



TO: Elizabeth A. Pauli, City Manager
FROM: Peter Huffman, Planning and Development Services *PH*
COPY: Infrastructure, Planning, and Sustainability Committee; Michael P. Slevin III, P.E.;
Cathy Sims
PRESENTER: Stephen Atkinson, Principal Planner, Planning and Development Services
SUBJECT: South Tacoma Groundwater Protection District – Consideration of a Moratorium
DATE: November 22, 2022

PRESENTATION TYPE:

Request for Resolution

SUMMARY:

On November 30, 2022, the Infrastructure, Planning and Sustainability (IPS) Committee will consider a recommendation pertaining to the Planning Commission’s proposed moratorium on underground storage tanks, metal recycling and auto wrecking, vehicle service and repair, and vehicle service and repair – industrial.

BACKGROUND:

The City Council adopted Amended Substitute Resolution No. 40985 (resolution) on June 28, 2022, approving the Work Plan for the South Tacoma Groundwater Protection District (STGPD) Code Amendments (Work Plan), which was one of the four applications for the 2022 Annual Amendment to the Comprehensive Plan and Land Use Regulatory Code (2022 Amendment).

Prior to adopting the resolution, the City Council conducted a public hearing on June 7, 2022, on all four applications for the 2022 Amendment, including the Work Plan. Public testimony to the City Council raised community concerns around the compatibility of heavy industrial uses and storage of hazardous materials within the STGPD and suggestions for the City Council to consider enacting a moratorium.

In response to the community’s suggestions, the City Council stipulated in the resolution that “immediately following the adoption of the South Tacoma Groundwater Protection District Work Plan, as part of the first phase of that Work Plan, the Planning Commission will conduct a public process to develop findings of fact and recommendations as to whether a moratorium on heavy industrial uses and storage of hazardous materials within the South Tacoma Groundwater Protection District is warranted, and if so, to recommend the scope, applicability, and duration for City Council consideration within 60 days of the effective date of this resolution.”

The Planning Commission has completed its review and deliberations of the matter through a public process and forwarded to the City Council. The Commission has recommended a targeted moratorium on new underground storage tanks, metal recycling and auto wrecking facilities, and vehicle service and repair within the groundwater district.

On September 20, 2022, staff from Planning and Development Services, Tacoma Water, Environmental Services, Tacoma Fire, and the Tacoma-Pierce County Health Department (TPCHD) presented the Planning Commission’s Findings of Fact and Recommendations and a summary of the information the Commission considered in its review. In response, the City Council referred the issue to the IPS Committee for further discussion.



ISSUE:

The Planning Commission recommends that “the City Council should consider enacting a moratorium on permits for new and expansion of metal recycling, auto wrecking, vehicle service and repair, vehicle service and repair – industrial, as well as new underground storage tanks, within the South Tacoma Groundwater Protection District, for a duration of one year, to prevent the vesting of new land uses that may pose a risk to groundwater resources until the Groundwater Code Update can be complete in 2023.”

Metal Recycling in the South Tacoma Groundwater Protection District

To support the IPS Committee’s consideration of a potential moratorium, the committee requested additional information regarding the permits for Sutter Metals, a metal recycling facility in the STGPD, located at 5302 and 5312 S. Burlington Way. The following is a general overview of the permits and standards associated with the Sutter Metals facility. Further detail is included in **Attachments A, B and C**.

Land Use and Zoning: The proposed use, metal recycling, is permitted within the STGPD overlay zone and the M-2 Heavy Industrial Zoning District. No variances or exceptions were granted to the project.

State Environmental Policy Act (SEPA): The City issued a Mitigated Determination of Non-Significance for the project. The mitigation included limits on the hours of operation to address noise impacts. The SEPA review includes inter-departmental and inter-agency notification and coordination. Following the SEPA appeal period, the building permits were issued on October 24, 2019.

Fire: Fire Department staff conducted plan review and inspections of the site and building improvements to ensure compliance with the Fire Code. In this case, the hazardous materials quantities did not exceed thresholds for additional protection measures such as secondary containment.

Stormwater Management: The use was required to comply with the Stormwater Management Manual and Environmental Services Directive (ESD17-1) for water quality and flow control. ESD17-1 establishes specific standards for sites that propose to infiltrate stormwater from pollution generating surfaces within the STGP.

