

**ADDENDUM TO FACT SHEET FOR NPDES PERMIT WA0031682
CITY OF SEATTLE, SEATTLE PUBLIC UTILITIES' COMBINED SEWER SYSTEM**

Modification Date: September 28, 2017

This addendum proposes to modify National Pollutant Discharge Elimination System (NPDES) permit number WA0031682, issued to Seattle Public Utilities (SPU) on March 30, 2016, for its combined sewer system (CSS) and combined sewer overflows (CSO). The Department of Ecology (Ecology) proposes to make the following changes to the post-construction monitoring program requirements outlined in special condition S6.C:

- Remove the requirement for SPU to conduct sediment sampling in the vicinity of outfall 68 as part of the post construction monitoring for the outfall. Ecology proposes allowing SPU to use sediment monitoring conducted by the Port of Seattle to serve as the post construction sediment monitoring requirement.
- Remove the requirement to conduct post construction monitoring of outfalls 13 and 18. Ecology will require post construction monitoring of these outfalls in future permits.

As discussed in section V.D of this fact sheet, SPU developed a post construction monitoring plan to assess the water quality impacts of select surrogate CSO outfalls. Ecology conditionally approved the final post construction monitoring plan in August 2015. That final plan included a schedule for initiating post construction monitoring at outfalls 13, 18, and 68 during the current permit term. The federal consent decree between the City of Seattle, Ecology, and EPA related to the City's combined sewer system (civil action no. 2:13-cv-678) also required implementation of the 2015 post construction monitoring plan.

Since approval of the post construction monitoring plan, new information has prompted SPU to revise the monitoring schedules for the three outfalls. SPU provided descriptions of the proposed changes to Ecology and EPA through Supplemental Compliance Plans consistent with the requirements in their consent decree. The three supplemental compliance plans are included with this addendum.

Outfall 68

Outfall 68 connects to a 290-acre area to the west side of Queen Anne and east of the Interbay railyards. It discharges to Elliot Bay at Smith Cove near Pier 91. The 20-year average of discharges for the outfall (1997-2016) validated that the outfall complies with the control standard of less than 1 discharge per year, on average. The analysis used modeled data for year 1997-2007 and monitored data for 2008-2016. Special condition S6.A identified outfall 68 as controlled and special condition S6.C requires SPU to conduct post construction monitoring at the outfall.

As required by the permit, SPU submitted a quality assurance project plan (QAPP) and sediment sampling and analysis plan (SAP) for post construction monitoring at outfall 68. The QAPP/SAP noted logistical challenges to performing sediment sampling near the outfall. The submerged land area of Terminal 91, which is owned by the Port of Seattle (Port), is an area with known contamination. An agreed order between the Port and Ecology's Toxics Cleanup Program currently governs cleanup of contaminated sediments in the area. This cleanup action includes a requirement for the Port to conduct extensive sediment monitoring at the site.

Given the existing cleanup activity near outfall 68, SPU submitted a supplemental compliance plan in May 2017 that proposed altering the post construction monitoring requirement for the outfall. SPU proposed to use sediment monitoring conducted by the Port in lieu of conducting their own sediment monitoring. They also requested a delay in completing the post construction monitoring report.

Ecology agrees that use of the Port's sediment monitoring data is appropriate. However we do not agree that a delay of the full post construction monitoring report is justified. The cleanup activity should not interfere with SPU's ability to conduct flow monitoring or field observations necessary to assess water quality impacts. Therefore, this proposed modification will delete the requirement for SPU to conduct sediment monitoring. It also modifies the post construction monitoring report requirement to include only water quality monitoring. Ecology will require SPU to submit a separate post construction monitoring report for sediment quality in the next permit.

Outfall 13

The implementation schedule in the 2015 post construction monitoring plan assumed that the Windermere CSO Reduction Project, completed in August 2015, would control discharges from outfall 13 to the performance standard of no more than one discharge per year. SPU submitted a post construction monitoring QAPP/SAP for outfall 13 in August 2015 and special condition S6.C requires them to conduct monitoring during the permit term. Special condition S6.C.3 requires submission of a Sediment Data Report by December 31, 2018, and S6.C.4 requires inclusion of outfall 13 monitoring data in the post construction monitoring report due October 30, 2020.

Performance monitoring of the Windermere project revealed in August 2016 that the project did not achieve the desired result of controlling outfall 13. SPU immediately submitted a supplemental compliance plan to Ecology and EPA to outline corrective actions necessary to control outfall 13. Based on Ecology and EPA's comments, SPU submitted a revised plan in December 2016. The supplemental compliance plan's implementation schedule delays post construction monitoring until 2024 or 2030, depending on whether SPU must construct additional capital improvements to control the outfall. Ecology and EPA approved the supplemental compliance plan in December 2016. Since outfall 13 does not qualify as a controlled outfall and the approved corrective action plan extends past the term of this permit, the proposed modification removes the post construction monitoring requirements for outfall 13.

Outfall 18

Outfall 18 discharges to North Union Bay and is located immediately adjacent to King County's Belvoir Pump Station Emergency Overflow outfall (DNRP outfall 12). The drainage basin includes the University District near the Burke-Gilman Trail. SPU completed two sewer improvement projects in 2016 to control outfall 18 and, based on performance monitoring to date, has met the control standard for the outfall. SPU has learned, however, that DNRP outfall 12 is no longer controlled. King County's 2015 CSO annual report noted that updated modeling indicated that the previously controlled Belvoir outfall may no longer qualify as controlled. The County's 2016 CSO annual report concluded, based on the updated modeling and additional monitoring data, that DNRP outfall 12 is no longer controlled.

