

# COMMISSION CONSENT AGENDA

Item No: 2D

Meeting: 12/15/22

**DATE:** December 15, 2022

**TO:** Port Commission

**FROM:** Eric D. Johnson, Executive Director

Sponsor: Jason Jordan, Director, Environmental and Planning Services

Project Manager: Deanna Seaman, Environmental Senior Project Manager

**SUBJECT:** Resolution 2022-21-PT, Port of Tacoma's Illicit Discharge Detection and Elimination Policy

**A. ACTION REQUESTED**

Approve Resolution 2022-21-PT adopting an Illicit Discharge Detection and Elimination (IDDE) policy for the Port of Tacoma's Municipal Separate Storm Sewer System (MS4) permit.

**B. SYNOPSIS**

The Port of Tacoma is a secondary permittee of the MS4 Phase 1 permit. One of the required elements in the permit (S6.E.3.b) is a program for the detection and elimination of illicit discharges. Illicit discharges are any discharge to surface water not composed of stormwater. Program elements include a policy about illicit discharges, routine inspections during the dry season to identify any illicit discharges, elimination of those discharges by any means necessary and available, and spill response and reporting. The Water Quality staff have worked with legal counsel and Ecology to draft a compliant IDDE policy attached. Staff are asking the Port of Tacoma Commission to adopt this IDDE policy which will then be posted on the Port of Tacoma Water Quality website.

**C. BACKGROUND**

The Port of Tacoma has been subject to the MS4 permit since 2007 as a secondary permittee. The Port is subject to the same permit conditions as other, larger municipalities and counties except for condition S5 which is written specifically for Cities and Counties. S6 is the specific condition for secondary permittees and S6.E is specific to the Ports of Tacoma and Seattle. This is in recognition of the smaller geographic area in which special assessment districts and the Ports operate.

The specific permit condition this policy addresses is to detect and eliminate any discharges that are not stormwater. There are non-stormwater discharges conditionally allowed, including water from firefighting activities. Those are also called out in the attached policy.

The Port has had an active IDDE policy and program since 2007. The proposed policy attached has been updated to reflect changes in the 2019 permit.

Historically, the Port has implemented its IDDE policy as an administrative policy approved by the Executive Director, as authorized under the Master Policy Resolution, Paragraph VI E. However, published guidance from the Washington State Department of Ecology (Ecology) states that the policy required in Special Condition S6.E.3.b - Illicit Discharge Detection and Elimination (IDDE) – be adopted in a way that allows public involvement and participation, which is not available with an Executive Director administrative action. Staff are therefore requesting that the Commission adopt the updated IDDE policy to provide the opportunity for public involvement and participation suggested by Ecology guidance.

**D. FINANCIAL SUMMARY**

**Estimated Cost of Policy**

The cost of the policy is already accounted for in the MS4 Programmatic budget request.

**Source of Funds**

*The funding for this policy and the MS4 permit is in MID (Master Identification) 101114.01*

The current Capital Investment Plan (CIP) allocates \$250,000 for this project in 2023. These costs are for permit administration, staff time, and legal consultation. This cost does not include maintenance and repair of infrastructure captured in the Maintenance Department or other specific asset project MIDs (Master Identification).

**E. ECONOMIC INVESTMENT/JOB CREATION**

This policy will not create any jobs nor create an opportunity for economic investment. This is a response to a regulatory permit obligation.

**F. ENVIRONMENTAL IMPACTS/REVIEW**

Permitting: None

Remediation: None

Stormwater: This is a water quality policy adoption request.

Air Quality: None

**G. PREVIOUS ACTIONS OR BRIEFINGS**

There have been no previous briefings on this specific policy.

**H. ATTACHMENTS TO THIS REQUEST**

- Slide presentation
- Resolution 2022-21-PT
- IDDE Policy
- Ecology “Focus on Illicit Discharge Policies for Secondary Permittees”

I. **NEXT STEPS**

When the Commission approves this policy, staff will finalize the policy for inclusion in our permit compliance documents and post the final policy on the Port of Tacoma website.