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Directors' Report and Recommendation
February 12, 2015

Introduction

The purpose of the City of Seattle's Stormwater Code (SMC 22.800-22.808) 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, in close collaboration with DPD, other City departments, and external stakeholders, is in the process of updating the Stormwater Code to incorporate updated Washington State Department of Ecology (Ecology) requirements, incorporate SPU/DPD policy changes, and 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 ongoing delays of Ecology's review of Seattle'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 Directors' Report is associated with the first legislative process, the "2015 Revision to Stormwater Code" which would result in three modifications to the current 2009 Stormwater Code. This Directors' Report is being submitted jointly by the Directors of SPU, DPD, and SDOT. It answers frequently asked questions about Seattle's Stormwater Code, summarizes the three proposed changes and rationale, and provides recommendations regarding the proposal.

Frequently Asked Questions

Why do we have a Stormwater Code? Rain water running off of urban land surfaces can cause flooding, landslides, erosion, and other hazards. It can also carry pollutants into creeks, lakes, bays and other receiving waters. Stormwater regulations are needed to protect people, property, and the environment from damage that can be caused by stormwater runoff. Seattle's stormwater regulations are also written to satisfy the City's obligation to enact regulations to comply with City's Municipal Stormwater Discharge National Pollutant Discharge Elimination System (NPDES) General Permit, under which coverage is issued to the City by Ecology.

What is in Seattle's Stormwater Code? Seattle's Stormwater Code includes:

- A description of the purpose, scope, applicability, exemptions, adjustments, exceptions, authorities, and compliance requirements;
- Definitions of key terms;
- Prohibitions of certain discharges and conditions for permissible discharges;
- Minimum requirements for all discharges and all real property, designed to reduce the introduction of pollutants into stormwater runoff as close to the source as possible;

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- Minimum requirements for all projects regarding stormwater pollution prevention during construction and grading activities;
- Minimum requirements for all projects regarding flow control and stormwater treatment facilities;
- Drainage control review and application requirements; and
- Procedures for enforcing the Stormwater Code.

Why are we updating the current 2009 Stormwater Code? The Stormwater Code is being updated in order to comply with the City's 2013 Municipal Stormwater NPDES Permit (as modified, effective 2015), incorporate SPU/DPD policy changes, and improve usability.

Who is responsible for updating the 2009 Stormwater Code? It is an SPU-led project, conducted in close collaboration with the Seattle Department of Planning and Development, the Seattle Department of Transportation, other City departments, and internal and external stakeholders.

Why is updating the 2009 Stormwater Code being done as a two part legislative process? 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 ongoing delays with Ecology's review of Seattle'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).

What has been the extent of public participation? Beginning in January 2013, a series of meetings has been conducted to inform interested stakeholders about proposed updates to the 2009 Stormwater Code. These meetings covered modifications that are being proposed both as part of the "2015 Revision of Stormwater Code" and the "2016 Stormwater Code Update". These meetings included representatives of the business community, development interests, environmental advocacy groups, engineering and consulting firms, community groups, and other local and state regulators. The dates and the name of each group are shown below.

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**
Date	**Group**
November 19, 2013	Thornton Creek Alliance

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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)
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)

Modifications

The three modifications being proposed at this time as part of the "2015 Revision to Stormwater Code" and the rationale for the modifications are described below. As stated above, the reasons that these modification are being proposed at this time, ahead of other modifications to the Stormwater Code, is because of the expected anticipated costs savings and because they are not related to Ecology's equivalency review of Seattle's draft proposal. In developing the proposed modifications, the City considered the best available science and relied heavily on its own team of scientists, engineers, and stormwater professionals.

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.

In 2009, Seattle chose to adopt more stringent water quality treatment thresholds than the minimum thresholds Ecology would require for roadway projects, because Ecology's thresholds would result in very few roadway projects installing water quality treatment facilities and because of the City's interest in reducing pollutants from roadways, a significant source of stormwater pollution. However, in 2011 SPU/SDOT began a Street Sweeping for Water Quality Program (SS4WQ) to reduce pollutants from roadways. This program utilizes high-efficiency street sweepers on arterials that drain to the stormwater system. The SS4WQ Program removes significantly more pollutants and is a significantly more cost-effective means to address roadway pollutants than more stringent water quality thresholds. (SPU, 2013) For these reasons, and due to installation and maintenance challenges (e.g., nuisance noise rattling) associated with proprietary water quality facilities in the roadway, it was determined that street sweeping is a better approach to decreasing roadway pollutants than having more stringent water quality treatment thresholds for roadways than Ecology.

Exempting SPU Drinking Water Utility Projects.

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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.

Ecology allows the exemption of all long and linear utility projects from flow control, water quality, and green stormwater requirements. However, in 2009 Seattle choose to not exempt publicly-bid, SPU-funded capital long and linear utility projects in order to "walk the talk" of increased Stormwater Code requirements that applied to other departments and private development. However, this has been especially problematic for drinking water projects which have had the most complexity added to them as a result of Stormwater Code requirements; these projects typically would not otherwise involve working on the drainage and wastewater system. In addition, relatively few environmental benefits were being realized through the application of Stormwater Code requirements from drinking water projects as compared to SPU sanitary sewage, combined sewer, and drainage projects. (SPU, 2014) Long and linear SPU sanitary sewer, combined sewer, and drainage projects will continue to not be exempt from Stormwater Code 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 Directors' Rule. Ecology equivalency requirements do not apply to discharges to the combined sewer.

As SPU's Combined Sewer Overflow (CSO) Program is implemented to control CSOs and as SPU gains a better understanding of where the combined system has capacity constraints that cause sanitary sewer overflows, SPU is able to identify areas in combined basins where Stormwater Code flow control requirements are no longer needed to meet the objectives of controlling combined sewer overflows and/or sanitary sewer overflows. These areas could be identified in a Directors' Rule that is currently being developed and could be added to as more information becomes available.

Conclusion & Recommendation

The three proposed modifications to 2009 Stormwater Code have considered the best available science in developing regulations that protect the functions and values of critical areas while balancing the sometimes competing goals of regional growth, transportations improvement, economic development, and environmental protection. All proposed modifications are either equivalent or unrelated to Ecology requirements in Seattle's 2013 Municipal Stormwater NPDES Permit (as modified, effective 2015).

The Director of SPU, the Director of DPD, and the Director of SDOT recommend that the "2015 Revision to Stormwater Code" modifications be adopted.

References

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SPU, 2013. City of Seattle Stormwater Code and Manual Revisions: Water Quality Thresholds in the ROW. October 3, 2013.

SPU, 2014. City of Seattle Stormwater Code and Manual Revisions: Stormwater Code Exemption for SPU-funded Utility CIPs in the ROW. October 7, 2014.