SPU's post construction monitoring plan for outfall 18 assumed that both outfalls (SPU outfall 18 and DNRP outfall 12) would be in compliance with the control standard. In particular the accuracy of sediment monitoring and field observations to assess compliance with narrative water quality standards in North Union Bay requires control of both outfalls. Since the County's outfall is not controlled, SPU requested Ecology extend the deadline for outfall 18's post construction monitoring. Ecology agrees that the sediment monitoring and field observation components of post construction monitoring should be delayed until the DNRP outfall 12 meets the controlled standard. The County is in the process of assessing the status of the outfall and developing alternatives to bring it back into control. Given the uncertain schedule for DNRP outfall 12, the proposed modification removes the outfall 18 post construction monitoring requirement from the permit. SPU must continue to monitor flow frequency, duration, and volume. Ecology will include post construction monitoring for outfall 18 in the next permit.

Public Involvement Information

Ecology proposes to modify the permit issued to the City of Seattle on March 1, 2016. The permit includes wastewater discharge limits and other conditions. This fact sheet addendum describes the facility and Ecology's reasons for modifying the permit conditions.

Ecology placed a Public Notice of Modification on August 14, 2017, in the *Seattle Times* to inform the public and to invite comment on the proposed draft National Pollutant Discharge Elimination System permit modification and fact sheet addendum. The comment period ran through September 13, 2017.

The notice:

- Told where copies of the draft permit and fact sheet were available for public evaluation (a local public library, the closest regional or field office, posted on our website).
- Offered to provide the documents in an alternate format to accommodate special needs.
- Asked people to tell us how well the proposed permit would protect the receiving water.
- Invited people to suggest fairer conditions, limits, and requirements for the permit.
- Invited comments on Ecology's determination of compliance with antidegradation rules.
- Urged people to submit their comments, in writing, before the end of the comment period.
- Told how to request a public hearing about the proposed NPDES permit.
- Explained the next step(s) in the permitting process.

Ecology has published a document entitled *Frequently Asked Questions about Effective Public Commenting*, which is available on our website at

<https://fortress.wa.gov/ecy/publications/SummaryPages/0307023.html>.

You may obtain further information from Ecology by telephone, 425-649-7201, or by writing to the address listed below.

Water Quality Permit Coordinator
Department of Ecology
Northwest Regional Office
3190 160th Avenue SE
Bellevue, WA 98008-5452

The primary author of this permit modification and fact sheet addendum is Shawn McKone.



City of Seattle
Seattle Public Utilities

December 7, 2016

Shawn McKone, NPDES Permit Manager
Mark Henley, Municipal Unit Supervisor
Department of Ecology
Northwest Regional Office
3190 160th Avenue NE
Bellevue, WA 98008-5452

Robert Grandinetti, NPDES Compliance Unit
U.S. Environmental Protection Agency – Region 10
Office of Compliance and Enforcement
825 Jadwin Avenue, Suite 210
Richland, WA 99352

**RE: Seattle Public Utilities (SPU) Combined Sewer Overflow (CSO) Reduction Program
Windermere CSO Supplemental Compliance Plan (SCP)
Civil Action No. 2:13-cv-678**

On August 4, 2016, SPU staff briefed Mark Henley and Shawn McKone on the status of the Windermere CSO Reduction Project (construction of which was completed by August 30, 2015, per SPU's 2010 NPDES Permit WA0031682). During the briefing, SPU notified Ecology that the Windermere CSO Reduction project, which was constructed in accordance with an approved Engineering Report and plans and specifications, has not been fully successful in controlling Windermere CSO Basin 13 to the State CSO performance standard of no more than one untreated overflow per outfall per year, assessed on a 20 year moving average as stated in NPDES Permit WA0031682 and the City of Seattle's Consent Decree (Civil Action No. 2:13-cv-678). Recently completed modeling that includes the completed Windermere CSO storage project indicated the 20-year moving average for Basin 13 is 1.6 overflows per year. During the briefing, SPU also outlined the next steps it intends to take to bring the basin into control and to conduct Outfall 13 Post Construction Monitoring. These next steps are outlined below and, pursuant to the process identified in Section V, paragraph 18 of the City's Consent Decree, represent SPU's Supplemental Compliance Plan for Windermere Basin 13.

SPU requests that Ecology and EPA review and approve this Plan and extend the regulatory deadlines as shown to allow for implementation.

Supplemental Compliance Plan Remedial Measures

Recognizing that combined sewage from Windermere Basin 13 flows into, and affects the operation and control of, the King County Department of Natural Resources and Parks (DNRP) wastewater collection system, SPU will coordinate with DNRP in undertaking the following remedial measures.

Mami Hara, General Manager/CEO
Seattle Public Utilities
PO Box 34018
Seattle, WA 98124-4018

Tel (206) 684-5851
Fax (206) 684-4631
TDD (206) 233-7241
<http://www.seattle.gov/util>

Mr. Shawn McKone, Mr. Mark Henley, and Mr. Rob Grandinetti
Windermere CSO Supplemental Compliance Plan (SCP)
December 7, 2016
Page 2 of 5

