder pump control panel, and the side sewer from the grinder pump to the pressure sewer system.

(2) The director shall determine the PHUGA sewer system easements and other legal instruments necessary at the time of application for a sewer connection permit.

(3) The dimensions of the PHUGA sewer system easements or other legal instruments for access, construction, repair, and maintenance shall be determined by the director.

13.04.070 Construction or alteration of PHUGA sewer system components – requirements.

(1) The director shall review and authorize in advance any work, construction, alteration, excavation, or work performed on the PHUGA sewer system. This requirement is in addition to any other permits or approvals required pursuant to federal, state, or local law.

(2) A contractor (as defined in JCC 13.02.030) is required to install any part of the PHUGA sewer system that will be owned and operated by the county, including but not limited to installation of grinder pumps, sewer lines from the grinder pump to the sewer main, and grinder pump control panels.

(3) All work performed on the PHUGA sewer system shall be in conformance with PHUGA sewer manual adopted pursuant to JCC 13.03.010(6).

(4) All equipment and materials used in performance of a sewer connection shall be as specified in the PHUGA sewer manual.

(5) Any repairs to a building sewer determined necessary by the director shall be made by a contractor (as defined in JCC 13.02.030) within thirty days after the director mails notice by certified mail to the property owner specifying the repairs required; provided, the director may require a shorter time period if an emergency exists.

(6) If a connection is not made within the time and manner specified in the sewer connection permit, the department may complete the connection with its own contractor or employees. The property owner shall bear all costs and expenses incurred by the county in completing the connection. All costs and expenses incurred by the county pursuant to this subsection shall be assessed and billed to the property owner, who shall immediately pay the full amount to the Jefferson County treasurer. If not paid within 90 days, the amount of the assessed costs and expenses shall constitute a lien upon the affected property and run with the land as authorized under JCC [19.10.025](#) and JCC [19.30.020](#). The county is authorized to seek any remedy available under law to recoup all expenses and costs, including interest, and may seek any remedy available under Chapter 13.07 JCC or Title [19](#) JCC.

13.04.080 Location of building sewer and side sewer connection.

- (1) A sewer connection shall be made at the point and in the manner specified by the director. Sewer connections include the following: the connection of a building sewer to a grinder pump and tank, and the connection of a side sewer to a pressure sewer system.
- (2) A building sewer shall serve only a single structure on one property, unless written approval is obtained from the director allowing multiple properties or multiple structures to be served by one building sewer.

13.04.090 Work in WSDOT or county right-of-way.

- (1) An applicant proposing to complete work in a WSDOT highway or a county road right-of-way or easement must apply for appropriate permits with WSDOT and the County as necessary. The application shall be made on forms developed by the department. The applicant shall pay all charges and provide plans and other information required for the application. WSDOT and county approval for work in public road rights of way are required (as necessary) prior to issuance of a sewer connection permit.
- (2) Any excavation, pipe bedding, backfill, and restoration of surfacing in the public right-of-way shall be conducted and completed in accordance with the requirements established in the PHUGA sewer manual adopted pursuant to JCC 13.03.010(6), Chapter [13.56](#) JCC, any permit issued for the work, and any additional requirements imposed by the director.
- (3) It is unlawful for any person to fail to protect any excavation in a public right-of-way or in lands adjacent thereto. Protection of an excavation may include fencing, covering or lighting. The protection of the public from the danger of an excavation on or near a public right of way shall be the duty of the person making or causing the excavation. The person making or causing the excavation shall be responsible for insuring adherence to all applicable safety and health standards required by the federal Occupational Safety and Health Act (OSHA) and the Washington Industrial Safety and Health Act (WISHA).

13.04.100 Inspection of work by director.

- (1) The director shall inspect any completed work to installed components of the PHUGA sewer system prior to covering or connecting the components to the PHUGA sewer system. The applicant shall request an inspection as required by this subsection.
- (2) During the inspection, the director shall determine whether the building sewer meets the requirements of this PHUGA sewer utility code, including all technical specifications adopted in the PHUGA sewer manual adopted pursuant to JCC 13.03.010(6).
- (3) The applicant shall correct any deficiencies noted by the director, and shall request a re-inspection.
- (4) The applicant is responsible for payment of the cost of any tests required by director.
- (5) All inspection charges required under this PHUGA sewer utility code shall be paid prior to final approval of the connection by the director.

13.04.110 Ownership and maintenance of PHUGA sewer system components.

- (1) The county shall own and maintain the following components of the PHUGA sewer system that are located on private property:
 - (a) Grinder pump control panel;
 - (b) Grinder pump and tank; and,
 - (c) Side sewer pipe from the grinder pump tank to the low-pressure sewer main line.
- (2) The property owner shall own and shall maintain the following components:
 - (a) The electrical panel and the electric service to and including the disconnect box;
 - (b) The electric service from the disconnect box to the grinder pump control panel;
 - (c) The building sewer including the connection to the grinder pump tank (inlet pipeline); and,
 - (d) Any grease trap, grease interceptor, or pretreatment system installed between the grinder pump tank and the building receiving sewer service.
- (3) The property owner shall be responsible for paying for electric supply costs to power the grinder pump.
- (4) Equipment purchased and installed by the property owner for connection to the PHUGA sewer system identified in JCC 13.04.110(1) shall become the property of the county upon final inspection and approval of installation by the director.
- (5) A property owner is legally and financially responsible for any harm or damage to the PHUGA sewer system and components resulting from inappropriate or unlawful discharges or other act, regardless of whether the harm was intentional or because of the negligence of any person. The property owner may be subject to compliance and cost recovery actions by the county pursuant to Chapter 13.07 JCC and Title 19 JCC, and any other remedy available under law to recover the cost of repair, replacement, or other damage to the PHUGA sewer system and components.
- (6) Diagrams of the PHUGA sewer system components shall be included in the PHUGA sewer manual.

13.04.120 Disconnecting from PHUGA sewer system – permit required.

- (1) Any property owner who wishes to disconnect a structure from the PHUGA sewer system shall apply for a disconnection permit from the director. An application for disconnection shall be submitted to the director on forms developed by the department.
- (2) Disconnection shall only be approved in limited circumstances, and usually only when there is no longer a need for disposal of wastewater on the property.
- (3) When disconnection is approved, the building sewer or public sewer shall be sealed and capped in the manner designated by the director and as specified in the PHUGA sewer manual.
- (4) County-owned equipment specified in JCC 13.04.110(1) shall be returned to the county unless the county has approved its re-use for a connection on the same property within 12 months of the disconnection, due to a remodel or change of use on a property.

(5) Reconnection of a property to the PHUGA sewer system will be considered a new sewer connection. For reconnection, the applicant shall comply with JCC 13.04.040 and all other applicable requirements of this Chapter. For any reconnection, the applicant shall pay all charges associated with a new sewer connection.

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Chapter 13.05 Sewer Charges

Sections:

- 13.05.005 Purpose.
- 13.05.010 Establishment of PHUGA sewer system customer charges.
- 13.05.020 Annual fee adjustment.
- 13.05.030 Discounted charges for sewer service for qualifying customers.
- 13.05.040 Billing methodology.
- 13.05.050 Determination of monthly user charges.
- 13.05.060 High-strength wastewater charge.
- 13.05.070 System development charge.
- 13.05.075 Waiver or deferral of system development charge (“SDC”) for low-income housing.
- 13.05.080 Other charges.
- 13.05.090 Special assessments.
- 13.05.100 Delinquent payment – interest and liens.
- 13.05.110 Periodic Fee Review.

13.05.005 Purpose.

The purpose of this Chapter is to provide a system of fair sewer service charges for all customers of the PHUGA sewer system.

13.05.010 Establishment of PHUGA sewer system customer charges.

- (1) The board of county commissioners shall establish a schedule of PHUGA sewer system customer charges, as authorized under Chapter [3.80](#) JCC and this PHUGA sewer utility code.
- (2) The director shall impose sewer service charges to customers of the PHUGA sewer utility. The director may establish classifications of customers or service, using any method authorized by law.
- (3) Sewer service charges are intended to fund operation and maintenance costs of the PHUGA sewer system. Service system charges are also intended to cover other costs, including, but not limited to: administrative costs, reserve accounts, system replacement, and debt service. Utility taxes may be included in the sewer service charges when allowed by state law. PHUGA sewer system fee schedule.
- (4) The director shall review periodically the sewer service charges and may propose changes or adjustments as necessary to meet fiscal requirements. The board of county commissioners shall consider the proposed changes or adjustments for adoption as authorized under Chapter [3.80](#) JCC.
- (5) The director shall maintain a webpage displaying the current PHUGA sewer system fee schedule and shall have hard copies available by mail or pick up at the department’s physical interface for customers and will be mailed to any customer upon request.

13.05.020 Annual fee adjustment.

- (1) The director shall adjust the PHUGA sewer system fee schedule annually by the Consumer Price Index for Seattle-Tacoma-Bellevue for Urban Wage Earners and Clerical Workers (“CPI-

W”), published by the Bureau of Labor Statistics for the United States Department of Labor, or the successor geographic region, as periodically updated.

(2) Annual adjustments to sewer service charges shall be made by applying the 12-month percentage increase in the CPI-W as reported for the month of September preceding the adjustment date, which will be January 1 of the following year.

(3) Annual adjustments to sewer service charges shall be rounded to the nearest dollar. The “base” rate for the monthly user rate will be rounded to the nearest two decimals. The “volume” rate for the monthly user rate will be rounded to the nearest three decimals. A rate, charge, or fee shall not be reduced by reason of such calculation.

(4) Except for the SDCs, each rate, charge, fee subject to this increase will be adjusted by the 12-month percentage increase in the CPI-W as reported for the month of September preceding the adjustment date. Increases will be rounded to the nearest dollar for fees, and in the case of the components of the monthly user charge, for the “Base” rate to 2 decimal places and in the case of the “Volume” rate, the nearest 3 decimal places. A rate, charge or fee shall not be reduced by reason of such calculation. Rate, charge or fee increases in accordance with this calculation shall not exceed five percent (5%) per year.

(5) The Annual adjustments to sewer service charges shall occur automatically every year without the requirement of a separate action by the board of county commissioners, as required by JCC [3.80.030](#).

13.05.030 Discounted charges for sewer service for low-income persons.

(1) Low-income persons, including low-income senior (age 62 or older), low-income disabled, low-income veteran customers, and certain owners of properties who satisfy the requirements of this Chapter qualify for discounted charges for services provided by the PHUGA sewer system utility, as follows:

- (a) Customers who are low-income persons (as defined in JCC 13.02.210) are entitled to a discount pursuant to this section.
- (b) Customers who are state licensed adult family home whose residents receive Supplemental Security Income (SSI) or Social Security Disability Insurance (SSDI) and who primarily rely on Medicaid are entitled to the low income charge.
- (c) Low-income persons who are located in multifamily units or mobile home parks customers that bill for all tenants and who receive individual bills for sewer service from the customer are entitled to the low income charge.
- (c) Owners of multifamily units or mobile home parks who rent to low-income persons are entitled to a discount provided they pass on the discount to the low income tenants in the form of rent reduction, provided the discounted charges are limited pro rata to the low income charge.