STGPD Permits: Operational permits within the STGPD are coordinated between the TPCHD and City of Tacoma staff. Based on the facility type, Sutter Metals’ source of stormwater runoff was considered High Intensity, which means that it is subject to enhanced permitting scrutiny, particularly for infiltration systems, and required to submit and receive approval of special operations and maintenance plans and project plans. For example, in this case Sutter Metals is required to provide quarterly stormwater monitoring to ensure that site stormwater is treated to a drinking water standard.

Corrective Actions: In the first quarter of 2021 Sutter Metals disconnected its infiltration system after consulting with their engineers and collecting stormwater for offsite disposal because their approved Stormceptor unit was found to be insufficient. In April of 2021, the City of Tacoma and TPCHD received a complaint from the Department of Ecology about an oil/water mixture discharging to the ground around the perimeter of the west side of the property. A joint investigation by City of Tacoma Environmental Compliance (EC) and TPCHD confirmed the complaint, and that Sutter Metals was already working on potential solutions to the insufficient stormwater treatment on the site. In response to the investigation, Sutter Metals removed soil from adjacent property where discharge occurred and installed a new oil/water separator. After receiving the next quarterly sampling result it was found that further improvements would be needed, and the infiltration system was again disconnected, and stormwater



collected and disposed off-site until improvements were completed. Sutter Metals is currently in the permitting process to install a canopy over areas where engines and transmissions are processed to further improve stormwater quality. Following the resolution of open violations, Sutter Metals resumed using the infiltration system and will continue to collect water quality samples.

ALTERNATIVES:

The IPS Committee can consider alternatives to the Planning Commission recommendation, including modifications to the Planning Commission proposal, or determination as to whether a moratorium is warranted.

FISCAL IMPACT:

This is an information briefing only. There is no fiscal impact.

RECOMMENDATION:

Staff supports a recommendation to the City Council to proceed with a public hearing on a potential moratorium as proposed by the Planning Commission or as modified by the IPS Committee.

ATTACHMENTS:

- A. Sutter Metal Permit Overview
- B. Response to IPS Comments from Tacoma-Pierce County Health Department
- C. Sutter Metals Permit Timeline