1. **Evaluation of Operational Improvements:** SPU will first perform an evaluation of the Windermere Area to identify operational improvements that optimize the performance of facilities in the basin. Operational improvements to be evaluated include but are not limited to additional real time controls in upstream sub-basins, upgrades to programming of existing active control gates, and integration of real time rain gauge data with the operation of storage tanks. SPU will submit a technical memorandum to Ecology and EPA that describes the findings of the evaluation, provides preliminary modeling results to demonstrate the predicted efficacy of the operational improvements, and identifies any necessary adjustments to the Supplemental Compliance Plan.
2. **Implementation of Improvements:** SPU then will implement operational improvements based upon the evaluation. Implementation of operational improvements will most likely require construction/installation of additional control and/or monitoring equipment.
3. **Monitoring and Modeling of Operational Improvements:** After implementation of operational improvements, SPU will monitor their performance over time and update the model to reflect the new operational improvements and to address recent changes in weather patterns. SPU will use the flow monitoring and modeling results to determine whether Outfall 13 meets the Consent Decree performance standard.
4. **Capital Improvements:** In the event the evaluation of operational improvements described in measure 3 concludes that operational improvements alone will not control Windermere Basin 13 to the State CSO performance standard, SPU will initiate planning activities to identify potential capital options for controlling the basin. SPU will consider SPU owned and managed in-basin options as well as options that involve partnering with DNRP on downstream improvements. SPU will identify and implement the preferred option(s), working with DNRP as appropriate. Note that, if SPU's preferred option(s) involve only implementation of capital improvements owned and managed by SPU, construction will be completed by the end of 2025. If the SPU preferred option(s) involves partnering with DNRP on one or more downstream improvements, SPU will work with DNRP to determine when the improvements would be constructed, whether construction completion will occur by the end of 2025 and, if not, what flow transfer arrangements, if any, might be implemented as an interim solution.
5. **Outfall 13 Post Construction Monitoring:** SPU's 2010 NPDES Permit required submittal of an Outfall 13 Quality Assurance Project Plan (QAPP) and Sediment Sampling and Analysis Plan (SAP) by August 30, 2015. This QAPP/SAP was submitted on August 27, 2015. The City of Seattle's Consent Decree required submittal of a Final (updated) Post Construction Monitoring Plan (PCMP) by May 30, 2015. The approved Final PCMP requires SPU to submit an Outfall 13 QAPP by August 30, 2015, conduct post-construction monitoring of Outfall 13 by August 30, 2018, and submit an Outfall 13 PCMP report by December 28, 2018. In addition, SPU's 2016 NPDES Permit WA0031682 requires that SPU submit an Outfall 13 Sediment Sampling Data Report by December 31, 2018. The deadlines in the Final PCMP and the NPDES permit assumed Outfall 13 would be controlled to the State CSO performance standard by July 31, 2016. To meet the intent of conducting the monitoring after the basin is controlled, SPU plans to take the following sequential actions:

Mr. Shawn McKone, Mr. Mark Henley, and Mr. Rob Grandinetti
 Windermere CSO Supplemental Compliance Plan (SCP)
 December 7, 2016
 Page 3 of 5

- a. After Outfall 13 is controlled, submit an updated Outfall 13 QAPP/SAP to Ecology and EPA for review and approval,
- b. After the QAPP/SAP is approved, conduct the Outfall 13 post-construction monitoring described in the approved updated QAPP, and
- c. Following completion of the monitoring, submit an Outfall 13 post-construction monitoring report to Ecology and EPA for review and approval.

Supplemental Compliance Plan Schedule

The schedule for each of the above remedial measures is as follows.

Remedial Measures – CSO Control	Completion Deadline
Complete evaluation of operational improvements	September 30, 2017
Operational Improvement Evaluation Technical Memorandum	December 31, 2017
Implement operational improvements	September 30, 2019
Complete monitoring and modeling of operational improvements; determine whether Outfall 13 is controlled to the Consent Decree performance standard	December 31, 2020
Complete construction of SPU-selected capital improvements, if any	If capital improvements are needed and the preferred option involves capital improvements owned and managed only by SPU, December 31, 2025. If SPU's preferred option involves partnering with King County DNRP, deadline is expected to be established by future Supplemental Compliance Plan.
Complete flow monitoring and hydraulic modeling of capital improvements; determine whether Outfall 13 is controlled to the Consent Decree performance standard	If SPU implements capital improvements owned and managed only by SPU, December 31, 2026. If SPU's preferred option involves partnering with King County DNRP, deadline is expected to be established by future Supplemental Compliance Plan.
Report progress on these measures (including control status) as part of each year's annual report	March 31, each year for the previous calendar year (as part of the annual report)

Mr. Shawn McKone, Mr. Mark Henley, and Mr. Rob Grandinetti
 Windermere CSO Supplemental Compliance Plan (SCP)
 December 7, 2016
 Page 4 of 5

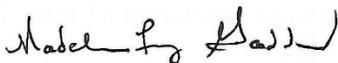
Remedial Measures – Post Construction Monitoring	Completion Deadline	
	If Outfall 13 is Controlled by System Optimization	If Outfall 13 is Controlled by SPU Capital Improvements
Submit updated Outfall 13 Draft PCMP QAPP/SAP for review	September 1, 2021	September 1, 2027
Submit Outfall 13 Final PCMP QAPP/SAP for approval	November 1, 2022	November 1, 2027
Complete post-construction monitoring at Outfall 13	May 1, 2024	May 1, 2030
Submit Outfall 13 Draft PCMP report for review	April 1, 2025	April 1, 2031
Submit Outfall 13 Final PCMP report for approval	June 1, 2026	June 1, 2032
Submit sediment data (if applicable) to Ecology's EIM database	July 1, 2026	July 1, 2032

This Supplemental Compliance Plan is submitted for your review and approval in accordance with Section VI of the Consent Decree (Review and Approval Procedures). In accordance with paragraph 40, SPU hereby notifies EPA and Ecology that the 90-day review period for this submittal ends on March 7, 2017. If EPA and Ecology fail to review and comment on this submittal by March 7, 2017, the proposed milestone dates for the activities listed in the above schedule would be extended by the same number of additional days that EPA and Ecology use to act on this submittal.

Please contact SPU Wastewater Regulatory Compliance Manager Betty Meyer at 206-386-1999 or betty.meyer@seattle.gov if you have any questions regarding this letter or the planned work.