(2) The following documentation is required for a customer to qualify for a low-income discount charge:

- (a) Any customer applying for a low income discount under this section shall apply using forms created by the department. The customer shall supply verified information and documentation concerning income status in a manner determined by the director;
 - (b) For a multifamily unit or mobile home park customer with only one monthly bill, the property owner shall complete forms provided by the department and provide verified information and documentation concerning low-income residents that qualify for the low-income discounted charge. The property owner shall also provide a declaration under oath pursuant to Chapter [5.50](#) RCW to the director certifying that savings from the discounted charge shall be passed on to the qualifying customer in the form of rent reduction; and,
 - (c) For a public housing authority that meets the requirements of JCC 13.05.030(1)(d), the public housing authority shall complete forms provided by the department and submit rental charge requirements from funding sources to prove eligibility.
- (3) Customers determined by the director to be eligible for the low-income charge provided for in this section shall be billed at the low-income charge listed in the PHUGA sewer system fee schedule. Discounts may be expressed as a percentage reduction from the established charges or may be expressed simply as a reduced fee or charge amount.
- (4) The amount charged to a qualifying customer receiving a low income discount shall not be less than fifty percent (50%) of the undiscounted charge for a single-family residence charge.
- (5) Customers continuously shall satisfy the eligibility requirements under in this section. If a customer is disqualified from eligibility under this section due to a change in income status or because the customer is no longer disabled, the individual or household shall immediately notify the director of the disqualification. Failure to provide timely notice may result in a delinquent fee action under this, or an enforcement action pursuant to Chapter 13.07 JCC to compel repayment of monthly charges with fines and penalties.

13.05.040 Billing methodology.

- (1) The director shall bill and collect from each customer accrued charges for the use of the PHUGA sewer system through a monthly sewer bill.
- (2) Every customer shall pay a monthly sewer bill. The responsibility for payment of the monthly sewer bill shall rest solely with the customer.
- (3) The monthly sewer bill shall be structured as follows:
 - (a) For residential customers, the bill shall provide a fixed base rate.
 - (b) For non-residential customers, the bill shall provide a fixed base rate, a volume charge based on metered domestic water usage, and a surcharge for high strength wastewater, if any, as required by JCC 13.05.060.
- (4) The monthly sewer bill shall include charges for any customer-caused damage to the PHUGA sewer system, as described in JCC 13.04.110(5).

13.05.050 Determination of monthly user charges.

(1) This section includes the methodology for determining the monthly sewer charges for residential and non-residential customers. Specific charges are found in the PHUGA sewer system fee schedule adopted pursuant to JCC 13.05.010.

(2) Residential customer monthly user charges are established, billed, and collected via a fixed base rate per dwelling unit as shown in the following Table 5-1.

(3) For the PHUGA sewer system, one ERU will be considered equivalent to 4,000 gallons of water use per month, with an average wastewater strength for Biochemical Oxygen Demand (“BOD”) equal to or less than 300 milligrams per liter and a total suspended solids (“TSS”) equal to or less than 300 milligrams per liter.

(4) ERUs are assigned as shown in Table 5-1.

Table 5-1 – Residential User Charge Determination	
Residential Customer Class	ERU Multiplier for Base Rate
Single-family residence	1.0 ERU per dwelling unit X Base Rate
Duplex	0.9 ERU per dwelling unit X Base Rate
Accessory Dwelling Unit (ADU)	0.7 ERU per ADU X Base Rate
Multifamily dwelling	0.7 ERU per dwelling unit X Base Rate
Mobile home park	0.7 ERU per dwelling unit X Base Rate
Residential vehicle park	0.7 ERU per space X Base Rate

(3) Non-residential customer monthly user charges are established, billed, and collected via a base rate plus a volume charge per gallon for all metered water usage over 4,000 gallons per month as shown in the following Table 5-2. For customers producing high strength waste, additional charges will be added to their monthly rate.

Table 5-2 – Nonresidential Customer Charge Determination	
Nonresidential Customer Class	ERU Multiplier for Base Rate
All non-residential customers	Additional high strength waste charges may apply
All non-residential customers, using up to 4,000 gallons per month	1.0 ERU X Base Rate
All non-residential customers, using more than 4,000 gallons per month	1.0 ERU X Base Rate + Volume Charge per gallon of domestic water used greater than 4,000 gallons

(4) Domestic monthly water usage shall be based on the customer’s water bill from the Jefferson County Public Utility District #1. When monthly water usage exceeds 4,000 gallons, a non-residential customer shall be charged a per gallon sewer usage charge in addition to the base rate; provided, that if the customer establishes by clear, cogent and convincing evidence to the director’s satisfaction that a significant, on-going, and quantifiable amount of metered water usage is attributable to irrigation or other use that prevents that water from flowing to the PHUGA sewer system, that amount of water usage shall be disregarded in determining the monthly sewer charge.

(5) Sewer charges shall be collected on a monthly basis for all connected properties, whether occupied or vacant. When a property is vacant, the property owner shall be responsible for paying sewer charges and shall be liable for any unpaid charges.

(6) When a property is vacated, any low-income discounts which were applied to the previous customer shall continue until a new customer establishes an account with the PHUGA sewer system utility.

(7) The customer shall be responsible for paying for the cost of electricity for operating the grinder pump system as part of their regular electric bill from Jefferson County Public Utility District #1.

13.05.060 High-strength wastewater charge.

(1) The department is authorized to calculate and bill a high-strength wastewater charge to a customer that generates certain high-strength wastes or has high variability in waste loadings. The high-strength wastewater charge shall reflect the costs of treating such wastes. Specific methodologies are detailed in the PHUGA sewer system fee schedule.

(2) The high-strength wastewater charge shall be in addition to other charges billed for sewer service.

(3) When developing the high-strength waste charge, the department shall also identify pretreatment requirements pursuant to Chapter 13.06 JCC.

13.05.070 System development charge.

(1) A system development charge (“SDC”) represents the property’s equitable share of the capital cost of the components to serve the PHUGA sewer system connection. Current and future capital costs for providing wastewater treatment, collection, conveyance, and disposal, and re-use are used in the determination of SDCs.

(2) Revenues collected from SDCs shall be deposited into a separate county fund or account reserved for PHUGA sewer system capital or replacement uses.

(3) SDCs shall not be used to fund operations, routine maintenance, or administrative functions of the PHUGA sewer system.

(4) The director shall impose an SDC on all new and all upsized connections to the PHUGA sewer system, to be paid prior to issuance of a sewer connection permit. The board of county commissioners shall adopt the SDC as a part of the PHUGA sewer system fee schedule.

(5) In addition to payment of an SDC on all new and all upsized connections required by subsection (4), an SDC shall also be imposed upon the following properties:

(a) A non-residential structure with an existing connection that increases the volume of wastewater flow or strength beyond the originally approved or credited SDC;

(b) A multifamily development or mobile home park when new units are added; and,

(c) An existing single-family residence or duplex that adds an accessory dwelling unit (“ADU”).

(6) The following provisions apply to SDCs:

- (a) Payment of an SDC will remain with the property and parcel for which it was initially designated. An SDC does not “follow” a customer to another parcel.
 - (b) A property may be subject to more than one SDC. SDCs are applied to each structure on a property that is served by the PHUGA sewer system. A property with multiple dwelling units or non-residential sewer connections will pay multiple SDCs as outlined further in this section;
 - (c) A customer who upgrades or expands an existing connection in a manner that results in higher wastewater flows or treatment needs shall receive SDC credits for the initial connection. The SDC that was paid for the initial connection shall be subtracted and credited to the customer from the new total SDC charge for the expanded or upgraded development;
 - (d) An ERU determination will be rounded to the nearest tenth of a decimal for purposes of calculating the SDC; and,
 - (e) SDCs will not be refunded when a property is disconnected or flow is reduced.
- (7) For residential properties, the SDC shall be calculated as shown in Table 5-3, below:

Table 5-3 – Residential SDC Charge Determination	
Residential Customer Class	ERU Multiplier for Base Rate
Single-family residence	1.0 ERU per dwelling unit X current SDC fee
Duplex	0.9 ERU per dwelling unit X current SDC fee (2 units = 1.8 ERUs)
Accessory Dwelling Unit (ADU)	0.7 ERU per ADU X current SDC fee
Multifamily dwelling	0.7 ERU per dwelling unit X current SDC fee
Mobile home park	0.7 ERU per dwelling unit X current SDC fee
Residential vehicle park	0.7 ERU per dwelling unit X current SDC fee

- (8) For a non-residential structure, the SDC charge is a calculation of ERUs based on water usage, as indicated on the customer’s water bill records from the Jefferson County Public Utility District #1. Average water use shall be determined by the director using at least the previous 12 months of water consumption data for the property. Abnormally low or high months may be disregarded in the calculation at the director’s discretion.
- (a) A non-residential structure that uses, or will use, on average, 4,000 gallons of metered domestic water or less per month will be assigned one ERU. No value of less than one ERU shall be assigned to a non-residential structure.
 - (b) A non-residential structure that uses, or will use, on average, more than 4,000 gallons of metered domestic water per month, shall be assigned an ERU value that will be calculated using the following formula:

$$\text{Average Monthly Water Use} / 4,000 = \text{Total ERU assigned for structure}$$

Example: Water use average is 10,000 gallons of domestic water per month

$$10,000 / 4,000 = 2.5 \text{ ERUs assigned for structure and used for SDC determination}$$

- (c) If the director determines that a customer has established by clear, cogent and convincing evidence that a significant, on-going, quantifiable amount of metered water use

is attributable to irrigation or other use that prevents that water from flowing to the PHUGA sewer system, then that amount shall be disregarded in determining the number of ERUs assigned to the property for the purposes of calculating SDCs.