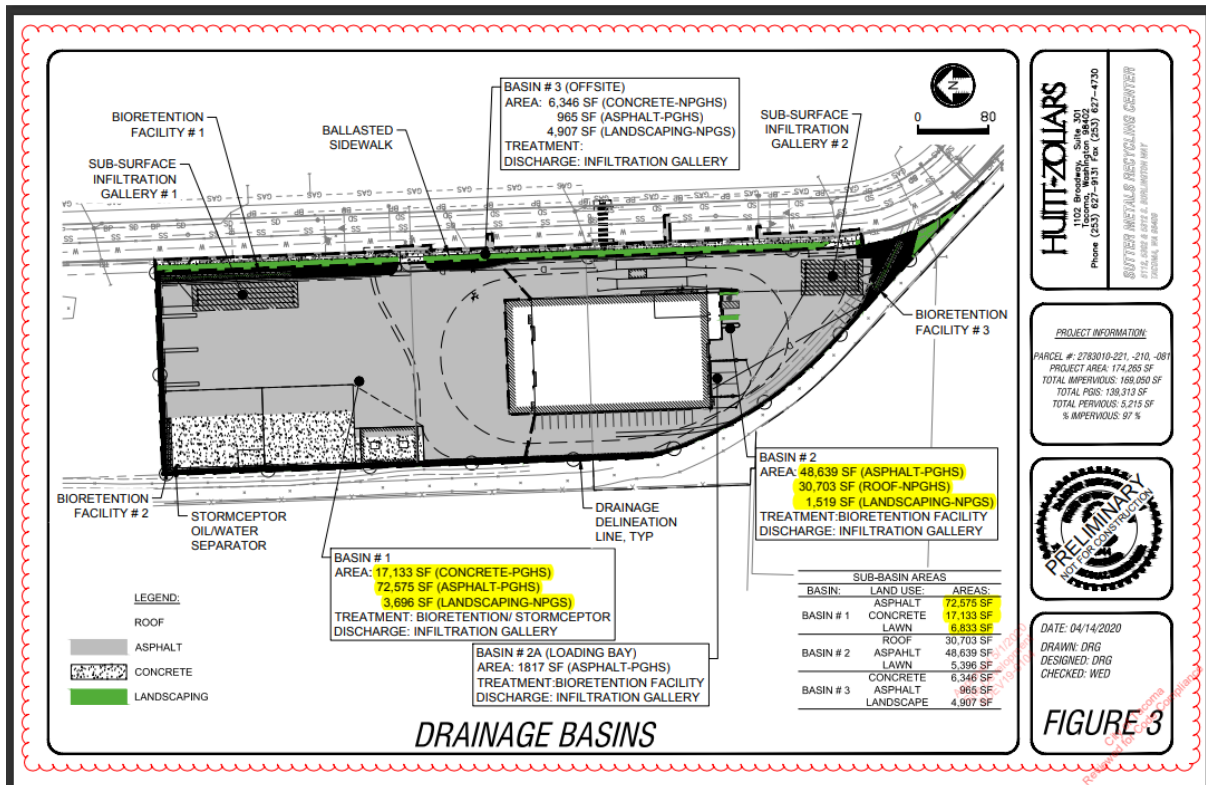


Site Development Group and Environmental Services

All projects that apply for building and site development permits in Tacoma are evaluated for compliance with Tacoma’s Stormwater Management Manual (SWMM). Tacoma's SWMM is equivalent to the Washington State Department of Ecology’s (Ecology) Stormwater Management Manual for Western Washington. The SWMM outlines required stormwater mitigation for new development and redevelopment projects. The SWMM also contains design criteria and requirements for designing permanent stormwater facilities. In addition to information pertinent to construction, the SWMM contains Best Management Practices (BMPs) for ongoing business operations. Environmental Services Environmental Compliance staff inspect businesses to ensure proper stormwater management during active site operations. In addition to the requirements of the SWMM, in the South Tacoma Groundwater Protection District (STGPD), additional requirements have been established for sites that propose to infiltrate stormwater from pollution generating surfaces. These additional requirements are included in the Environmental Services Directive (ESD17-1).

Stormwater Mitigation Requirements

Sutter Metals is a metal recycling business located within the City of Tacoma, (parcels 2783010221 and 2783010183). Due to the project’s impacts, flow control and water quality treatment were required. Additionally, due to the proposed use of the site, the STGPD requires enhanced treatment for all stormwater runoff from pollutant generating surfaces. Enhanced water quality treatment will be provided by three bioretention facilities. Flow control will be provided by infiltrating the treated stormwater.





Environmental Services Environmental Compliance (EC)

The site began operations in 2020 and EC staff conducted a business inspection on July 17, 2020. The scope of the inspection was to verify wastewater use and document business activities on site.

April 16, 2021 Site Inspection

An EC Inspector visited the site with TPCHD staff as a result of a complaint to Ecology regarding contaminated stormwater leaving the site.

Significant staining was noted on the west side of the property where stormwater was running offsite. At the time of the inspection, Sutter Metals had already begun discussions with their engineer regarding improving their stormwater containment and treatment facilities.

Corrective Actions identified from the inspection included using temporary berms or dams to contain the stormwater and channel it to a holding area until permanent containment could be installed.

During the inspection, it was also noted that the outlet to the stormceptor had been capped and the device was being used to store stormwater which was pumped out as needed and sent offsite for proper disposal. The stormceptor was not providing adequate oil control and oily stormwater had been getting into the bioretention facility. Sutter Metals was planning to install a coalescing plate oil/water separator upstream of the stormceptor unit to provide better oil control.

June 15, 2021 Site Inspection

An EC Inspector visited the site for a follow up inspection. At this time, Sutter Metals submitted a permit application to install the coalescing plate oil/water separator and was awaiting approval. They also cleaned the offsite area that had been impacted by stormwater runoff and installed temporary BMPs to prevent further impact. Additional BMPs were discussed to ensure impacts throughout the site were avoided or minimized.

Corrective actions, including cleaning out the stormceptor unit, cleaning oil from surfaces on the site, and monitoring the site to ensure no further runoff occurred. These actions were documented in a registered letter sent to Sutter Metals dated June 24, 2021.

July 30, 2021 Site Inspection

A joint meeting with Sutter Metals was conducted by TPCHD and Environmental Services. The items requested in Environmental Services' June 24, 2021, letter had been addressed. Current operations and updates were discussed.