I certify, under penalty of law, that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment, for knowing violations.

Sincerely,



Madeline Fong Goddard, P.E.
 Deputy Director
 Drainage and Wastewater Line of Business

Mr. Shawn McKone, Mr. Mark Henley, and Mr. Rob Grandinetti
Windermere CSO Supplemental Compliance Plan (SCP)
December 7, 2016
Page 5 of 5

cc: Chief, Environmental Enforcement Section
Environmental and Natural Resources Division
U.S. Department of Justice
P.O. Box 7611
Washington, D.C. 20044-7611

Director, Water Enforcement Division
Office of Civil Enforcement
U.S. Environmental Protection Agency
1200 Pennsylvania Ave., NW
Mail Code: 2243-A
Washington, D.C. 20460

Director, Office of Compliance and Enforcement
U.S. Environmental Protection Agency, Region 10
1200 6th Avenue, Suite 900
Seattle, WA 98101

Attorney General of Washington
Ecology Division
P.O. Box 40117
Olympia, WA 98504

Theresa Wagner, Law
Mami Hara, SPU
Ben Marré, SPU
Alex Mockos, SPU
Betty Meyer, SPU



City of Seattle
Seattle Public Utilities

May 12, 2017

Shawn McKone, NPDES Permit Manager
Laura Fricke, Municipal Unit Supervisor
Department of Ecology
Northwest Regional Office
3190 160th Avenue NE
Bellevue, WA 98008-5452

Robert Grandinetti, NPDES Compliance Unit
U.S. Environmental Protection Agency – Region 10
Office of Compliance and Enforcement
825 Jadwin Avenue, Suite 210
Richland, WA 99352

**RE: Seattle Public Utilities (SPU) Combined Sewer Overflow (CSO) Reduction Program
Outfall 18 Post Construction Monitoring - Supplemental Compliance Plan (SCP)
Civil Action No. 2:13-cv-678**

This letter is a Supplemental Compliance Plan for Post Construction Monitoring at Outfall 18 in the North Union Bay Area of the City of Seattle.

Background: SPU's Post Construction Monitoring Plan

On April 1, 2010, in compliance with NPDES Permit No. WA0031682, SPU submitted a Post Construction Monitoring Plan (PCMP) to Ecology for review and approval. The 2010 PCMP proposed sampling at a limited number of SPU's CSO outfalls, including at least one outfall in each receiving water. Selection of outfalls and development of the sampling schedule took into consideration the reported control status of each SPU and each King County Department of Natural Resources and Parks (DNRP) CSO outfall.

By letter dated June 3, 2010, Ecology approved the PCMP as a general plan and required that the City submit detailed Quality Assurance Project Plans (QAPPs) for review and approval before initiating sampling. Ecology provided additional post-construction sampling direction in a letter dated August 10, 2010 and in comments on the Draft QAPP for combined sewer Basin 62, dated August 27, 2012.

On May 29, 2015, in compliance with the City of Seattle's wastewater Consent Decree (Civil Action No. 2:13-cv-678), SPU submitted a Final PCMP. The Final PCMP included an updated list of fourteen outfalls where sampling would be conducted and an updated sampling schedule, based on SPU's 2010-2014 flow monitoring data, the City's and King County's Consent Decree compliance schedules, and the reported control status of each SPU and each DNRP CSO outfall.

Mami Hara, General Manager/CEO
Seattle Public Utilities
PO Box 34018
Seattle, WA 98124-4018

Tel (206) 684-5851
Fax (206) 684-4631
TDD (206) 233-7241
<http://www.seattle.gov/util>

Mr. Shawn McKone, Mr. Mark Henley, and Mr. Rob Grandinetti
Outfall 18 Post Construction Monitoring - Supplemental Compliance Plan (SCP)
May 12, 2016
Page 2 of 5

One of the fourteen outfalls was Outfall 18. Basin 18 is in the University District near the Burke-Gilman Trail. Outfall 18 discharges into North Union Bay, immediately adjacent to DNRP's Belvoir Pump Station Emergency Overflow (DNRP Outfall 012). The close proximity of these outfalls is shown in Figure 1.

The Final PCMP schedule for SPU's CSO Outfall 18 was as follows:

Outfall Number	Construction Completion	Submit QAPP for approval	Achieve Control	Complete PCMP Sampling	Submit Final PCMP Report
18	9/30/2017	9/30/2017	9/30/2018	9/30/2020	1/28/2021

The sampling schedule for Outfall 18 was based on SPU's Outfall 18 being controlled to the State CSO performance standard by September 30, 2018 and DNRP's Belvoir Pump Station Emergency Overflow Outfall already reported to be controlled.

Ecology and EPA conditionally approved the Final PCMP on August 26, 2015. The conditions of full approval are that the City (a) submit detailed QAPPs to Ecology and EPA for review and approval prior to initiating sampling, and (b) following approval of the QAPPs, submit sediment data reports to Ecology and EPA for review and approval. The Final PCMP schedule for Outfall 18 was reiterated in Section S6.C of SPU's 2016 NPDES Permit WA0031682, which requires that SPU submit a QAPP and Sediment Sampling and Analysis Plan (SAP) for Outfall 18 by September 30, 2017, and conduct sampling and submit a sediment data report by January 31, 2021.