- (9) If a non-residential structure has no existing water use or the water usage records are not likely to accurately reflect wastewater flow, the ERU count is determined by one of the following methods, as determined by the director:
- (a) The customer shall apply to the director for an ERU determination and include estimated proposed wastewater flows using the tables from the PHUGA Sewer Manual or Department of Ecology Orange Book that contain estimated flows for different types of uses;
 - (b) The customer may provide an estimated wastewater flow by providing a plumbing fixture count complete with calculations and analysis;
 - (c) For more complex facilities, the director may require the customer to obtain a licensed professional engineer to estimate wastewater flows based on plumbing fixture counts, and include calculations and analysis; or,
 - (d) The director in their discretion shall use other data determined to be useful, including the following Table 5-4, below:

Table 5-4. Calculation of ERUs for SDC Charge Based on Typical Use.*

Measurement based on cubic foot (“cf.”) (7.48 gallons) per month

** When a structure or complex has multiple uses or functions, the residential equivalent units applicable thereto shall be the combined sum of the units from each use or function*

<i>Use</i>	<i>Measurement</i>
Restaurant	100 cf./month per seat
Fast food restaurant	150 cf./month per seat
Bar, tavern or cocktail lounge	80 cf./month per seat
Retail store or office building	200 cf./month per 1,000 gross square feet of floor space
Shopping center	400 cf./month per 1,000 gross square feet of floor space (minus common ways and walks)
Factory	100 cf./month per employee;
School without cafeteria or showers	20 cf./month per student
School with cafeteria and without showers	25 cf./month per student
School with cafeteria and with showers	35 cf./month per student
Theater or auditorium	5 cf./month per seat
Laundromat or self-service laundry not concomitant to a residential use	700 cf./month per washing machine

Table 5-4. Calculation of ERUs for SDC Charge Based on Typical Use.*

Measurement based on cubic foot (“cf.”) (7.48 gallons) per month

** When a structure or complex has multiple uses or functions, the residential equivalent units applicable thereto shall be the combined sum of the units from each use or function*

<i>Use</i>	<i>Measurement</i>
Hospital	1,200 cf./month per bed
Nursing/convalescent/assisted living facility	800 cf./month per bed
Medical office	400 cf./month per 1,000 gross square feet of floor space

(e) For non-residential facilities that will discharge high strength wastewater, the director shall add ERUs to those calculated for the property pursuant to JCC 13.05.070(7)(a) and (b) as follows:

(i) The high strength ERU formula is:

$$(0.38 \text{ (flow of customer)} / \text{(flow of standard ERU)}) + (0.387 \text{ (BOD of customer)} / \text{(BOD of Std. ERU)}) + (0.233 \text{ (TSS of customer)} / \text{(TSS of standard ERU)}) = \text{equivalent high strength ERU (rounded to nearest tenth of a decimal)}$$

(ii) Explanation of assumptions in formula:

- A. Flow of standard ERU is assumed to be 4,000 gallons per month
- B. BOD of standard ERU is assumed to be 14 pounds per month
- C. TSS of Standard ERU is assumed to be 14 pounds per month

(f) A customer may appeal the director’s determination of the SDC under subsection (8) of this section pursuant to Chapter 13.09 JCC.

13.05.075 Waiver or deferral of system development charge (“SDC”) for low-income housing.

(1) The director may waive or defer payment of an SDC for customers that qualify as a community action agency, a housing authority, or a non-profit organization, as those terms are defined in Chapter 13.02 JCC, who are developing or constructing housing units for low-income households.

(2) An applicant may apply for a waiver or deferral on forms developed by the department.

(3) To be eligible for a deferral or waiver of the SDC charge, the applicant shall:

(a) Qualify as a community action agency, a housing authority, or a non-profit, as those terms are defined in Chapter 13.02 JCC;

(b) Be developing or constructing housing units for low-income households;

(c) Covenant and agree in writing that the property for which the applicant seeks a waiver or deferral will only be sold or rented to low-income households, as defined in JCC 13.02.120, for a minimum of 20 years from the date of certificate of occupancy. The agreement shall specify:

(i) The term of the agreement;

(ii) The deferral or waiver terms;

(iii) The criteria for waiver;

(iv) The repayment requirements;

(v) The reporting requirements;

(vi) Consent to allow regular audits of the qualified applicant's (or successor's) records by the county or other entity designated by the county; and,

(vii) That if within 20 years of the date of the certificate of occupancy the property is sold or rented, and the new buyer or tenant does not meet the eligibility requirements of this section, then repayment of the deferred SDC is required in full with interest thereon at a rate commensurate with the annual one-year U.S. Treasury notes and bonds, adjusted for constant maturities, as published in the Federal Reserve Bulletin or otherwise available from the Federal Reserve Bank, computed annually on unpaid balances. Interest calculated pursuant to this section shall not be compounded.

(d) The applicant shall record the agreement and a real property lien on the qualified property to secure the SDC obligation in an amount that reflects the SDC charge deferral and reasonable interest accrual, in a form approved by the prosecuting attorney.

(e) The real property lien shall run with the land and apply to subsequent property owners. This lien shall be considered senior to all other security interests recorded against the property, to the extent permitted by law.

(4) A qualified applicant may propose waiver or deferral of the SDC charge for mixed-income or mixed-use development. The amount of the SDC waived or deferred shall be a percentage proportionate to the low-income housing provided based on square-footage.

(5) The director is authorized to grant a waiver of the SDC charge at the time of connection, or a deferral of the SDC charge at the time of connection that may be waived after a period of 20 years from the date of the certificate of occupancy, as specified in this section. If the qualified applicant or successor in interest fails to continually meet the eligibility requirements of this section, repayment is required as specified in this subsection (3) of this section.

(6) Prior to a grant of a deferral or waiver, the applicant shall record the covenant of agreement and the real property lien on the qualifying property.

(7) The director may waive the requirement to record a covenant of agreement and a lien on the property under subsection (3)(d) and (e) of this section at the time of connection if the applicant demonstrates to the satisfaction of the director that the qualifying property shall be continually monitored by a federal, state, or county agency to ensure that the housing units are reserved only

for low-income households for a minimum of 20 years from the date of the certificate of occupancy. Under these circumstances, the director also may waive the requirement of the covenant of agreement, the real property lien, the county reporting requirement, and any eligible charges.

(8) For qualified applicants who do not meet the requirements of subsection (3) of this section, the repayment requirement may be waived if the applicant demonstrates the property has been continually sold or rented to low-income households, as defined in JCC 13.02.120, for a period of 20 years from the date of the certificate of occupancy.

(9) The qualified applicant or successor in interest shall submit a report to the director every three years or as specified in subsection 10 of this section for any qualified property with an active fee deferral. The report shall contain the following:

(a) A declaration that satisfies the requirements of Chapter 5.50 RCW that occupancy of all units has continuously conformed to the requirements of the covenant of agreement and lien;

(b) Documentation, as specified by the director, to verify that occupancy of all units has continuously conformed to the requirements of the covenant of agreement and lien;

(c) Any additional information required by the director; and,

(d) A written acknowledgement that the director retains the right to audit the records as required by the covenant of agreement and lien recorded on the qualified property.

(11) The report required in subsection (10) of this section shall be submitted to the director as follows:

(a) For units under private ownership, reports are due to the director at the time of sale prior to escrow and at the end of the period specified by the lien; and,

(b) For rental units, reports are due to the director by March 31st of each third calendar year and at the end of the period specified by the lien.

(12) The director shall provide a report to the board of county commissioners at least annually on the number and dollar amount of existing deferrals, and budget impacts to the PHUGA sewer system. The report shall also review the total number of entities expected to request waivers or deferrals within a budget cycle and the cumulative projected amount of deferral or waiver, and evaluate the potential impacts on the PHUGA sewer system budget. The board of county commissioners may take action to limit the number of deferrals in any one budget year by applicant or in total, or specify any other limitation as may be required for budgetary purposes.

(13) The director shall develop forms and administrative regulations to carry out the intent and purpose of this program.

13.05.080 Other charges.

The PHUGA sewer system fee schedule may include charges for other services or actions including, but not limited to:

(1) Hourly rate;

- (2) Sewer connection permit charge;
- (3) Pretreatment treatment facility permit charge;
- (4) Prohibited waste discharge permit charge;
- (5) Inspection service fee;
- (6) Right-of-way Application fee;
- (7) Maintenance service fee;
- (8) Equipment supply and replacement fee;
- (9) Labor, equipment and materials fee;
- (10) On-site sewage system decommissioning permits and inspection charge;
- (11) Disconnection permit charge;
- (12) Charge for removal of unauthorized connections or taps to the PHUGA sewer system;
- (13) Application fee for processing latecomer assessment;
- (14) Administrative fee for administering latecomer process;
- (15) Cost of security for installation of PHUGA sewer system improvements;
- (16) Cost of installation of PHUGA sewer system improvements;
- (17) Assessments for PHUGA sewer system improvements;
- (18) Defective work charge;
- (19) Segregation application fee;
- (20) Developer reimbursement payback processing fee;
- (21) Filing fee for hearing examiner appeal under Chapter 13.08.JCC;
- (22) Marine vessel holding tank discharge fee;
- (23) Grinder pump damage fee;
- (24) Special assessment fees as required by JCC 13.05.090 and Chapter 13.09 JCC;
- (25) Delinquent payment charge;
- (26) Recording fee;
- (27) Filing fee for hearing examiner appeal under Chapter 13.09 JCC; and,

(28) Other administrative and management charges as necessary to reimburse costs incurred by the PHUGA sewer utility to provide sanitary sewer service.

13.05.090 Special assessments.

Special assessments for Local Improvement Districts (“LIDs”) or Utility Local Improvement Districts (“ULIDs”) shall be charged and paid as authorized by statute and pursuant to the specific plan and program of each improvement district as authorized under Chapter 13.09 JCC.

13.05.100 Delinquent payment – interest and liens.

(1) The director may impose a penalty and delinquency interest at specified rates for any unpaid sewer service charges established in this Chapter.

(2) Unpaid sewer service charges shall become “delinquent” for the purposes of this section when such charges remain unpaid for 30 days as measured from the date of the bill or invoice which notified the customer of the amount owed by that customer.

(3) Accounts labeled delinquent will be assessed a late payment fee of 5% of the total sewer bill if paid within 30 days of the notice of delinquency.

(4) Delinquent accounts over 60 days from the original billing date will be turned over to a collection agency for collection of the bill amount, the penalty amount, and the collector’s cost.

(5) The director may file and record a notice of lien with the office of the county auditor for any unpaid bills, penalties, and collector’s costs, if payment is not received within 120 days.

(6) The director shall use the process in JCC [19.30.020](#) for filing of the lien and cost recovery.

13.05.110 Periodic Fee Review.

The director shall conduct periodic reviews of all charges under this PHUGA sewer ordinance and shall propose changes or adjustments in addition to CPI-W annual adjustments required by JCC 13.05.020 as may be necessary to meet fiscal requirements as specified in JCC [3.80.040](#). All charges shall be reviewed annually by the director as part of the budget process. All Fee Schedule adjustments, other than those made automatically by CPI-W annual adjustments required by JCC 13.05.020, shall be adopted by the board of county commissioners by resolution.

