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BILL SUMMARY & FISCAL NOTE

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1. BILL SUMMARY

Legislation Title: AN ORDINANCE relating to the Stormwater Code; amending Sections 22.800.040, 22.805.050, and 22.805.060 of the Seattle Municipal Code.

Summary and background of the Legislation:

The purpose of the City of Seattle's Stormwater Code is to protect life, property, public health and the environment from the adverse impacts of urban stormwater runoff. Adverse impacts can include flooding, pollution, landslides, and erosion. The Stormwater Code and its associated joint SPU/DPD Directors' Rules were last updated in 2009.

SPU and DPD are in the process of updating the 2009 Stormwater Code to: 1) incorporate new Department of Ecology requirements; 2) incorporate SPU and DPD policy changes; and 3) improve usability. All updates to Seattle's Stormwater Code were originally intended to occur at one time with an effective date of June 30, 2015. However, due to Ecology Department delays in reviewing the City's draft proposal and Seattle's desire to have three cost-saving modifications effective by the originally anticipated effective date, updates to the 2009 Stormwater Code will occur as two legislative processes: the "2015 Revision to Stormwater Code" (effective date 5/25/15) and the "2016 Stormwater Code Update" (anticipated effective date 1/1/16).

This proposed legislation would effectuate the 2015 Stormwater Code revision. Three modifications are being proposed as part of this process:

- **Water quality treatment thresholds for roadway projects.** This modification would make water quality treatment thresholds for roadway projects less stringent by making them equivalent to Ecology thresholds.
- **Exempting SPU DW LOB utility projects**. This modification would exempt long and linear SPU drinking water utility projects (e.g., drinking water pipes) from flow control, water quality treatment and green stormwater requirements. This would be equivalent to Ecology's requirements.
- **Flow Control exemption flexibility**. This modification would add the flexibility to the Stormwater Code to allow the SPU Director to designate areas, such as in controlled combined sewer basins (or basins to be controlled under the CSO Consent Decree), that do

not require flow control. These basins could be identified as part of a future Director's Rule. Ecology equivalency requirements do not apply to discharges to the combined sewer.

These three modifications are being proposed at this time to realize the anticipated cost decreases to public and private projects and because they are not a part of Ecology's ongoing review for equivalency under Ecology requirements. All other modifications to the 2009 Stormwater Code will occur as part of the "2016 Stormwater Code Update" legislative process.

2. CAPITAL IMPROVEMENT PROGRAM

____ **This legislation creates, funds, or amends a CIP Project.**

Project Name:	Project I.D.:	Project Location:	Start Date:	End Date:	Total Cost:

3. SUMMARY OF FINANCIAL IMPLICATIONS

Please check one:

____ **This legislation has direct financial implications.** (If the legislation has direct fiscal impacts

__X__ **This legislation does not have direct financial implications.**

4. OTHER IMPLICATIONS

a) **Does the legislation have indirect or long-term financial impacts to the City of Seattle that are not reflected in the above?**
Yes. Proposed modifications that are part of the "2015 Revision to Stormwater Code" will decrease capital costs associated with Stormwater Code compliance. Since one of the modifications addresses roadway projects and one of the modifications addresses SPU drinking water utility projects, it is anticipated that the majority of the capital cost-savings will be to SDOT and SPU. However, there may be decreased costs to other public or private development projects that are located in the right of way or are not required to provide flow control to the combined sewer. In addition to capital cost savings, the proposed modifications will avoid future SPU and private maintenance costs associated with the facilities that would have been constructed.

Cost decreases are difficult to quantify given the uncertainty associated with where and when future projects will occur. That being said, based on knowledge of current projects, SPU and SDOT estimated anticipated decreased capital costs resulting from two of the proposed modifications for the time period between May 25th, 2015 (effective date) and December 31, 2015 (see table below). This both gives an idea of the potential cost decreases over a typical six month period and the specific anticipated cost decreases if these modifications are effective May 25, 2015, as part of this process instead of waiting

for the "2016 Stormwater Code Update" anticipated to be effective January 1, 2016. As the initial area that is anticipated to be identified as part of the flow control exemption flexibility is relatively small, no current projects or cost-savings have been identified.