Background – Basin/Outfall 18

To control Outfall 18, SPU has completed two sewer system improvements in Basin 18, in two different sub-basins:

1. In Sub-Basin 18A, flow monitoring indicated that an existing HydroBrake was not operating in accordance with its design performance curve and was prematurely restricting higher flows, resulting in more frequent CSOs. In addition, about half of the available storage in the 141,000 gallon in-line detention pipe could not be utilized due to weir and side sewer elevations. During 2012, design and construction were completed for a retrofit that:
 - a. Raised the overflow weir to maximize storage,
 - b. Constructed a new sewer to convey flows from the local side sewers away from the CSO storage facility (allowing the storage facility to be safely and fully utilized), and
 - c. Augmented the HydroBrake discharge by adding a slotted opening above the HydroBrake. The intent is to enable actual performance to match the HydroBrake design performance curve.
2. In Sub-Basin 18B, SPU replaced an existing HydroBrake with an automated slide gate to restore the original design performance of the system. This is the sewer system improvement project identified in the approved Plan to Protect Seattle's Waterways. Design of the project was completed in early 2015 and physical completion was achieved in the first quarter of 2016. The new slide gate was started up in the second quarter of 2016.

Mr. Shawn McKone, Mr. Mark Henley, and Mr. Rob Grandinetti
 Outfall 18 Post Construction Monitoring - Supplemental Compliance Plan (SCP)
 May 12, 2016
 Page 3 of 5

Monitoring to date indicates that the performance of these facilities aligns well with their design intent. One operational set point adjustment was made in Sub-Basin 18B to adjust the hydraulic behavior for full design conformance. Since the second quarter of 2016, Outfall 18 has overflowed only once, following snow and prolonged rain on February 9, 2017. SPU will continue to monitor performance data from this facility in 2017 and make minor set point adjustments if necessary before the September 30, 2018 deadline for determining whether control has been achieved.

Outfall 18 Supplemental Compliance Plan

SPU recently learned that, contrary to the reported status at the time SPU's PCMP and Final PCMP were developed, King County's Belvoir Pump Station Emergency Overflow (King County Outfall 012) is not controlled. Since the intent of the PCMP is to conduct monitoring after an area is controlled, SPU plans to defer the previously scheduled sampling at Outfall 18 until the Belvoir Pump Station is controlled. Specifically, SPU plans to take the following sequential actions:

1. After the Belvoir Pump Station is controlled, SPU will submit an Outfall 18 QAPP/SAP to Ecology and EPA for review and approval,
2. After the QAPP/SAP is approved, SPU will conduct the Outfall 18 post-construction monitoring described in the approved updated QAPP, and
3. Following completion of the monitoring, SPU will submit an Outfall 18 post-construction monitoring report to Ecology and EPA for review and approval.

Because DNRP has not yet proposed a regulatory schedule for controlling the Belvoir Pump Station, SPU's revised schedule is based on the overall deadlines for construction completion and achieving control in the King County Consent Decree (i.e., December 31, 2030 and December 31, 2031, respectively). The revised schedule is as follows:

Remedial Measures – Post Construction Monitoring	Completion Deadline Based on Belvoir Pump Station Achieving Control by December 31, 2031
Submit updated Outfall 18 Draft PCMP QAPP/SAP for review	August 31, 2032
Submit Outfall 18 Final PCMP QAPP/SAP for approval	November 30, 2033
Complete post-construction monitoring at Outfall 18	March 31, 2034
Submit Outfall 18 Draft PCMP report for review	February 28, 2035
Submit Outfall 18 Final PCMP report for approval	April 30, 2036
Submit sediment data to Ecology's EIM database	May 31, 2036

SPU requests that Ecology and EPA review and approve this Supplemental Compliance Plan and extend the regulatory deadlines as shown to allow for implementation. In accordance with paragraph 40 of the Consent Decree (Review and Approval Procedures), SPU hereby notifies EPA and Ecology that the 90-day review period for this submittal ends on August 10, 2017. If EPA and Ecology fail to review and comment on this submittal by August 10, 2017, the proposed milestone dates for the activities listed in the above schedule would be extended by the same number of additional days that EPA and Ecology use to act on this submittal.

Mr. Shawn McKone, Mr. Mark Henley, and Mr. Rob Grandinetti
Outfall 18 Post Construction Monitoring - Supplemental Compliance Plan (SCP)
May 12, 2016
Page 4 of 5

Please contact SPU Wastewater Regulatory Compliance Manager Betty Meyer at 206-386-1999 or betty.meyer@seattle.gov if you have any questions regarding this letter or the planned work.

I certify, under penalty of law, that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment, for knowing violations.

Sincerely,



Madeline Fong Goddard, P.E.
Deputy Director
Drainage and Wastewater Line of Business

cc: Chief, Environmental Enforcement Section
Environmental and Natural Resources Division
U.S. Department of Justice
P.O. Box 7611
Washington, D.C. 20044-7611

Director, Water Enforcement Division
Office of Civil Enforcement
U.S. Environmental Protection Agency
1200 Pennsylvania Ave., NW
Mail Code: 2243-A
Washington, D.C. 20460

Director, Office of Compliance and Enforcement
U.S. Environmental Protection Agency, Region 10
1200 6th Avenue, Suite 900
Seattle, WA 98101

Attorney General of Washington
Ecology Division
P.O. Box 40117
Olympia, WA 98504

John Phillips, DNRP
Jeff Lafer, DNRP
Theresa Wagner, Law
Mami Hara, SPU
Ben Marré, SPU
Alex Mockos, SPU
Amy Minichillo, SPU
Doug Hutchinson, SPU
Betty Meyer, SPU