Chapter 13.06 Discharge Restrictions, Pretreatment Requirement, and Prohibited Discharge Permits

Sections:

- 13.06.010 Industrial and commercial pretreatment of discharge required.
- 13.06.020 Discharge limitations.
- 13.06.025 Grease traps and grease interceptors.
- 13.06.030 Pretreatment requirements.
- 13.06.035 Standards and conditions for discharge of industrial wastewater, chemicals of concern, or prohibited wastes.
- 13.06.040 Inspection to ascertain character of wastewater.
- 13.06.050 Discharge from mobile tanks.
- 13.06.060 Violator liable for costs.

13.06.010 Industrial and commercial pretreatment of discharge required.

- (1) Unless authorized by an approved prohibited waste discharge permit, no person shall discharge industrial waste into the PHUGA sewer system, unless otherwise allowed pursuant to this Chapter.
- (2) A person shall prevent, control, and immediately correct illicit discharges, prohibited discharges, or other such materials pursuant to [40 CFR § 403.5](#) and the rules and regulations in this Chapter.
- (3) The department may inspect pretreatment equipment or pretreatment systems periodically at their sole discretion.
- (4) All violations of the pretreatment requirements or defects in any pretreatment equipment or pretreatment system shall be corrected immediately by the property owner. Repeat failures of the pretreatment requirements or failure to correct defects in pretreatment equipment or a pretreatment system may result in a violation of this Chapter as provided in Chapter 13.07 JCC.

13.06.020 Discharge limitations.

- (1) Consistent with the policy contained in WAC [173-216-020](#), any discharge into the PHUGA sewer system that would interfere with, pass through, or otherwise be incompatible with the PHUGA sewer system or that would contaminate the processing of solids is prohibited.
- (2) The discharge of waste materials into the PHUGA sewer system that present a risk to human health, including the potential, chronic effects of lifetime exposure to waste materials is prohibited.
- (3) Alteration of the physical, chemical or biological properties, of any discharge to the PHUGA sewer system, including change in temperature, taste, color, turbidity, or odor is prohibited.
- (4) Discharge of any liquid, gaseous, solid, radioactive, or other substance into the PHUGA sewer system that will or is likely to create a nuisance or be harmful, detrimental or injurious to the public health, safety or welfare to domestic, commercial, industrial,

agricultural, recreational, or other legitimate beneficial uses, or to livestock, wild animals, birds, fish or other aquatic life is prohibited.

- (3) No person shall discharge or permit a discharge into the PHUGA sewer system, or cause to be placed where any discharge is likely to run, leak or escape into the PHUGA sewer system, any of the following prohibited substances:
- (a) Solid or viscous substances or concentrations of inert suspended solids which may obstruct or interfere with the capacity or operation of the PHUGA sewer system, including but not limited to ashes, cinders, sand, earth, garbage or putrescible material, mud, straw, shavings, metal, glass, rags, feathers, tar, plastic, lime slurries, lime residue, or wood;
 - (b) Liquids, solids, or gases, which because of their nature or quantity are, or may be, sufficient, either alone or by interaction with other substances, to cause fire or explosion, be capable of creating a public nuisance or hazard to life;
 - (c) Any substances that any agency of the county, the state or the federal government considers a fire hazard or a hazard to the PHUGA sewer system, including but not limited to gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfides, and;
 - (d) Wastewater containing pollutants in sufficient quantity or strength, either singly or by interaction, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, or be in violation of any applicable statute, rule, regulation or ordinance of any public agency;
 - (e) Matter that has a temperature greater than 40 degrees Celsius (104 degrees Fahrenheit), or that will inhibit biological activity in PHUGA sewer system;
 - (f) Wastewater containing suspended solids in excess of three hundred milligrams per liter;
 - (g) Wastewater containing fats, oils or grease ("O&G") in excess of one hundred milligrams per liter;
 - (h) Wastewater with Biochemical Oxygen Demand ("BOD") greater than three hundred milligrams per liter;
 - (i) Wastewater with pH lower than 6.0 or higher than 9.0, or having any corrosive property capable of causing damage to structures, equipment or personnel;
 - (j) Garbage that has not been properly shredded;
 - (k) Wastewater containing toxic substances in sufficient quantity to injure or interfere with any wastewater treatment process, constitute a hazard to humans or the environment, create any hazard in the receiving waters of a wastewater treatment plant, or exceed the limitation set forth in the pretreatment standards;

- (l) Noxious or malodorous matter which either singly or by interaction are capable of creating a public nuisance or hazard to life, or sufficient to prevent entry into the PHUGA sewer system for maintenance and repair;
- (m) Discharges from irrigation, water main flushing, cooling processes, industrial processes, storm drains, surface runoff, roof runoff, subsurface drainage, sump pumps, swimming pools, ponds or reservoirs;
- (n) Radiological, chemical, or biological warfare agents or high-level radioactive waste into waters of the state (*see* WAC [173-226-100](#)(1)(a));
- (o) Substances that may cause the PHUGA sewer system's effluent or treatment residues, biosolids or scums to be unsuitable for reclamation and reuse or to interfere with the reclamation process;
- (p) Substances that causes the treatment plant to be in noncompliance with biosolid use or disposal criteria, guidelines, or regulations developed under the federal Clean Water Act (33 U.S.C. [§ 1251](#) *et seq.*) or its implementing regulations, any criteria, guidelines or regulations affecting biosolids use or disposal developed pursuant to the federal Solid Waste Disposal Act (42 U.S. Code [§ 6901](#) *et seq.*) or its implementing regulations, the federal Clean Air Act (42 U.S. Code [§ 7401](#) *et seq.*) or its implementing regulations, the federal Toxic Substance Control Act (15 U.S. Code [§ 2601](#) *et seq.*) or its implementing regulations, or any Washington State standards applicable to the biosolids management method being used including Chapter [70A.226](#) RCW and Chapter [173-308](#) WAC;
- (q) Substances that will cause the PHUGA sewer system to violate any permit issued to operate it, including but not limited to any National Pollutant Discharge Elimination System ("NPDES") permit, State Waste Discharge Permits ("SWD"), Water Treatment Plant General Permit, or Water Reclamation permit.
- (r) Slug-load, which shall mean any pollutant, including oxygen-demanding pollutants (such as BOD), released in a single extraordinary discharge episode of such volume or strength as to cause interference to the treatment plant. In no case shall a slug-load contain concentrations or qualities of pollutants that exceed for any period longer than fifteen minutes more than five times the average twenty-four-hour concentration, quantities or flow during normal operation;
- (s) Wastewater containing substances that are not amenable to treatment or reduction by the PHUGA sewer system, or that are amenable to treatment only to such a degree that the PHUGA sewer system effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters;
- (t) Stormwater, or any other direct inflow sources, including but not limited to any precipitation or groundwater that accumulates from roof drains, floor drainage, sump pump water, or other property drainage or conveyance;
- (u) Concentrations of dissolved solids such as sodium chloride, calcium chloride, or sodium sulfate that are so high as to constitute a danger to the wastewater treatment process or equipment;

- (v) Infectious waste or medical waste that, in the opinion of the county health officer, may significantly increase the risk of disease transmission beyond the level of risk normally associated with residential wastewater;
- (w) Wastewater that contains a toxic or poisonous substance in sufficient quantity to upset or interface with any PHUGA sewage system treatment process, that constitutes a toxic or poisonous hazard to humans or animals; or, that creates any hazard to receiving waters or to the effluent of the PHUGA sewer system; and,
- (x) Discharge that exceeds the daily maximum pollutant limits in Table 6-1, below:

Table 6-1 Discharge limits for specific chemicals or elements.	
<i>Chemical/Element</i>	<i>Concentration</i>
Arsenic	0.15 mg/L
Cadmium	0.10 mg/L
Chromium	1.0 mg/L
Copper	0.75 mg/L
Lead	0.25 mg/L
Mercury (1)	0.010 mg/L
Molybdenum	2.0 mg/L
Nickel	0.60 mg/L
Selenium	0.80 mg/L
Silver	0.50 mg/L
Zinc	2.0 mg/L
Cyanide	0.75 mg/L
Ammonium	50 mg/L
Notes:	
(1) Businesses that follow best management practices (“BMPs”) for their industry can petition the director for higher limits.	
(2) This will be limited to businesses contributing less than 1% of the total flow to the PHUGA sewer system.	

(4) Any person discharging to the PHUGA sewer system may be subject to limits more stringent than those set forth in this Chapter when required by the United States Environmental Protection Agency (including Federal Categorical Pretreatment Standards), the Washington State Department of Ecology, or the Washington State Department of Health.

(5) No person shall use potable water or process water in any way, nor mix separate waste streams for the purpose of diluting a discharge, as a partial or complete substitute for adequate pretreatment to achieve compliance with the standards.

(6) Waste from garbage grinders shall not be discharged into the PHUGA sewer system, except wastes generated in preparation of food normally consumed on the premises. Such grinders shall shred the waste to such a degree that all particles will be properly comminuted to one-fourth inch or less and be carried freely under normal flow conditions. No discharge permitted by this subsection may contain plastic, paper products or inert material.

(7) No person shall discharge wastewater into the PHUGA sewer system except at the point of approved connection. Discharge through cleanouts or manholes is a violation of this Chapter and a civil code violation as defined in Title [19](#) JCC.

13.06.025 Grease traps and grease interceptors.

(1) A grease trap or grease interceptor shall be required for establishments that discharge or may discharge in the future fats, oils and greases (“O&G”) in concentrations greater than 100 mg/l, including all food service establishments (“FSE”), food manufacture and processors (“FMP”), establishments as required in the applicable uniform plumbing code adopted pursuant to JCC [15.05.030](#) (and as may be modified in Chapter [15.05](#) JCC), or other establishments as determined necessary by the director. The type of device will be as specified in the county-adopted plumbing code and the PHUGA sewer manual.

(2) Grease traps and grease interceptors shall be installed in accordance with the PHUGA sewer manual.

(3) All grease traps and interceptors shall be owned, managed and maintained by the property owner in accordance with Washington State Department of Ecology oil and grease management program and this Chapter.

(4) All costs associated with design, installation and maintenance to ensure a working, reliable grease trap or interceptor system shall be the responsibility of the property owner.

(5) The county shall inspect grease traps and grease interceptors at least annually. A fee for these inspections shall be charged pursuant to the PHUGA sewer system fee schedule.

13.06.030 Pre-treatment requirements.

(1) Any person proposing to discharge high-strength wastes to the PHUGA Sewer System shall apply to the director for a permit authorizing the discharge. The director, after consulting with the Washington State Department of Ecology, may establish conditions for discharge and monitoring requirements.

(2) When preliminary treatment is necessary to reduce the strength of waste to within the maximum limits prescribed by Chapter 13.06 JCC, as determined by the director, an approved pretreatment facility shall be installed at the sole expense of the property owner. An application for a permit approving a proposed pretreatment facility shall be submitted to the director prior to commencement of construction of the pretreatment facility, in accordance with the requirements of the PHUGA sewer manual. An application for a permit approving a proposed pretreatment facility shall be made on forms developed by the department.

