



TO: Elizabeth A. Pauli, City Manager
FROM: Kurt Fremont, Assistant Division Manager, Business Operations *GMS*
Michael P. Slevin III, P.E., Environmental Services Director
COPY: City Council and City Clerk
SUBJECT: Ordinance - Repeal & Reenact Tacoma Municipal Code Chapter 12.08 Related to Wastewater and Surface Water Management -May 18, 2021
DATE: May 3, 2021

SUMMARY AND PURPOSE:

An ordinance to repeal and reenact Chapter 12.08 of the Tacoma Municipal Code, related to Wastewater and Surface Water Management; and re-codified four new Chapters, 12.08A (General Administration), 12.08B (Use of Sanitary Sewer), 12.08C (Industrial Pretreatment Program) and 12.08D (Stormwater Management); and adopting the City of Tacoma Side Sewer and Sanitary Sewer Availability Manual.

BACKGROUND:

This Department's Recommendation is Based On: The need to revise and update the City's industrial wastewater pretreatment regulations to ensure full compliance with Department of Ecology pretreatment requirements and the consent decree requirements in Puget Soundkeeper Alliance (PSA) v City of Tacoma, as well as recommendations from an independent audit and a Department of Ecology (Ecology) audit.

The Department has received approval from Ecology to advance the revised pretreatment section to Council for consideration of approval. Based on this, the Department recommends and is requesting the Council consider approval and adoption of the new Tacoma Municipal Code (TMC) chapters.

COMMUNITY ENGAGEMENT/ CUSTOMER RESEARCH:

Environmental Services (ES) submitted quarterly reports to PSA for 2 years in accordance with the PSA v City of Tacoma Consent Decree. ES met with the Pierce County Dental Society and 38 of the 42 industrial wastewater discharge permittees to discuss the code revisions. ES also presented summaries of the project to the Environmental Services Commission (2019 & 2021), Council Study Session (2019), and the Council Infrastructure, Planning and Sustainability Committee (2021).

2025 STRATEGIC PRIORITIES:

Equity and Accessibility:

Having four independent chapters specific for each of the regulatory sections provides a format that is easier to follow and to understand what our regulatory requirements.



Economy/Workforce: *Equity Index Score: Low Opportunity*

Increase positive public perception related to the Tacoma economy.

Explain how your legislation will affect the selected indicator(s).

Industrial wastewater customers benefit from having a dedicated pretreatment chapter and a local Pretreatment Program with a dedicated code that helps ensure a fair playing field across our jurisdiction. Potential new industrial wastewater customers will have an updated application process and better access to local regulations.

ALTERNATIVES:

Alternative(s)	Positive Impact(s)	Negative Impact(s)
Not approve the TMC 12.08 Revisions.	None.	Potential non-compliance with NPDES Municipal Permit and possible enforcement actions by Ecology and third parties.

EVALUATION AND FOLLOW UP:

After approval of the new TMC 12.08 chapters ES will re-submit the new pretreatment code along with the Industrial Wastewater Pretreatment Program Document to the Department of Ecology for substantial modification approval. The City Council will see new Interlocal Agreements proposed for the wastewater contributing jurisdictions of Fife, Fircrest, Ruston, and portions of Pierce County reflecting the updated and revised pretreatment regulations that will be enforceable in those jurisdictions.

STAFF/SPONSOR RECOMMENDATION:

Environmental Services recommends the City Council pass an ordinance to repeal, reenact, and recodify Chapter 12.08 of the Tacoma Municipal Code related to Wastewater and Surface Water Management, to create four new chapters to ease access for customers and clarify the distinction between stormwater, wastewater, and pretreatment regulations.



City of Tacoma

City Council Action Memorandum

FISCAL IMPACT:

No cost to the City of Tacoma

What Funding is being used to support the expense? N/A

Are the expenditures and revenues planned and budgeted in this biennium's current budget? N/A

Are there financial costs or other impacts of not implementing the legislation?

YES

If the City does not pass the TMC 12.08 revisions, the City may not be in compliance with the NPDES Municipal Wastewater Permit and lead to possible enforcement action by the Washington State Department of Ecology and third parties.

Will the legislation have an ongoing/recurring fiscal impact?

No

Will the legislation change the City's FTE/personnel counts?

No

ATTACHMENTS:

- City of Tacoma Side Sewer and Sanitary Sewer Availability Manual