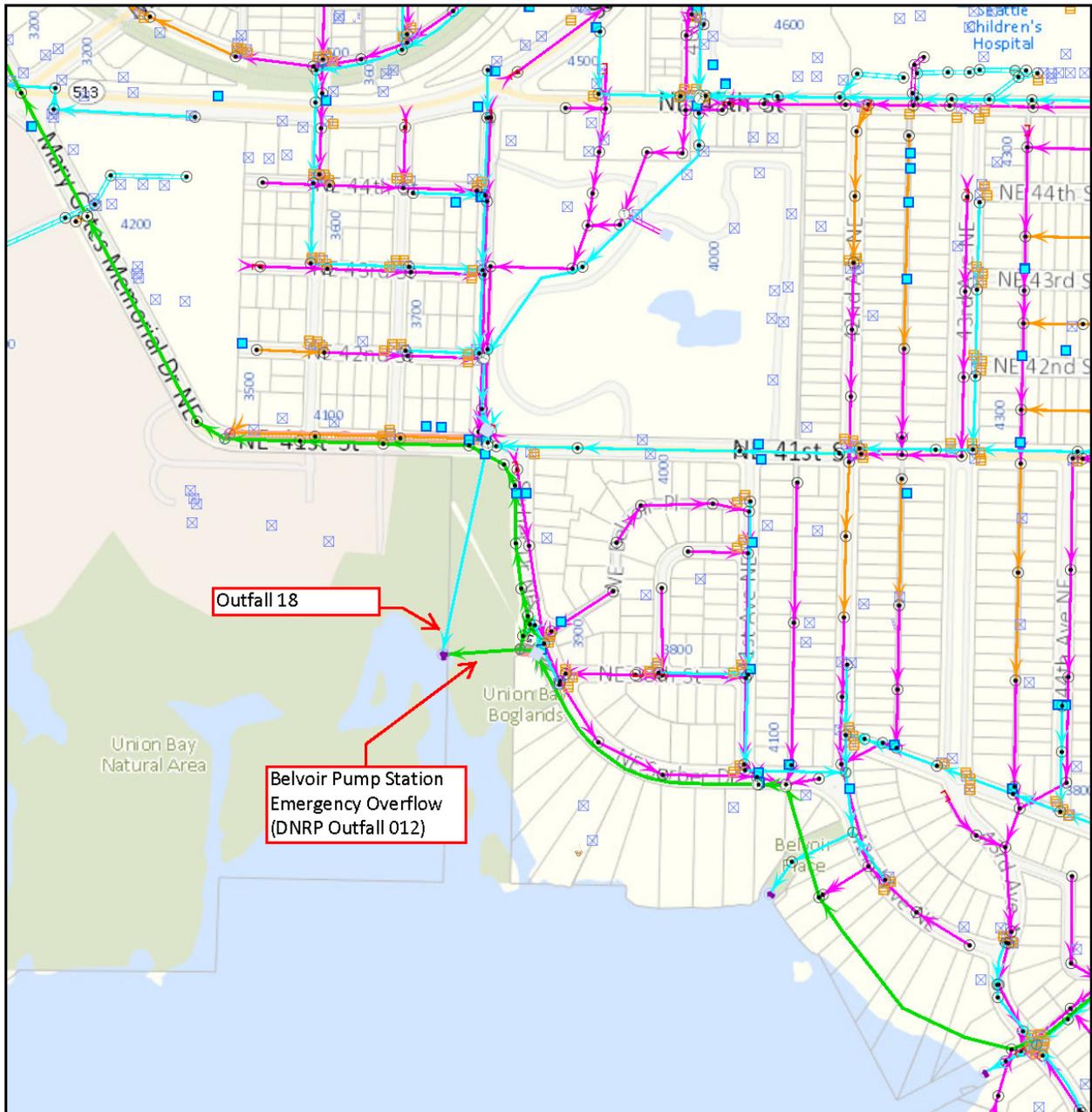
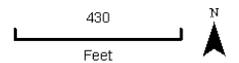


Figure 1. Basin 18 Outfall Location



Drop MH; Drop Connection MH	Other MH	Pump Station	Other Mainline End Point
Maintenance Hole	Plug	Water Quality Structure	INL
Catch Basin MH, CB, CB Large Inlet	Tee	DTS	Catch Basin
Flow Control MH	Outfall	Pipe Continues	Catch Basin Grated Top
Overflow MH	Reducer	Trash Rack	Flow Control Catch Basin



City of Seattle
Seattle Public Utilities

May 22, 2017

Shawn McKone, NPDES Permit Manager
Laura Fricke, Municipal Unit Supervisor
Department of Ecology
Northwest Regional Office
3190 160th Avenue NE
Bellevue, WA 98008-5452

Robert Grandinetti, NPDES Compliance Unit
U.S. Environmental Protection Agency – Region 10
Office of Compliance and Enforcement
825 Jadwin Avenue, Suite 210
Richland, WA 99352

**RE: Seattle Public Utilities (SPU) Combined Sewer Overflow (CSO) Reduction Program
Outfall 68 Post Construction Monitoring - Supplemental Compliance Plan (SCP)
Civil Action No. 2:13-cv-678**

This letter is a Supplemental Compliance Plan for Post Construction Monitoring at CSO Outfall 68 in the Interbay Area of the City of Seattle. Outfall 68 discharges to Elliott Bay at Smith Cove, adjacent to Terminal 91.

SPU's Post Construction Monitoring Plan

On April 1, 2010, in compliance with NPDES Permit No. WA0031682, SPU submitted a Post Construction Monitoring Plan (PCMP) to Ecology for review and approval. The 2010 PCMP proposed sampling at a limited number of SPU's CSO outfalls, including at least one outfall in each receiving water. Selection of outfalls and development of the sampling schedule took into consideration the reported control status of each SPU and each King County Department of Natural Resources and Parks (DNRP) CSO outfall.

By letter dated June 3, 2010, Ecology approved the PCMP as a general plan and required that the City submit detailed Quality Assurance Project Plans (QAPPs) for review and approval before initiating sampling. Ecology provided additional post-construction sampling direction in a letter dated August 10, 2010 and in comments on the Draft QAPP for combined sewer Basin 62, dated August 27, 2012.