(3) No construction may be commenced until the director has issued a permit approving a pretreatment facility.

(4) A pretreatment facility shall be maintained in a manner that ensures continuous efficient and effective operation by the property owner at their own expense.

13.06.035 Standards and conditions for discharge of industrial wastewater, chemicals of concern, or prohibited wastes.

(1) National categorical pretreatment standards, as adopted by the United States Environmental Protection Agency (“EPA”) pursuant to federal Clean Water Act (33 U.S.C. §§ [1251](#) *et seq.*) are applicable to all industrial dischargers.

(2) Any requirements and limitations on discharges to the PHUGA sewer system adopted by the Washington State Department of Ecology or other state agency that are more stringent than federal requirements and limitations are applicable to all industrial dischargers.

(3) Prohibited waste discharges listed in JCC 13.06.020 shall be disposed of in one of the following ways:

(a) Pretreatment. A customer producing prohibited wastes may treat those wastes prior to their introduction into a public sewer for the purpose of reducing the objectionable characteristics of the waste, or altering the nature of properties of the discharge prior to or in lieu of introduction into the PHUGA sewer system. The reduction or alteration can be obtained by physical, chemical, or biological processes, or by other means; except those pollutants may not be diluted in concentration, unless allowed by an applicable pretreatment standard.

(i) Prior to the utilization of any pretreatment device or process, a customer producing the prohibited waste must receive written approval from the director and the Washington State Department of Ecology of the device or process that will remove the objectionable characteristics, based on submitted plans and specifications.

(ii) The entire cost of the installation and construction, maintenance and operation of any pretreatment device or process is the responsibility of the discharger.

(b) Prohibited waste discharge permit. Prohibited wastes may only be discharged into the PHUGA sewer system in accordance with a prohibited waste discharge permit issued by the director and, if necessary, the Washington State Department of Ecology. An application for a prohibited waste discharge permit shall be made on forms developed by the department.

(c) No prohibited waste discharge may occur until the director and the Washington State Department of Ecology, if necessary, has issued final approval of the prohibited waste discharge permit.

13.06.040 Inspections to ascertain character of wastewater.

As a condition of permit approval, a user of the PHUGA sewer system shall consent to inspection of the property served by the PHUGA sewer system by the director at any reasonable time, and allows the PHUGA sewer system utility to take wastewater samples for the purpose of determining whether the wastewater is an unlawful waste. Persons that pretreat unlawful wastes pursuant to JCC 13.06.030(3)(a) or that are permitted to discharge unlawful wastes pursuant to JCC 13.06.030(3)(b) shall install inspection tees or manholes in the building sewer to facilitate sampling, as may be required by the director.

13.06.050 Discharge from mobile tanks.

(1) A discharge from a tank or recreational vehicle tank into a public sewer is prohibited. However, this prohibition does not apply to a discharge from a marine vessel holding tank if the director determines the conditions and requirements for such discharge, and pre-approves such discharge in writing on a form to be developed by the department.

(2) A charge per gallon shall be made for the discharge from the marine vessel holding tank that shall be based upon the capacity of the tank (in gallons) from which the wastewater is discharged into the PHUGA sewer system.

(3) The charge per gallon for discharge from marine vessel holding tanks shall be established in the PHUGA sewer system fee schedule.

13.06.060 Violator liable for costs.

Any person who violates any provision of this Chapter is liable to the county for any expense, loss, damage, cost of inspection or correction incurred by the county as a result of such violation pursuant to Chapter 13.07 JCC. and Title [19](#) JCC.

Chapter 13.07

Enforcement and Remedies for Misuse of PHUGA Sewer System

Sections:

- 13.07.010 Violations and remedies.
- 13.07.020 Enforcement authority.
- 13.07.030 Action authorized pursuant to Title [19](#) JCC.
- 13.07.040 Administrative fines and penalties.
- 13.07.050 Civil liability for removal of unauthorized connections or taps.
- 13.07.060 Civil liability of dischargers for expenses and fines for violations of permits issued to the PHUGA sewer system utility caused by them.
- 13.07.070 Administrative appeal.
- 13.07.080 Criminal penalties.
- 13.07.090 Remedies nonexclusive.

13.07.010 Violations and remedies.

- (1) Whenever the director finds that any person has violated or is violating any of the provisions of this PHUGA utility code, the director may take one or more of the following actions:
 - (a) Emergency suspension of service and any permit;
 - (b) Termination of treatment services and permit revocation;
 - (c) Notice of violation or other administrative order;
 - (d) Assessment of civil penalties;
 - (e) Pursuit of criminal penalties; or,
 - (f) Pursuit of any other legal or equitable remedy permitted under law.
- (2) The director may take any action permitted under this PHUGA sewer utility code or Title [19](#) JCC to cure violations and remedy any misuse of the PHUGA sewer system.

13.07.020 Enforcement authority.

- (1) The enforcement provisions specified in this Chapter apply to any user of the PHUGA sewer system who violates any provision of this PHUGA sewer utility code or any permit, order, or determination of the director.
- (2) To achieve compliance, the director may use a variety of enforcement mechanisms as provided in the Jefferson County Code and state law. The director may, at their discretion, implement the use of any mechanism or the concurrent use of several mechanisms to enforce the provisions of this PHUGA sewer utility code.
- (3) The enforcement mechanisms provided herein may be cumulative in respect to such other enforcement mechanisms or civil and criminal penalties as may be otherwise available under federal, state, or local law.
- (4) Nothing in this PHUGA sewer utility code is intended to prevent state and federal regulatory agencies from undertaking enforcement actions as may otherwise be available due to a

violation of this PHUGA sewer utility code, which also constitutes a violation of federal or state statutes and regulations.

13.07.030 Action authorized pursuant to Title [19](#) JCC.

- (1) When the director determines that enforcement is required, the director may take any action authorized under Title [19](#) JCC, in addition to any other remedy permitted under federal, state, or local law. Nothing in this section shall limit the authority of the director to take any action, including emergency actions or any other enforcement action, without first issuing a notice of violation.
- (2) Any violation of this PHUGA sewer utility code or a permit, order, or decision issued hereunder is a civil code violation as defined in JCC [19.10.015](#).
- (3) The director is authorized to promulgate any rules necessary to ensure the efficient application of Title [19](#) JCC to enforcement actions pursuant to this PHUGA sewer utility code.

13.07.040 Administrative fines and penalties.

- (1) When the director determines that a violation has occurred under this PHUGA sewer utility code, the director may impose a fine in an amount as specified in the PHUGA sewer system fee schedule and Title [19](#) JCC. The director shall collect fines and penalties in the manner specified in Title [19](#) JCC.
- (2) Imposition of a fine or penalty shall not preclude any other action by the director against the user.
- (3) The maximum penalty shall be \$10,000 per violation per day for each violation of Chapter 13.06 JCC (Discharge Restrictions, Pretreatment Requirements, and Prohibited Waste Discharge Permits).¹¹

13.07.050 Civil liability for removal of unauthorized connections or taps.

Whenever any tap or connection is made into any PHUGA sewer system improvement without payment of the assessment being made as required by this Chapter, the department is authorized to remove and disconnect, or cause to be removed and disconnected, such unauthorized tap or connection including all connecting tile or pipe located in the right-of-way and dispose of such unauthorized material without liability. The property owner where the unauthorized connection is located shall be liable for all costs and expenses of any type incurred to remove, disconnect, and dispose of the unauthorized tap or connection.

13.07.060 Civil liability of dischargers for expenses and fines for violations of permits issued to the PHUGA sewer system utility caused by them.

Any discharger violating provisions of this PHUGA sewer system code shall be liable for any expense, loss or damage caused to the PHUGA sewer system utility by reason of such violation, including increased costs for treatment, sludge treatment, or disposal and operation and maintenance expenses when such increased costs are the result of the discharger's discharge. Any discharge that causes any violation of any permit issued to operate the PHUGA sewer system,

¹¹ Note: The maximum penalty per day for Clean Water Act violations is *\$64,619 per day for each violation*. 33 CFR [§ 326.6](#).

including but not limited to any National Pollutant Discharge Elimination System (“NPDES”) permit, State Waste Discharge Permits (“SWD”), Water Treatment Plant General Permit, or Water Reclamation permit, and that causes the PHUGA sewer system utility or the county to be fined by any agency of the United States (including but not limited to the United States Environmental Protection Agency) or the State of Washington (including but not limited to the Washington State Department of Health or the Washington State Department of Ecology), the discharger shall be liable to the PHUGA sewer system utility or the county for all of their fines, penalties, and costs, including, without limitation, the total amount of the fine assessed against the PHUGA sewer system utility or the county and all attorney’s fees and costs, sampling, analytical and other associated costs and expenses.

13.07.070 Administrative appeal.

- (1) Any aggrieved person may appeal any of the following decisions of the director:
 - (a) Suspension of the discharger’s wastewater services or any permit;
 - (b) Termination of the discharger’s wastewater services or any permit;
 - (c) Imposition of fine or penalty under this Chapter or Title [19](#) JCC; or,
 - (d) Violation of a compliance schedule order.
- (2) The administrative appeal authorized by this section shall be processed in accordance with Chapter 13.09 JCC and Chapter [19.35](#) JCC.

13.07.080 Criminal penalties.

- (1) A user who introduces any substance into the PHUGA sewer system which causes personal injury or property damage shall, upon conviction, be guilty of a gross misdemeanor and be subject to a penalty of not more than \$5,000, one year in jail, or both. Each day a violation occurs shall constitute a separate offense. This penalty shall be in addition to any other cause of action for personal injury or property damage as provided for in the PHUGA sewer manual and available under state law.
- (2) Any person who knowingly makes any false statements, representations, or certifications in any application, record, report, plan, or other documentation filed, or required to be maintained, under the PHUGA sewer system ordinance or order issued thereunder, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or sample shall, upon conviction, be guilty of a gross misdemeanor, and punished by a fine of not more than \$5,000, one year in jail, or both.
- (3) Each day a violation occurs shall constitute a separate offense.

13.07.090 Remedies nonexclusive.

The provisions in this chapter are not exclusive remedies. The county reserves the right to take any, all, or any combination of these actions concurrently or sequentially against a noncompliant user or to take other actions as warranted by the circumstances.

Sections:

- 13.08.010 Authority and purpose.
- 13.08.020 Applicability.
- 13.08.030 Application – contents and requirements.
- 13.08.040 Review and approval of application for utility system improvement.
- 13.08.050 Preliminary determination.
- 13.08.060 Preliminary determination notice.
- 13.08.070 Latecomer agreement.
- 13.08.080 Execution, notice, and recording.
- 13.08.090 Construction – final costs and conveyance.
- 13.08.100 Defective work.
- 13.08.110 Payment of latecomer assessments – remittance to developer.
- 13.08.120 Segregation.
- 13.08.130 Term of latecomer agreements.
- 13.08.140 County charges.
- 13.08.150 Appeal.
- 13.08.160 Enforcement of latecomer obligations.
- 13.08.170 County participation authorized.
- 13.08.180 Interpretation and consistency with state law.

