TO:	Elizabeth A. Pauli, City Manager
FROM:	Michael P. Slevin III, P.E., Director, Environmental Services
COPY:	Infrastructure, Planning, and Sustainability Committee; Daniel C. Thompson, Ph.D., Division Manager, Environmental Services Business Operations; Chris Bacha, Deputy City Attorney, City Attorney's Office; Michael P. Slevin III, P.E., Director, Environmental Services/Executive Liaison
PRESENTER:	Kurt Fremont, Assistant Division Manager, Environmental Services Environmental Compliance
SUBJECT:	Tacoma Municipal Code Chapter 12.08 Revisions
DATE:	February 10, 2021

GMS MPS

PRESENTATION TYPE:
Request for Ordinance

SUMMARY:
The Environmental Services Department (ES) has completed the work necessary to revise the existing Tacoma Municipal Code (TMC) Chapter 12.08 into four new chapters and a rates and fees ordinance, thereby easing access for customers and clarifying the distinctions between stormwater, wastewater, and pretreatment regulations and their associated rates and fees.

ES has received approval from the Washington State Department of Ecology (Ecology) to advance the revised pretreatment section to the City Council for consideration of approval. Based on this, ES recommends and is requesting the Committee advance the Request for Ordinance to the full Council for consideration and approval of the new TMC chapters and ordinance.

BACKGROUND:
ES has been working to revise the City's stormwater, wastewater and industrial wastewater pretreatment code to provide easier access and understanding for its customers and to ensure full compliance with Ecology's pretreatment requirements, the consent decree requirements in Puget Soundkeeper Alliance (PSA) v City of Tacoma, and recommendations from an independent audit as well as an Ecology audit.

ISSUE:
TMC Chapter 12.08 has been evolving to adapt to our changing stormwater and wastewater regulations since Ecology delegated authority to the City to manage its own industrial wastewater discharge permitting program in 1984. The code includes provisions specifically for stormwater, general wastewater, and industrial wastewater. The existing code is confusing, sometimes conflicting, and difficult for customers to navigate.

In 2017, consent decree requirements in PSA v City of Tacoma required the City to revise and update the industrial wastewater pretreatment regulation language in TMC Chapter 12.08 and get approval from Ecology for the new code as part of a substantial modification of the City's pretreatment program.

ES chose to separate TMC Chapter 12.08 into four new chapters and a rates and fees ordinance and update the chapters as needed to ensure full compliance with Ecology's requirements;

- TMC 12.08A
  Administration language applicable to wastewater, industrial wastewater, and stormwater regulations. No substantive changes to regulations.
- TMC 12.08B
  General wastewater regulations. No substantive changes to regulations.
- TMC 12.08C
  Industrial wastewater pretreatment program regulations. Updated to reflect consent decree, Department of Ecology, and independent audit recommendations.
- TMC 12.08D
  Stormwater regulations. Updated to comply with the August 2019 issued NPDES Municipal SW Permit, very minor changes.
- Rates and Fees Ordinance.
  Clarifies the various rates and fees applicable to wastewater, industrial wastewater and stormwater regulations.

ALTERNATIVES:
Take no action;
- ES chose to comply with the 2017 consent decree requirements that required an update to the pretreatment regulations in TMC Chapter 12.08 in accordance with findings from an independent audit and from earlier Ecology Pretreatment Compliance Inspections. Taking no action may result in further legal action from PSA or escalated enforcement actions from Ecology.

FISCAL IMPACT:
None

RECOMMENDATION:
ES recommends the Committee advance the Request for Ordinance to full Council for consideration and approval of the four new TMC chapters and the rates and fees ordinance in place of the existing TMC Chapter 12.08.