The coalescing plate oil/water separator was installed upstream of the stormceptor in October of 2021. It was found that the new coalescing plate oil/water separator was not sufficient for the amount of oil entering it. As the next step in adaptive management, BMP S164: Cover the Activity with a Roof or Awning, was selected.



On June 9, 2022, Sutter Metals submitted for a canopy permit to cover the area with oily runoff. Installation of the canopy will keep rain from contacting the materials that contain oil and help to ensure that runoff contaminated with oil does not occur. The City is in process of reviewing the canopy permit.

Ongoing Compliance Coordination

Sutter Metals has been identified as a site for ongoing inspection by EC. Due to the ongoing issues on the site and the adaptive management that is occurring, Environmental Services staff continues to follow up on site operations and are coordinating with the TPCHD.

Attachment B:

Response to IPS Committee

November 23, 2022



Infiltration within the South Tacoma Groundwater Protection District (STGPD)

All infiltration with the STGPD follows the City of Tacoma and Tacoma-Pierce County Health Department's (Health Department) guidance document, "[Implementation of Stormwater Infiltration for Pollution Generating Surfaces in the South Tacoma Groundwater Protection District.](#)"

Auto recycling, metal crushing and metal recycling

Metal recycling, including auto recycling and metal crushing is an allowed use within the STGPD. The Health Department currently permits and inspects one metal recycling facility.

Sutter Metals

Beginning in 2019, the Health Department and City of Tacoma Planning and Development Services (PDS) began working with Sutter Metals to develop their site. Sutter Metals planned to be a metal recycler, including auto recycling and metal crushing facility and wanted to infiltrate their stormwater as part of their facility plan. Based on the facility type, their source of stormwater runoff was considered High Intensity.

General application approval for infiltration systems at High Intensity sites:

- Facility submits STGPD application and fee, stormwater site plan, civil drawings, an Operations and Maintenance Manual (O&M) and a Quality Assurance Project Plan (QAPP).
- Staff review infiltration and site design documents to ensure project meets infiltration requirements, ensure proper hazardous substance storage and site suitability.
- Once the plans are finalized, including changes required by the Health Department, we issue an approval or denial of the infiltration system.

Sutter Metal application timeline, approval process and construction

- April 2019 – Sutter Metals submits initial application with PDS and permitting discussions begin.
- September 19, 2019 – Initial application received with original O&M and civil drawings submitted.
- September 27, 2019 – The Health Department, Tacoma Water and Sutter Metals' engineers met to discuss pre-approval requirements. We discussed:
 - Requiring annual water sampling and analysis from the south side of the property and quarterly from the north side of the property.
 - Maintaining and providing disposal records for auto related fluids, oil/water separator and bioretention facilities.
 - Specifications for the above ground storage tanks, drums or other containers holding hazardous substances.
 - Submitting a finalized QAPP.
 - Further explanation/description of overflow to the public stormwater drains.
- October 1, 2019 – Sutter Metals' engineers submit additional requested documentation.
- October 2, 2019 – Health Department issues approval letter to install the infiltration system.
- October 2 and 9, 2019 – City of Tacoma issues and publishes final determination that the proposed project does not have probable significant adverse impact on the environment and an environmental impact statement (EIS) will not be required.
- November 13, 2019 – Received geology report from Migizi Group, Inc. This report includes independent findings that "it is very unlikely that infiltration of site produced stormwater into the proposed storm ponds could

produce a substantial enough groundwater mound to affect, or be affected by, footing subgrades or backfill material for proposed structures”.

- Late 2019 through early 2020 – Construction of facility structures and infiltration system begin.
- April 10, 2020 – Received geology report from Migizi Group, Inc. This report includes independent, post-construction testing of the infiltration system. The findings from this testing state: “Based upon our field observations and infiltration testing, we are of the opinion that the bioretention facilities, and associated infiltration galleries should function as designed”.
- November 23, 2020 – Health Department staff meets on site with Sutter Metals and engineers to determine where monitoring ports and sampling sites will be located.