13.08.010 Authority and purpose.

The director is authorized to enter into latecomer agreements with property owners of real estate pursuant to Chapter [35.91](#) RCW as now exists or is hereafter amended. This Chapter prescribes the regulations for exercise of this authority granted to the director.

The purpose of this Chapter is to provide for the prorated recovery of the costs of installation for private, private and public, and public construction of PHUGA sewer system improvements through a charge to later users of the PHUGA sewer system improvements who benefit from the PHUGA sewer system improvements, but who did not previously contribute to the costs of those PHUGA sewer system improvements.

13.08.020 Applicability.

This Chapter applies to PHUGA sewer system improvements, when the construction of the PHUGA sewer system improvements is the result of county ordinances or regulations that require these PHUGA sewer system improvements as a prerequisite to property development.

13.08.030 Application – contents and requirements.

(1) Any developer using private funds to construct PHUGA sewer system improvements in the county may apply to the county for a latecomer agreement to recover a pro rata share of the costs of construction from property owners that will later connect to or use the PHUGA sewer system improvements made by the developer.

(2) An application for a latecomer agreement shall be made on forms developed by the department, and shall be accompanied by the application fee, administrative fee and recording fee as set forth in the PHUGA sewer system fee schedule. The application shall contain, at a minimum, the following information:

- (a) A legal description of the developer's property;
- (b) A legal description of the properties within the developer's proposed assessment reimbursement area, together with the name and address of the property owner of each property as shown in the records of the office of the assessor;
- (c) Vicinity maps, stamped by a State of Washington licensed civil engineer or surveyor, depicting the developer's property, the proposed PHUGA sewer system improvements, and the proposed assessment reimbursement area;
- (d) Statement from a contractor (as defined in JCC 13.02.030) or civil engineer licensed by the State of Washington containing an itemized estimate of the total projected cost of construction of PHUGA sewer system improvements. Activities that may be included in the cost estimate are all costs solely associated with the design and construction of PHUGA sewer system improvements for the development. This includes elements that the county requires as part of installation of the PHUGA sewer system improvements, such as concrete panel replacements in the roadway or Americans with Disabilities Act-compliant ramps and their companion ramps. These elements may only be included in the total cost, however, if they would not otherwise be required but for the installation of the PHUGA sewer system improvements;
- (e) The developer's proposed allocation of the cost of construction to the individual properties within the proposed assessment reimbursement area and the method used for such allocation;
- (f) The developer's agreement to provide sufficient security to the PHUGA system utility and the county to ensure the installation of the PHUGA sewer system improvements and other performance under the latecomer agreement, as required by RCW [35.91.120\(1\)\(a\)\(v\)](#); and,
- (g) The developer's agreement to reimburse the PHUGA system utility and the county for all of the costs associated with the installation of the PHUGA sewer system improvements, including but not limited to, engineering, legal, and administrative costs as required by RCW [35.91.120\(1\)\(a\)\(vi\)](#).

(3) In addition to the latecomer application, the applicant shall apply for and obtain all necessary and required permits required for construction of the PHUGA sewer system improvements. The application shall meet all design standards and requirements applicable to the PHUGA sewer system improvements contained in this PHUGA sewer utility code, the PHUGA sewer manual, and the PHUGA sewer facility plan, as may be updated.

(4) The application for the latecomer agreement shall be made before the PHUGA sewer system improvements proposed for construction are approved by the director through the issuance of a right-of-way use or any permit under this PHUGA sewer utility code. Acceptance by the

director shall mean, for the purposes of this section, the date the public facilities are conveyed to the county by a deed of conveyance or other equivalent written document.

(5) Within 30 days of receipt of the application for a latecomer agreement, the department shall provide the developer with written notice of whether the application is complete and, if incomplete, what must be done for the application to be considered complete. The developer shall respond in writing to a notice of incompleteness within 30 days and provide the information required to complete the application; or, if the developer cannot submit the required information within the 30-day period, the developer shall provide the department with a written explanation and suggest a date within 60 days that the requested information will be submitted. In its sole discretion, the director may grant an application for an extension of not more than 60 days to submit the required information. If the developer fails to meet the foregoing time frame, the director may, in their discretion, reject the application as untimely.

(6) The director may impose a minimum project size limit and a minimum cost threshold, among other criteria to establish eligibility of a developer to apply for a reimbursement agreement. The determination of the director shall be final.

(7) A latecomer agreement application shall not include improvement of a developer's abutting right-of-way.

(8) The director only may approve the application after determining that the PHUGA sewer system has the capability and capacity to service the proposed PHUGA sewer system improvements and development, in the sole discretion of the director.

13.08.040 Review and approval of application for PHUGA sewer system improvements.

(1) The director shall review all and approve the application for the PHUGA sewer system improvements if all the following criteria are met:

(a) The application is for PHUGA sewer system improvements, as defined in JCC 13.02.160;

(b) The application is timely, complete and the application fee and administrative fee has been paid;

(c) The proposed PHUGA sewer system improvements are required by applicable federal, state, or local law to be constructed as a prerequisite to further property development; and,

(d) The proposed PHUGA sewer system improvements are consistent with this PHUGA sewer utility code, the PHUGA sewer manual, development and building regulations, the comprehensive plan, and the PHUGA sewer facility plan, as updated.

(2) If any of the above criteria are not met, the director shall either condition approval as necessary in order for the application to conform to such criteria or deny the application. The final determination of the director shall be in writing.

13.08.050 Preliminary determination.

Upon approval of a latecomer application, the department shall formulate a preliminary assessment reimbursement area and preliminary assessment amount for each real property included in the preliminary assessment reimbursement area as follows:

- (1) The assessment reimbursement area shall be formulated based upon a determination of which parcels in the proposed area would require similar PHUGA sewer system improvements upon development or redevelopment or would be allowed to connect to or use the PHUGA sewer system.
- (2) A pro rata share of the cost of the PHUGA sewer system improvements shall be allocated to each property included in the assessment reimbursement area based upon the benefit to the property owner. The method or methods used to calculate the allocation of the assessment may be either front footage, number of units, square footage, zone termini method, or other equitable method, as determined by the director.

13.08.060 Preliminary determination notice.

- (1) The director shall determine the assessment for parcels within the assessment reimbursement area by calculating the pro rata share of the cost of construction for each property which might be served by the PHUGA sewer system, and thus within the benefit area.
- (2) The preliminary assessment reimbursement area and the preliminary assessment amounts formulated by the department shall be sent by certified mail to the developer and the property owners of record within the preliminary assessment reimbursement area. The notice shall contain:
 - (a) The assessment reimbursement area boundaries;
 - (b) The preliminary assessments; and,
 - (c) A description of the property owner's rights and options under this Chapter, including the right to request a public hearing before the hearing examiner with respect to inclusion within the area boundaries and assessments.
- (3) Within 20 days of the mailing of the preliminary determination, the developer or any property owner within the preliminary assessment reimbursement area may request in writing that a hearing be held before the hearing examiner pursuant to Chapter 13.09 JCC to contest the preliminary assessment reimbursement area or the preliminary assessment amounts, or both.
- (4) Notice of the hearing shall be given to the developer and all property owners within the preliminary assessment reimbursement area. The hearing before the hearing examiner shall be conducted as soon as reasonably practical subject to Chapter [2.30](#) JCC and the [Hearing Examiner Rules of Procedure](#) as adopted.
- (5) The hearing examiner shall conduct a public hearing and make a recommendation to the board of county commissioners. The report shall include findings of fact and conclusions of law, and the hearing examiner shall include with the recommendation a complete record of the proceedings.

(6) After considering the record the hearing examiner's report, and public comment thereon, if any, the board of county commissioners may adopt, modify, or reject the hearing examiner's recommendations in whole or in part or it may render its own findings and conclusions.

(7) The board of county commissioners determination of the assessment reimbursement area and the assessment shall be determinative and final. In the event no written request for a hearing is received within the allotted time, the determination of the department shall be final.

13.08.070 Latecomer agreement.

Based upon the final determination of the preliminary assessment reimbursement area and the preliminary assessment as specified in JCC 13.08.060(7), the department shall prepare a latecomer agreement, which shall be consistent with the requirements of this Chapter and RCW [35.91.120](#).

13.08.080 Execution, notice, and recording.

(1) The completed latecomer agreement shall be mailed to the developer by certified mail. The developer shall sign and notarize the latecomer agreement and return an original copy to the department. If the latecomer agreement is not executed and returned to the department within 60 days of the date it was mailed to the developer, the latecomer agreement will become null and void. The director may consider an extension of this period by a showing of hardship or excusable neglect on the part of the developer.

(2) The director shall file the fully executed latecomer agreement in the official property records of Jefferson County, Washington, within 30 days of final execution of the latecomer agreement; provided, that the developer shall have an independent duty to review the Jefferson County auditor's records to confirm that the latecomer agreement has been properly and timely recorded. The reimbursement agreement and the survey of record reflecting the assessment reimbursement area or benefit area shall be recorded with the county auditor and shall include a listing of all parcels (by tax number) or portions of parcels that are within it. The developer shall bear all costs of recording.

(3) No latecomer agreement shall be effective as to any property owner who is not a party to the latecomer agreement unless the latecomer agreement has been recorded with the Jefferson County auditor. Recording of the latecomer agreement shall occur prior to connection to the PHUGA sewer system.

(4) Once the latecomer agreement and notice are recorded and mailed, the latecomer agreement and assessment shall be binding on all property owners of record within the assessment reimbursement area.

13.08.090 Construction – final costs and conveyance.

(1) After the latecomer agreement has been signed by all parties and all necessary permits and approvals have been obtained, including but not limited to a right-of-way use permit, pretreatment permit, sewer connection permit, the developer shall construct the PHUGA sewer system improvements and, upon completion, request final inspection and acceptance of the PHUGA sewer system improvements by the department subject to any required obligation to repair defects.

(2) Within 120 days of completion of construction, the developer shall provide the department with documentation of the actual costs of the PHUGA sewer system improvements and a certification that all of the costs have been paid. The final cost of the PHUGA sewer system improvements shall be reviewed against the preliminary assessments established by the director. Upon a showing of good cause, the agreement shall be modified to include cost overruns up to a maximum of 10 percent. In the event the actual costs are less than the director's estimate by 10 percent or more, the director shall recalculate the charges and reduce them accordingly. For any revisions of costs under this section, the director shall cause a revised list of charges to be recorded with the Jefferson County auditor, with a notice to title on each property within the assessment reimbursement area.