On May 29, 2015, in compliance with the City of Seattle's wastewater Consent Decree (Civil Action No. 2:13-cv-678), SPU submitted a Final PCMP. The Final PCMP included an updated list of fourteen outfalls where sampling would be conducted and an updated sampling schedule, based on SPU's 2010-2014

Mami Hara, General Manager/CEO
Seattle Public Utilities
PO Box 34018
Seattle, WA 98124-4018

Tel (206) 684-5851
Fax (206) 684-4631
TDD (206) 233-7241
<http://www.seattle.gov/util>

Mr. Shawn McKone, Ms. Laura Fricke, and Mr. Rob Grandinetti
Outfall 68 Post Construction Monitoring - Supplemental Compliance Plan (SCP)
May 22, 2017
Page 2 of 5

flow monitoring data, the City's and King County's Consent Decree compliance schedules, and the reported control status of each SPU and each DNRP CSO outfall.

One of the fourteen outfalls was Outfall 68. The Final PCMP schedule for SPU's CSO Outfall 68 was as follows:

Outfall Number	Construction Completion	Submit QAPP for approval	Achieve Control	Complete PCMP Sampling	Submit Final PCMP Report
68	N/A	6/30/2016	Controlled	6/30/2019	6/30/2019

Basin/Outfall 68 Control Status

Basin 68 is in Northwest Seattle, on the west side of Queen Anne and to the east of the Interbay railyards. It is a 290-acre (0.45 square mile) basin that consists of two sub-basins: 68A and 68B (see Figure 1). Each sub-basin has a single overflow structure that discharges into a pipe that normally conveys stormwater to CSO Outfall 68. During large precipitation events, when the capacity of the combined sewer system is exceeded, excess flows discharge through these CSO overflow structures into this pipe and through CSO Outfall 68 into Elliott Bay at Smith Cove.

During development of SPU's CSO Long-Term Control Plan, a hydraulic model was developed and used to assess the control status of Basin/Outfall 68. Using model-predicted CSO discharge frequencies for each of the years 1997-2007 and flow monitoring results for each of the years 2008-2016, the current 20-year average discharge frequency is 0.9 CSOs/year. Some of the CSOs in 2014-2015 likely were exacerbated by partial clogging of the HydroBrake in Basin 68. SPU is keeping an eye on the HydroBrake and does not believe that any additional storage or capital improvements will be needed to maintain the controlled status.

Outfall 68 QAPP and Sediment Sampling and Analysis Plan

SPU submitted the PCMP and Sediment Sampling and Analysis Plan (SAP) QAPP for Outfall 68 on June 30, 2016. The QAPP noted that SPU had recently identified challenges associated with completing post construction monitoring and sediment sampling near Outfall 68:

This study area is within the Submerged Lands Area of the Terminal 91 Facility, which is owned by the Port of Seattle (Port) and, unbeknownst to the City of Seattle at the time the Final PCMP was submitted, is the subject of an agreed order between the Port and Ecology for remedial action due to the release or threatened release of hazardous substances (Agreed Order No. DE 8938, April 10, 2012). The First Amendment to the Agreed Order (executed November 24, 2015) requires the Port to develop and implement a Submerged Lands Area Sediment Sampling and Analysis Plan (SAP) and submit a Sampling Report. The results of these sediment sampling and analysis activities will be used to support evaluation of the need for further remedial actions by the Port in the Submerged Lands Area more generally. The First Amendment to the Agreed Order includes a list of activities the Port must complete and a chronological order, but does not provide specific completion dates.

Mr. Shawn McKone, Ms. Laura Fricke, and Mr. Rob Grandinetti
Outfall 68 Post Construction Monitoring - Supplemental Compliance Plan (SCP)
May 22, 2017
Page 3 of 5

To meet the requirements for sediment sampling and analysis, SPU committed to reviewing the Port's in situ sediment sampling and analysis results, which means reviewing the Port's Final Sampling Report. To confirm designated use attainment at Outfall 68, SPU committed to making field observations during and/or following two storm events.

Outfall 68 Supplemental Compliance Plan

SPU has monitored the Port's progress in complying with the schedule in the First Amendment to Agreed Order No. DE 8938. We believe it is unlikely that the Port will submit their Final Sampling Report in time for SPU to meet its PCMP and SAP reporting deadlines. Consequently, SPU has developed this Supplemental Compliance Plan.

The intent of the Supplemental Compliance Plan is to try to bring the Outfall 68 PCMP and QAPP/SAP compliance schedule into sync with the Port's compliance schedule and in particular with the projected availability of the Port's Final Sampling Report. The Supplemental Compliance Plan schedule is as follows:

Remedial Measures – Post Construction Monitoring	Completion Deadlines
Submit Outfall 68 Draft PCMP QAPP/SAP for Ecology and EPA review. (Final PCMP QAPP/SAP to be submitted following receipt of Ecology and EPA comments.)	Submitted June 30, 2016
Review Port of Seattle's Terminal 91 Final Sampling Report and submit Outfall 68 Draft PCMP report (including SPU field observations and review and analysis of Port sediment data) for Ecology and EPA review. (Final SPU report to be submitted following receipt of Ecology and EPA comments on Draft SPU report.)	Within 180 days following SPU obtaining Port of Seattle Final Sampling Report

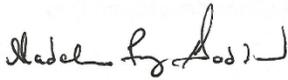
SPU requests that Ecology and EPA review and approve this Supplemental Compliance Plan and extend all applicable regulatory deadlines to allow for implementation. In accordance with paragraph 40 of the Consent Decree (Review and Approval Procedures), SPU hereby notifies EPA and Ecology that the 90-day review period for this submittal ends on August 21, 2017. If EPA and Ecology fail to review and comment on this submittal by August 21, 2017, the proposed milestone dates for the activities listed in the above schedule would be extended by the same number of additional days that EPA and Ecology use to act on this submittal.

