



## Tacoma Municipal Code 12.08

Wastewater and Surface Water Management - Regulation and Rates

City of Tacoma | Environmental Services Department  
Infrastructure, Planning and Sustainability Committee  
February 10, 2021



## Presentation Type



- Request for Ordinance

## OVERVIEW



- Tacoma Municipal Code 12.08 gives the City the authority to enforce regulations to protect our stormwater and wastewater conveyance systems, wastewater treatment plants, and receiving waters. Rates and fees for services are also embedded within the code.
- The existing TMC 12.08 is confusing for our customers to navigate.
- The overall objective of this request is to ask Council to formally adopt revised TMC 12.08 chapters and a rates ordinance that meets Ecology recommendations, an independent auditor's recommendations, and Puget Soundkeeper Alliance's consent decree requirements.

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## BACKGROUND



- In 2017, Environmental Services (ES) and Puget Soundkeeper Alliance (PSA) entered into a consent decree that required ES to comply with an independent audit and Ecology recommendations.
- TMC 12.08 industrial wastewater pretreatment regulations needed to be updated and revised.
- ES separated the existing code into four new chapters and a new rate and fee ordinance to replace the existing TMC 12.08
- In 2019 Ecology issued the new Stormwater General Permit.

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## ISSUES



- Issues addressed with this Request for Ordinance;
  - Ensure compliance with Ecology and industrial wastewater regulations,
  - Ensure compliance with PSA consent decree to revise industrial wastewater regulations in accordance with the independent audit,
  - Updates stormwater codes to meet Ecology's 2019 General Permit,
  - Provide customers with a rates and fees table separate from TMC.
- Maintains alignment with Department of Ecology industrial wastewater permitting regulations and Code of Federal Regulations <sup>5</sup>
  - General Pretreatment Regulations CFR Part 403.

## ISSUES



- Livability;
  - Ensures the City's stormwater and wastewater regulations are easier to follow therefore promoting pollution-prevention best management practices and protecting the City's receiving waters.
  - Updated industrial wastewater pretreatment regulations improves services and protects human health and the environment.
- Economy and Workforce;
  - Industrial wastewater customers benefit from having a dedicated pretreatment chapter and a local pretreatment program that ensures fair regulatory oversight across its jurisdiction.
  - New industrial wastewater customers will have an updated application process and better access to local regulations.

## ISSUES



- Equity and Accessibility;
  - Separating the code into independent sections provides a format that is easier to follow and understand what the regulatory requirements and associated rates and fees are.
- Geographic Areas;
  - TMC 12.08 industrial wastewater regulations apply to industrial users within the City's jurisdiction as well as the Interlocal Agreement areas of Fife, Fircrest, Ruston and portions of Pierce County.

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## PROPOSED REVISIONS (1 of 2)



### City Code Chapter 12.08

#### Wastewater and Surface Water Management – Regulation and Rates

- Revise TMC 12.08 to Four Chapters and Rates/Fees Ordinance;
- TMC 12.08A Administration language applicable to stormwater, general wastewater, and industrial wastewater 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 PSA consent decree, Department of Ecology, and independent audit recommendations.***
- TMC 12.08D Stormwater regulations. Minor, non-substantive changes to regulations for Ecology permit compliance.
- Rates/Fees Ord. Table for the various rates and fees applicable to wastewater, industrial wastewater and stormwater services and regulations.

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### What will be different in TMC 12.08C?

- Adds a new federal requirement for Dental Dischargers to install amalgam separation and self-certify compliance with the new requirements by October 2020.
- Adds an August 2019 federal requirement that prohibits the discharge of hazardous waste pharmaceuticals.
- Local Limits will be revised in accordance with EPA guidance.
- Raises maximum civil enforcement penalties for violations of TMC 12.08C from \$5,000 to \$10,000 to be consistent with state law. Follows Uniform Enforcement Code adopted by City Council in 2018

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- Process for Policy or Code Development;
  - Department of Ecology – program audit recommendations 3/23/2015
  - Puget Soundkeeper Alliance Consent Decree – approved by City Council 2/09/2017
  - Independent auditor findings (revise 12.08) – 3/23/2017
  - ES, City Attorney's Office and outside counsel revise 12.08
    - Ecology review and comment
    - Auditor review and comment
  - ES submit final draft to Ecology for approval – 3/17/2020
  - Ecology approve draft ordinance and request Council adoption – 7/28/2020

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## OUTREACH



- Process for Outreach and Education;
  - PSA quarterly reports 3/2017 – 3/2019,
  - Pierce County Dental Society Board of Trustees – 5/01/2018,
  - Environmental Services Commission – 3/17/19,
  - Industrial wastewater discharge permittees (~40) – 10/07/2019,
  - City Council Study Session – 10/15/2019.

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## NEXT STEPS



- Council Committee Review – February 10, 2021
- City Council Consideration – March 9, 2021
- Ordinance Effective Date - April, 2021
- Additional Education & Outreach;
  - Immediate and ongoing to industrial dischargers.

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## RECOMMENDATIONS



- ES Staff recommends the Infrastructure, Planning and Sustainability Committee forward the following to City Council for consideration and approval;
  - Adoption of Tacoma Municipal Code Chapters 12.08A, 12.08B, 12.08C, 12.08D, and,
  - Concurrent adoption of rate and fee ordinance.
    - (Note: no change to rates and fees already adopted)