(3) After the requirements of subsections (1) and (2) of this section have been satisfied, the developer shall provide the director with an appropriate deed of conveyance or other equivalent written document transferring ownership of the PHUGA sewer system improvements to the county, together with any sewer easements necessary to ensure the county's right of access for maintenance of the PHUGA sewer system improvements. Title to the PHUGA sewer system improvements shall be conveyed to the county free of all encumbrances.

(4) No connection to, or other use of, the PHUGA sewer system improvements will be permitted until the county has officially accepted the construction and title to the PHUGA sewer system improvements has been conveyed to the county.

(5) All construction, inspection and testing shall conform to the PHUGA sewer manual and this Chapter.

13.08.100 Defective work.

The developer shall be responsible financially for all work by the developer found to be defective within one year after the date of acceptance of the PHUGA sewer system improvements by the county.

13.08.110 Payment of latecomer assessments – remittance to developer.

(1) Upon recording, the latecomer agreement and assessment shall be binding upon all properties located within the assessment reimbursement area. Assessments shall be paid to the county in one lump sum, including interest through the date of payment, as follows:

(a) Assessments for PHUGA sewer system improvements shall be paid prior to issuance of the first applicable permit which authorizes connection to or use of the PHUGA sewer system improvements. If a benefitting parcel subdivides, consolidates, or otherwise adjusts its lot boundary, the pro rata share encumbrance will still apply to the entire parent parcel. The first connection from the parent parcel that triggers the reimbursement payment will be required to pay the full pro rata share.

(b) The developer shall pay an administrative fee for processing latecomer assessments as specified in the PHUGA sewer system fee schedule.

(2) The county shall remit the amounts due to the developer within 60 days of receipt.

(3) When the assessment for PHUGA sewer system improvements and all latecomer agreement charges required by JCC 13.08.150 have been paid in full, the director shall record a certification of payment that will release the property from the latecomer agreement.

(4) The latecomer agreement charges required by JCC 13.08.150 shall be in addition to all other charges, including connection charges, system development charges, and any other charges which must be paid by person applying for connection to the PHUGA sewer system.

13.08.120 Segregation.

The department shall, upon the application of any property owner within the assessment reimbursement area, segregate the assessment. The application shall be on a form developed by the department. The segregation shall be based upon the same factors applied when the assessments were originally established. The property owner seeking segregation of the assessment shall pay the segregation charge and recording fees as listed in PHUGA sewer system fee schedule.

13.08.130 Term of latecomer agreements.

(1) Each latecomer agreement shall provide for reimbursement for a period no longer than 20 years from the date of its recording, unless earlier terminated as provided in subsection (2) of this section. The latecomer agreement may provide for extensions as specified in RCW [35.91.020\(4\)](#).

(2) The county may terminate a latecomer agreement if the developer fails to commence or complete construction within the time and manner required in the right-of-way use permit or sewer connection permit for the PHUGA sewer system improvements. In the event of termination, the director shall record a release of latecomer agreement in the Jefferson County auditor's office.

13.08.140 Latecomer agreement charges.

(1) The developer shall pay the following charges:

(a) Application Fee. The developer shall be responsible for payment of the application fee as set forth in the PHUGA sewer system fee schedule for each latecomer agreement. The application shall be on a form developed by the department;

(b) Administrative Fee. The department may charge a fee for administering the latecomer process equal to one percent of the estimated cost of construction;

(c) Recording Fee. For every separate parcel or property within the developer's proposed assessment reimbursement area, the county shall charge the most current Jefferson County auditor's recording fees per parcel;

(d) Cost of Security. The cost of sufficient security to the PHUGA system utility and the county to ensure the installation of the PHUGA sewer system improvements and other performance under the latecomer agreement, as required by RCW [35.91.120\(1\)\(a\)\(v\)](#); and,

(e) All Costs of Installation. All of the costs associated with the installation of the PHUGA sewer system improvements, including but not limited to, engineering, legal, and administrative costs as required by RCW [35.91.120\(1\)\(a\)\(vi\)](#).

(2) The application fee shall be paid upon application for a latecomer agreement. All remaining latecomer agreement charges shall be paid prior to, and as condition of, the mailing of the preliminary determination notices.

13.08.150 Appeal.

(1) With the exception of the determination of the preliminary assessment reimbursement area and preliminary assessment as provided by JCC 13.08.060, a developer or property owner of a property located within the assessment reimbursement area may appeal the interpretation, implementation, or decisions of the director concerning administration of this Chapter to the hearing examiner as provided in this section and Chapter 13.09 JCC. The appeal must be filed within 20 days of the date of the action or decision being appealed, include a statement of claimed errors concerning the proposed assessment, and be accompanied by an appeal fee as set forth in the PHUGA sewer system fee schedule. Errors which are not set forth in writing and which do not adhere to the criteria listed below will not be considered. The appeal must conform to all requirements of Chapter [2.30](#) JCC and the [Hearing Examiner Rules of Procedure](#) as adopted.

(2) Appeal Criteria. Objections by a benefiting property owner to the recording of a potential assessment against their property does not constitute a valid appeal. Errors identified in an appeal must be related to cost, methodology for cost distribution, or benefit to the property as described below:

(a) Cost. If the benefiting property owner contests these costs, they must provide a basis for the claim discrepancy, such as an estimate from a contractor or other reliable source.

(b) Cost Methodology. If the benefiting property owner contests the cost methodology used, they have to show why it is not equitable and provide their suggested alternate method of assessment and the justification for its use in place of the method recommended by the director.

(c) Benefit. If a benefiting property owner contests benefit, they must provide a statement or documentation on why a particular parcel has no future potential benefit.

13.08.160 Enforcement of latecomer obligations.

(1) In processing and imposing obligations in this Chapter for reimbursement of developers, the county in no way guarantees payment of assessments by latecomers, enforceability of assessments, or enforceability of the latecomer agreement or the accuracy of the amount(s) thereof against such persons or property. Nor will the offices or finances of the county be used for enforcement or collection of latecomer obligations beyond those duties specifically undertaken by the county herein. The PHUGA sewer utility and the county shall not be responsible for locating any beneficiary or survivor entitled to any benefits by or through a latecomer agreement.

(2) Every two years from the date the latecomer agreement is executed, a developer entitled to reimbursement under this Chapter shall provide the department with information regarding the current contact name, address, and telephone number of the person, company, or partnership that originally entered into the latecomer agreement. If the developer fails to comply with the notification requirements of this subsection within 60 days of the specified time, then the department may collect any reimbursement funds owed to the developer under the latecomer agreement. Those funds shall be deposited in a sewer utility capital fund.

13.08.170 County participation authorized.

(1) The county may participate in financing a PHUGA sewer system improvement project authorized, improved, or constructed in accordance with this Chapter as authorized under RCW [35.91.020](#) and shall have the right of reimbursement as described therein.

(2) The county on its own initiative may solely perform PHUGA sewer system improvement projects authorized, improved, or constructed in accordance with this Chapter as authorized under RCW [35.91.060](#) and shall have the right to reimbursement as described therein. In such situations, the county shall take action by ordinance to establish the reimbursement area and reimbursement allocations.

13.08.180 Interpretation and consistency with state law.

This Chapter shall be interpreted according to its terms; provided, that if an inconsistency between this Chapter and state law arises, this Chapter shall be interpreted in a manner consistent with Chapter [35.91](#) RCW.

Chapter 13.09 APPEALS

Sections:

- 13.09.010 Applicability.
- 13.09.015 Appeal procedures in this Chapter to be supplemented by Title [19](#) JCC.
- 13.09.020 Appeal and administrative hearing officer.
- 13.09.030 Service of administrative hearing notice.
- 13.09.040 Administrative hearing procedure.
- 13.09.050 Administrative hearing decision.
- 13.09.060 Issuance of administrative hearing decision.
- 13.09.070 Appeal to the hearing examiner.
- 13.09.080 Hearing examiner appeal procedure, decision, payment of costs, and judicial review.
- 13.09.090 Final decision.

13.09.010 Applicability.

(1) Except as limited in this section, this Chapter shall apply to any appeal permitted under this PHUGA sewer utility code, including but not limited to:

- (a) Equivalent residential unit (“ERU”) determinations for monthly user charges and system development charges (“SDC”) made pursuant to JCC 13.05.040(2)(c); and,
- (b) Appeals permitted pursuant to Chapter 13.07 JCC.

(2) This Chapter does not apply to any other appeal that could be brought pursuant to Title [19](#) JCC, including, but not limited to civil code violations as defined in JCC [19.10.015\(14\)](#) or nuisances as defined under JCC [19.10.015\(36\)](#), a determination that an on-site sewage system is failing, or the existence of sewage on the ground.

(3) This Chapter does not apply to any determination made by the department of public health concerning denial or issuance of a permit for on-site sewage systems, including appeal of the denial of a repair or replacement of an on-site sewage system due to the availability of a public sewer system pursuant to JCC 13.04.070(2) or JCC 13.11.030(3)(b).

(4) This Chapter does not apply to any appeal of a preliminary notice of an assessment reimbursement area or preliminary assessment pursuant to Chapter 13.08 JCC, which shall be conducted in accordance with JCC 13.08.060.

13.09.015 Appeal procedures in this Chapter to be supplemented by Title [19](#) JCC.

The appeal procedures set out in JCC 13.09.020 through JCC 13.09.090 are intended to replicate the appeal procedures set out in Chapter [19.35](#) JCC. Should there be omissions in the procedure set out in this Chapter that have been addressed in Chapter [19.35](#) JCC, the provisions of Chapter [19.35](#) JCC shall apply.

13.09.020 Appeal and administrative hearing officer.

(1) Any aggrieved person may appeal any decision identified in JCC 13.09.010(1) within 15 days of mailing. The notice of appeal shall request an appeal hearing and specify the grounds for the appeal, including the alleged errors.

(2) An administrative hearing on the appeal will be conducted by an administrative hearing officer, who shall be the health officer or a disinterested director, or their designee.

13.09.030 Service of administrative hearing notice.

(1) The notice of the administrative hearing shall be on a form developed by the department and shall contain the date, time, and location of the administrative hearing, a copy of the administrative hearing officer's decision, and the name and telephone number of the administrative hearing officer.

(2) The notice of the administrative hearing shall be served on the aggrieved person by mailing a copy to their last known mailing address.

(3) The person effectuating the service shall sign a declaration under oath pursuant to Chapter [5.50](#) RCW with the date and address that the personal service or mailing was made. Service by mail shall be deemed effective upon the third business day following the day of mailing.

13.09.040 Administrative hearing procedure.

(1) The administrative hearing officer shall conduct a hearing pursuant to shall occur in accordance with this section.