Please contact SPU Wastewater Regulatory Compliance Manager Betty Meyer at 206-386-1999 or betty.meyer@seattle.gov if you have any questions regarding this letter or the planned work.

Mr. Shawn McKone, Ms. Laura Fricke, and Mr. Rob Grandinetti
Outfall 68 Post Construction Monitoring - Supplemental Compliance Plan (SCP)
May 22, 2017
Page 4 of 5

I certify, under penalty of law, that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment, for knowing violations.

Sincerely,



Madeline Fong Goddard, P.E.
Deputy Director
Drainage and Wastewater Line of Business

cc: Chief, Environmental Enforcement Section
Environmental and Natural Resources Division
U.S. Department of Justice
P.O. Box 7611
Washington, D.C. 20044-7611

Director, Water Enforcement Division
Office of Civil Enforcement
U.S. Environmental Protection Agency
1200 Pennsylvania Ave., NW
Mail Code: 2243-A
Washington, D.C. 20460

Director, Office of Compliance and Enforcement
U.S. Environmental Protection Agency, Region 10
1200 6th Avenue, Suite 900
Seattle, WA 98101

Attorney General of Washington
Ecology Division
P.O. Box 40117
Olympia, WA 98504

Theresa Wagner, Law
Mami Hara, SPU
Ben Marré, SPU
Alex Mockos, SPU
Amy Minichillo, SPU
Doug Hutchinson, SPU
Betty Meyer, SPU

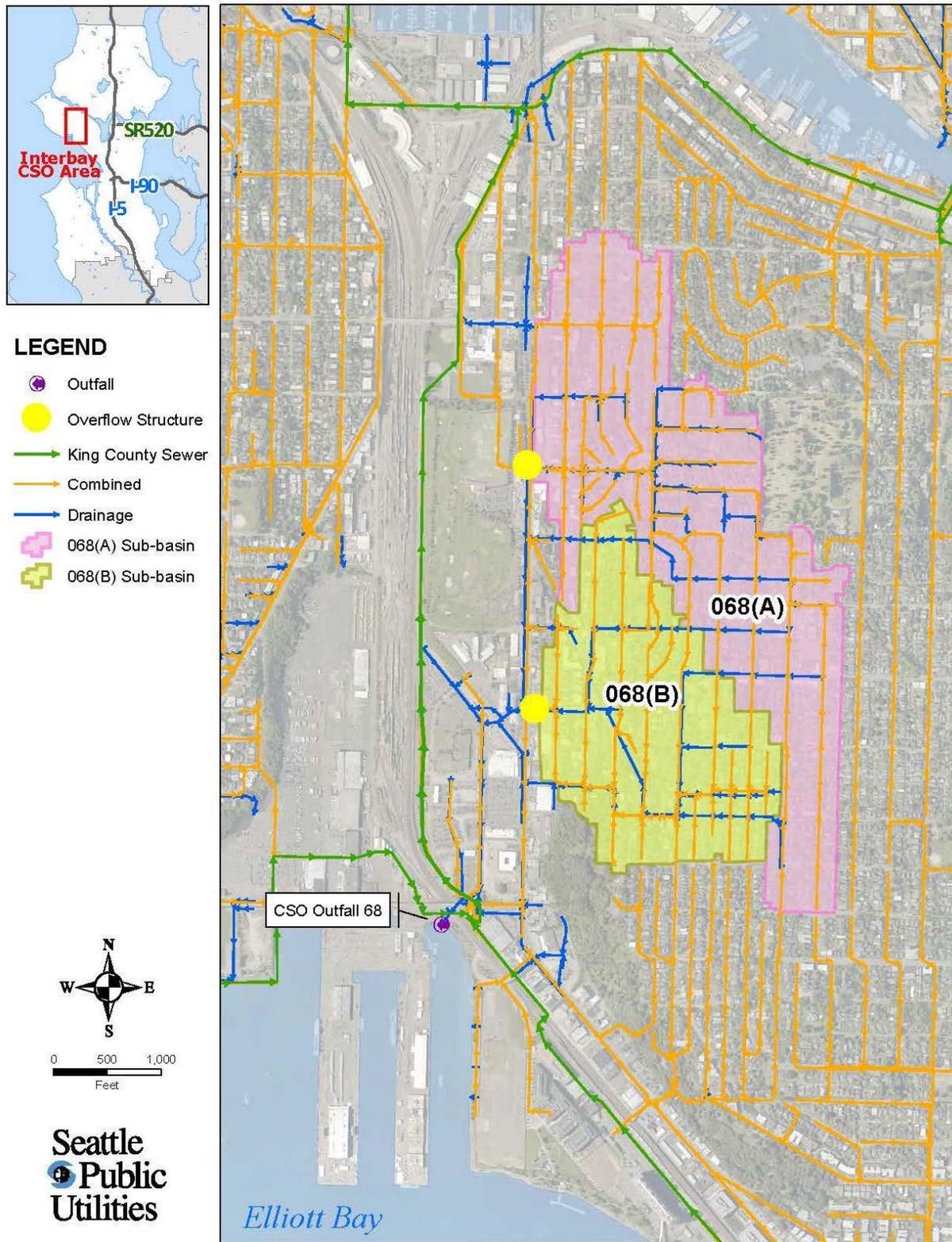


Figure 1. Combined Sewer Basin 68 and CSO Outfall 68.