Estimated Anticipated Decrease in Capital Costs (5/25/15 – 12/31/15)

Modification	SDOT	SPU
Water quality treatment threshold for roadway projects	$200,000 - $500,000	
Exempting SPU drinking water utility projects		$90,000

In addition, there is some quantification that can be done for long-term decreases associated with proposed modification to water quality thresholds for roadway projects. SDOT anticipates a 5-10% decrease in project costs for projects that will no longer trigger water quality treatment. In 2012, SDOT estimates it spent over $600,000 on water quality facilities associated with Stormwater Code compliance that would no longer be required. In addition, SPU would avoid an additional $30,000 - $50,000/yr. that would have been required to maintain such facilities.

Quantification can occur for done for long-term decreases associated with the proposed modification to exempt SPU drinking water utility projects. SPU estimates an average 10% decrease in project costs for project that will no longer trigger Stormwater Code requirements. Based on a rough level analysis of the projects in the proposed 2015-2020, it is estimated that there would be $2,000,000 cost decrease for those projects.

b) Is there financial cost or other impacts of not implementing the legislation?
The decrease in Stormwater Code compliance costs to SDOT, SPU, and other public and private development described a) above would not occur.

c) Does this legislation affect any departments besides the originating department?
Yes. The departments that will be impacted by this legislation are SDOT and SPU. As stated in the response to questions "a", SPU and SDOT capital costs are anticipated to decrease. The department lead for the Stormwater Code Update for SDOT is Maureen Meehan.

d) Is a public hearing required for this legislation?
Yes. This legislation is subject to a public hearing requirement. The intent is for formal hearings to be conducted in conjunction with the legislative process when the legislation comes before the Council.

Outreach to stakeholders is summarized in the table below.

Public Presentations on Overall 2009 Stormwater Code Update Process

Date	Group
January 24, 2013	Thornton Creek Alliance
March 18, 2013	External User Stakeholders
May 8, 2013	Master Builders Association of King and Snohomish Counties
May 9, 2013	Fauntleroy Watershed Council
June 27, 2013	Seattle Builders Council Master Builders Association
November 7, 2013	**Public Open House**
November 19, 2013	Thornton Creek Alliance
November 26, 2013	North Seattle Industrial Association
December 17, 2013	King County
June 3, 2014	**Public Meeting**
June 5, 2014	Seattle Builders Council Master Builders Association
June 11, 2014	American Council of Engineering Companies (ACEC)
July 15, 2014	Washington Society of Landscape Architects (WASLA)
Date	**Group**
July 16, 2014	Master Builders Association (MBA)
July 17, 2014	American Society of Civil Engineers (ASCE)
July 18, 2014	American Public Works Association (APWA)
August 13, 2014	Urban Forestry Commission
January 26, 2015	Puget Soundkeeper Alliance (PSA)

e) Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required for this legislation?
No.

f) Does this legislation affect a piece of property?
No. The proposal is a non-project legislative action with no specific site. As Stormwater Code requirements are city-wide, specific projects affected by the proposal may occur anywhere within Seattle's city limits.

g) Please describe any perceived implication for the principles of the Race and Social Justice Initiative. Does this legislation impact vulnerable or historically disadvantaged communities?
There is no perceived implication for the principles of the Race and Social Justice Initiative. This legislation does not impact vulnerable or historically disadvantaged communities.

h) If this legislation includes a new initiative or a major programmatic expansion: What are the long-term and measurable goals of the program? Please describe how this legislation would help achieve the program's desired goals.
This legislation does not include a new initiative or a major programmatic expansion.

i) Other Issues:

List attachments below:

Exhibit A – Directors' Report
Exhibit B – Environmentally Critical Areas: Best Available Science Review