(2) There shall be no filing fee for an administrative hearing, nor shall any cost associated with the administrative hearing be assigned to the aggrieved person, regardless of the outcome of the hearing. This subsection does not limit the authority of the administrative hearing officer to affirm or assign monetary penalties or costs, excluding the cost of conducting the administrative hearing.

(3) The administrative hearing shall be conducted within 45 days of the request for the administrative hearing, unless the aggrieved person agrees to an extension.

(4) The department shall prove by a preponderance of the evidence that the decision was made in accordance with the requirements of this PHUGA sewer utility code. The department shall have the burden of proving by a preponderance of the evidence that the decision was made in accordance with the requirements of this PHUGA sewer utility code. Formal rules of evidence shall not apply to the administrative hearing.

(5) The department shall develop a departmental report explaining the decision and how the decision is in accordance with this PHUGA sewer utility code.

(6) Administrative hearings shall be informal. The administrative hearing shall be conducted on the record and shall allow for testimony from department staff, the aggrieved person and any witnesses called by the department staff or the aggrieved person. The department staff or the aggrieved person may submit evidence for consideration by the administrative hearing officer. An administrative hearing shall not allow public testimony, written or oral.

(7) Failure to appear. If the aggrieved person fails to appear at the scheduled hearing or present a written statement in time for consideration at the hearing, the administrative hearing officer shall enter an order of default with findings. The department may enforce the administrative hearing officer's decision and recover any related expenses. A copy of the order of default shall be mailed to the aggrieved person and against whom the default order was entered and to the department.

13.09.050 Administrative hearing decision.

Within 15 days after the conclusion of the administrative hearing, the administrative hearing officer shall issue a decision that shall comply with the following requirements:

- (1) The administrative hearing officer shall:
 - (a) Affirm the director's decision;
 - (b) Dismiss the director's decision; or,
 - (c) Modify the director's decision.
- (2) The administrative hearing officer shall make findings and conclusions of law supporting the decision, and include information describing how the decision may be appealed; and,
- (3) A copy of the administrative hearing officer's decision shall be mailed to the aggrieved person and the department.

13.09.060 Issuance of administrative hearing decision.

The administrative hearing officer shall issue a decision within 15 days of the administrative hearing, unless the administrative hearing officer determines that more time is necessary. The decision shall be mailed by first class and certified mail, or hand-delivered to the aggrieved person. The decision shall become the final agency decision, if it is not timely appealed pursuant to JCC 13.09.070.

13.09.070 Appeal to the hearing examiner.

The aggrieved person may appeal the decision of the administrative hearing officer to the Jefferson County hearing examiner within 15 days of mailing the administrative hearing officer's decision. A \$750.00 filing fee is required to file an appeal with the hearing examiner. This fee may be waived for an indigent appellant upon application to the director on forms developed by the department. An appeal to hearing examiner must be filed with the office of the hearing examiner, which is housed within the county administrator's office.

13.09.080 Hearing examiner appeal procedure, decision, payment of costs, and judicial review.

- (1) The notice of appeal shall contain:
 - (a) Full name of the appellant;
 - (b) Mailing address and email address (if available) of appellant;
 - (c) A copy of the administrative hearing officer decision and the original director's decision;
 - (d) A concise statement of the factual and legal basis for the appeal citing specifically the alleged errors in the administrative hearing officer decision; and,

- (e) The specific relief sought.
- (2) Payment of appeal fees or a request for waiver of fees pursuant to JCC 13.09.070 must be submitted concurrently with filing.
- (3) An appeal will not be accepted if it is not accompanied by the full payment of appeal fees or an approved waiver of fees pursuant to JCC 13.09.070.
- (4) A hearing on a hearing examiner appeal shall be conducted within 60 days of the later of a notice of appeal or the date of approval of a waiver of fees pursuant to JCC 13.09.070, unless the aggrieved person agrees to an extension.
- (4) The hearing examiner appeal shall occur in accordance with this PHUGA sewer utility code and shall be conducted in accordance with the Chapter [2.30](#) JCC and the [Hearing Examiner Rules of Procedure](#) as adopted. The department shall have the burden of proving by a preponderance of the evidence that the decision was made in accordance with the requirements of this PHUGA sewer utility code. Formal rules of evidence shall not apply to hearings before the hearing examiner.
- (5) Staff shall develop a departmental report explaining the director's decision and how it is in accordance with this PHUGA sewer utility code.
- (6) The administrative hearing shall be conducted on the record and shall allow for testimony from department staff or the aggrieved person and any witnesses called by the department or the aggrieved person. The department or the aggrieved person may submit evidence for consideration by the examiner. Hearing examiner appeals shall not allow public testimony, written or oral.
- (7) Hearing examiner decision.
 - (a) At the conclusion of the hearing, the examiner shall either: (i) affirm the administrative hearing officer's decision; (ii) dismiss the administrative hearing officer's decision; or, (iii) modify the administrative hearing officer's decision.
 - (b) The examiner shall make findings and conclusions of law supporting their decision, consistent with Chapter [2.30](#) JCC and the [Hearing Examiner Rules of Procedure](#) as adopted.
 - (c) A copy of the examiner's decision shall be mailed to the aggrieved person, and the department.
- (8) Failure to appear. If the aggrieved person fails to appear at the scheduled hearing examiner appeal or present a written statement in time for consideration at the hearing, the examiner shall enter an order of default with findings and assess appropriate costs and expenses to the aggrieved person. The director may enforce the examiner's decision and recover all related expenses, including attorney's fees and staff time, plus the costs of the hearing from the aggrieved person. A copy of the order of default shall be mailed to the aggrieved person against whom the default order was entered, and to the department.

(9) Costs. If the aggrieved person substantially prevails before the hearing examiner, meaning the examiner either dismisses the administrative hearing officer's decision or substantially modifies the administrative hearing officer's decision, then the hearing examiner filing fee shall be refunded and no costs for the hearing examiner appeal shall be assigned to the aggrieved person. If the person responsible does not substantially prevail at the hearing, the examiner may assign all hearing and related costs to the aggrieved person including attorney's fees and staff time. This subsection does not limit the authority of the examiner to affirm or assign monetary penalties or costs associated with a code compliance case.

(10) Judicial review. A final decision by the hearing examiner shall be final and conclusive, unless proceedings for review of the decision are properly commenced in superior court within the time period specified by state law.

13.09.090 Final decision.

(1) If the director's decision is not timely appealed within 15 days of mailing the decision, then the director's decision shall be a final decision.

(2) If the decision of the administrative hearing officer is not appealed to the hearing examiner within 15 days of mailing the decision then the decision of the administrative hearing officer shall become a final agency decision and order.

(3) A final decision by the hearing examiner shall be final and conclusive, unless proceedings for review of the decision are properly commenced in superior court within the time period specified by state law.

APPENDIX B

Miscellaneous Amendments to the Jefferson County Code

DRAFT

Section 2.30.080 of the Jefferson County Code, last amended by Ordinance 12-1028-19 on October 28, 2019, is amended to read:

JCC 2.30.080 Examiner – Power and duties.

(1) The examiner shall have the power to appoint deputy examiners, subject to confirmation by the board of county commissioners. The deputy examiners shall assist the examiner in the performance of the duties conferred upon the examiner and shall have all the powers and duties of the examiner.

(2) The examiner shall receive and examine available relevant evidence, conduct hearings, cause preparation of the official record, prepare and enter findings of fact and conclusions of law, and issue final decisions for:

(a) Land Use Hearings.

(i) Type III land use decisions pursuant to Chapter [18.40](#) JCC;

(ii) Appeals of Type II land use decisions pursuant to Chapter [18.40](#) JCC;

(iii) Appeals of administrative interpretations made pursuant to Article VI of Chapter [18.40](#) JCC;

(iv) Appeal of a SEPA threshold determination made pursuant to Article X of Chapter [18.40](#) JCC, except for determinations of significance;

(v) Hearings to suspend, revoke, or modify an issued examiner's decision, approval, or permit for land use matters under JCC [18.40.325](#); and,

(vi) Any other land use hearing not prohibited by law assigned by the board of county commissioners through an ordinance.

(b) Non-Land-Use Hearings.

(i) Operating permits for a new commercial shooting facility under Article III of Chapter [8.50](#) JCC (Commercial Shooting Facilities);

(ii) Appeal of an administrative decision regarding operating permits for existing commercial shooting facilities under Article III of Chapter [8.50](#) JCC (Commercial Shooting Facilities);

(iii) Administrative appeals under Chapter [19.40](#) JCC (Hearing Examiner Appeals for Nuisances);

(iv) Hearings for vehicle nuisances under Chapter [19.25](#) JCC (Vehicle and Public Right-of-Way Nuisances);

(v) Appeal of an administrative decision regarding sexually oriented business licenses under Chapter [5.10](#) JCC (Licensing and Operation of Sexually Oriented Business Facilities);

(vi) Appeals assigned to the hearing examiner under the PHUGA Sewer Utility Code (Chapters 13.01-13.09 JCC);

(vii) Hearings to suspend, revoke, or modify an issued examiner's decision, approval, or permit for non-land-use matters under JCC 2.30.140; and,

(viii) Any other non-land-use proceeding not prohibited by law assigned by the board of county commissioners through an ordinance.

(3) The examiner shall receive and examine available relevant information, including environmental documents, conduct hearings, cause preparation of the official record, prepare and enter findings of fact and conclusions of law, and issue recommendations to the board of county commissioners for road vacations under Chapter 12.10 JCC (non-land-use hearing).

(4) Subpoena Authority. The examiner shall have the authority to issue subpoenas compelling the appearance of witnesses, the production of documents or other physical evidence, and the inspection of physical evidence.

Section 19.10.010 of the Jefferson County Code, last amended by Ordinance 09-1210-20 on December 22, 2020, is amended to read:

JCC 19.10.010 Applicability.

This Title shall apply to enforcement actions under the following statutes, regulations, ordinances, or health officer directive, or health officer order(s) as they now exist, or as they may hereafter be amended:

(1) Title 8 JCC, any statute, regulation, or ordinance listed in JCC 8.01.030, except:

(a) Suspension or revocation for any permit, license, or certificate listed in JCC 8.01.030;

(b) Stop work orders for any permit listed in JCC 8.01.030; and,

(c) Notice to vacate issued under JCC 8.10.950.

(2) JCC Title 12, Chapter 12.05 JCC, Approaches to County Roads.

(3) JCC Chapters 13.01- 13.09, PHUGA Sewer Utility Code.

(4) JCC Title 15, Chapter 15.05 JCC, Building Codes.

(5) JCC Title 15, Chapter 15.15 JCC, Flood Damage Prevention.

(6) JCC Title 17, Master Planned Resorts – All Chapters.

(7) Title 18 JCC, Unified Development Code – All Chapters.

(8) Any other statutes, regulations, ordinances, health officer directive, or health officer order(s) defined as a civil code violation pursuant to JCC 19.10.015(14).