Operation, sampling and inspections

- First quarter 2021 – Sutter Metals plugs infiltration system after consulting with their engineers because once operating the approved oil treatment system needed enhancements. Adaptive management like this is common after systems are installed. Sutter Metals collected stormwater for offsite disposal through fourth quarter in 2021.
- February 2021 – Sutter Metals and their engineers order a new coalescing plate separator (CPS).
- April 15, 2021 – We received an Environmental Report Tracking System (ERTS) complaint from Ecology about an oil/water mixture discharging to the ground around the perimeter of the west side of the property.
- April 16, 2021 – Joint investigation by City of Tacoma Source Control (Source Control) and the Health Department confirmed complaint.
 - Both agencies issue violations requiring Sutter Metals to address the illicit discharge.
- April 17, 2021 – Sutter Metals removed soil from adjacent property where discharge occurred.
- April – July 2021
 - Source Control and Health Department staff visit Sutter Metals several times to oversee cleanup from ERTS complaint and provide technical assistance.
 - Sutter Metals submits permit with City of Tacoma to add the CPS system.
 - Health Department ERTS violations resolved.
- October 2021
 - CPS installed and berm enhancement completed.
 - Sutter Metals engineers recommend installing large canopy over engine area. Sutter Metals begins using the infiltration system again after the installation of the CPS.
- First quarter 2022 – The Health Department receives quarterly sampling results. Once operating for a quarter, results indicated enhanced treatments could further improve stormwater quality. Sutter Metals began working with a consultant for additional treatment options. Sutter Metals plugged system again and disposed stormwater offsite.
- March 29, 2022 – Health Department conducts routine inspection.
 - Violations included inadequate secondary containment, housekeeping and containers not marked or labeled.
 - Discussed BMPs to reduce debris and contaminants from reaching infiltration system.
 - Sutter Metals provided preliminary engineering plans to install cover over engine area and additional treatment options.
- May 5, 2022 – The Health Department and Source Control conducted a follow-up inspection and resolved open violations.

Fourth quarter 2023 – Sutter Metals resumed using infiltration system and will collect samples this quarter.



Sutter Metals Permitting 2019 to 2022
5312 South Burlington Way
Parcel Nos: 2783010221, 2783010183

Pre-Development Review (PRE19-0011)

Requested by applicant to go over permitting requirements.

- January 22, 2019 – Submitted
- February 8, 2019 – Completed
 - Identified the project must comply with the Stormwater Management Manual (SWMM).
 - Coverage under a Washington State Department of Ecology (Ecology) NPDES Stormwater Construction General Permit (CSWGP) may be required.
 - Project was located within the South Tacoma Groundwater Protection District (STGPD).
 - Require coverage under an Ecology Industrial Stormwater General Permit for stormwater discharges associated with Industrial Activity.

Land Use Permit – SEPA – LU19-0094

Environmental Review of project impacts.

- April 29, 2019 – Submitted
- July 10, 2019 – Public Notice mailed
- July 25, 2019 – Public Meeting held
- September 6, 2019 – Decision
- October 2, 2019 – Final Revised Mitigated Determination of Non-Significance (MDNS) issued
- October 23, 2019 – Appeal Period ended

Building Permit – BLDCN19-0035

Pre-engineered 26,000 square foot metal building.

- June 6, 2019 – Submitted
- October 24, 2019 – Issued
- June 30, 2020 – Final Inspection passed

Site Development and Work Order Permit – SDEV19-0104/WO19-0066

On-site and off-site improvements including storm drainage, sanitary utilities, paving on the 4-acre metal recycling building site.

- April 5, 2019 – Submitted
- May 5, 2019 – First review identified need for both Tacoma-Pierce County Health Department and DOE permitting.
- October 2, 2019 – SDEV issued
- February 30, 2020 – Work Order issued
- May 4, 2020 – Field Revision Commercial – FRC20-0107 – Addition paving
- June 8, 2020 – Field Revision Commercial – FRC20-0139 – Adding parking restriction street signage
- July 13, 2020 – Final Inspection



- September 21, 2021 – Field Revision Commercial – FRC21-0127 – Addition of oil/water separator

Building Permit – BLDCN22-0040

Construct new fabric canopy (2,190 square feet) cover processing of engines and transmission.

- June 9, 2022 – Submitted – Under review

Pre-Development Review – PRE21-0098

Property to the north (Parcel No. 2783010182) – expansion of site sorting processes. Paving, storm drainage and an additional driveway.

- May 3, 2021 – Completed/Comments Provided