

1
2 **A Resolution** of the Port of Seattle Commission replacing the
3 current policy prohibiting illicit and non-
4 stormwater discharges from being discharged
5 through the stormwater system on Port of Seattle
6 Maritime properties; providing revised definitions
7 and describing fully prohibited, conditionally
8 allowable, and permissible discharges; and
9 repealing existing policy in Resolution No. 3596.

10
11
12 **WHEREAS**, on January 17, 2007, the Washington State Department of Ecology issued the
13 Phase I Municipal Stormwater Permit (“the Phase I Permit”) that regulates discharges from the
14 Port’s Municipal Separate Storm Sewer System (MS4) located within the City of Seattle or King
15 County; and

16
17 **WHEREAS**, the Phase I Permit was reissued on August 1, 2012, and subsequently
18 modified on January 16, 2015, and August 19, 2016; and

19
20 **WHEREAS**, on March 9, 2007, the Port submitted a Notice of Intent, applying for
21 coverage under the Phase I Permit and has been covered under the Phase I Permit since that
22 time; and

23
24 **WHEREAS**, Condition S6(E)(3)(b) of the Phase I Permit requires that the Port develop
25 and adopt appropriate policies prohibiting illicit connections, illicit discharges, and illegal
26 dumping;

27
28 **WHEREAS**, on March 11, 2008, the Port approved Resolution 3596 prohibiting illicit and
29 non-stormwater discharges to comply with requirements; and

30
31 **WHEREAS**, the Port is now updating the policy consistent with State and City
32 requirements;

33
34 **NOW, THEREFORE, BE IT RESOLVED** by the Port Commission of the Port of Seattle as
35 follows:

36
37 **SECTION 1.** Resolution No. 3596 is hereby repealed.

38
39 **SECTION 2.** A revised policy directive prohibiting illicit and non-stormwater discharges through
40 Maritime stormwater systems is hereby established as shown in Exhibit A, attached.

41
42 **SECTION 3.** The policy directive contained in Exhibit A and attached to this resolution shall be
43 labeled and catalogued as appropriate, together with other Commission Policy Directives, and

44 shall be made readily available for use by Port staff and members of the public as a governance
45 document of the Port of Seattle.

46
47 **ADOPTED** by the Port Commission of the Port of Seattle at a **duly noticed** meeting
48 thereof, held this ____ day of _____, **2018**, and duly authenticated in open session by the
49 signatures of the commissioners voting in favor thereof and the seal of the commission.

50
51
52 _____
53
54 _____
55
56 _____
57
58 _____
59
60 _____

61 Port Commission

62 **EXHIBIT A to RESOLUTION NNNN**
63 **Policy Prohibiting Illicit and Nonstormwater Discharges**

64
65 **SECTION 1. Purpose.**
66

67 Discharges through the Port of Seattle’s Municipal Separate Storm Sewer System located within
68 the City of Seattle or King County are regulated by a Washington State Department of Ecology
69 Phase I Municipal Stormwater Permit. The purpose of this policy directive is to comply with
70 Condition S6(E)(3)(b) of the Phase I Permit, which requires that the Port develop and adopt
71 appropriate policies prohibiting illicit connections, illicit discharges, and illegal dumping.
72

73 **SECTION 2. Definitions.**
74

75 When used in this policy directive, the following words and phrases shall have the meanings
76 given below unless the context in which they are included clearly indicates otherwise:
77

78 “Hazardous substance” means any liquid, solid, gas, or sludge, including any material,
79 substance, product, commodity, or waste, regardless of quantity, that exhibits any of the
80 physical, chemical, or biological properties described in WAC 173-303-090, WAC 173-303-101,
81 173-303-102 or 173-303-103, which may cause, or significantly contribute to, a substantial
82 present or potential hazard to human health, safety, property, or the environment when
83 improperly treated, stored, or transported, disposed of, or otherwise managed.
84

85 “Illicit connection” means any direct or indirect infrastructure connection to the Port of
86 Seattle’s Municipal Separate Storm Sewer System that is not intended, permitted, or used for
87 collecting and conveying stormwater or non-stormwater discharges allowed as specified in this
88 policy.
89

90 “Illicit discharge” means any discharge to the Port of Seattle’s Municipal Separate Storm Sewer
91 System that is not composed entirely of stormwater or of non-stormwater discharges allowed
92 as specified in this policy.
93

94 “MS4” means the Port of Seattle’s Municipal Separate Storm Sewer System.
95

96 **SECTION 3. Scope and Applicability.**
97

98 A. This policy directive pertains to all discharges through the Port of Seattle’s MS4,
99 regardless of discharge source, including the Port of Seattle, its tenants and lease holders, and
100 members of the public.
101

102 **SECTION 4. Responsibilities.**
103

104 A. The Marine Stormwater Utility Director and Maritime Stormwater Program Manager
105 are responsible for implementation and administration of this policy directive.

106
107
108
109
110
111
112
113
114
115
116
117
118
119
120
121
122
123
124
125
126
127
128
129
130
131
132
133
134
135
136
137
138
139
140
141
142
143
144
145
146
147
148
149

SECTION 5. Policy.

A. Illicit Connections Policy. The construction, use, maintenance, or continued existence of illicit connections to the Port of Seattle's MS4 is hereby prohibited. This prohibition includes illicit connections made in the past, regardless of whether the connection was permissible under law or acceptable practice at the time of connection. Illicit connections must be disconnected and redirected, as necessary, to an approved discharge location.

B. Illicit Discharge Policy. Illicit discharges to surface water or the Port of Seattle's MS4, whether directly or indirectly, are either fully prohibited or conditionally prohibited, as defined in this section. Allowable discharges, as permitted under the Phase I Permit and the City of Seattle Stormwater Code, are defined in this section.

(1) Fully prohibited discharges. The common substances prohibited to enter, either directly or indirectly, the Port's MS4 or a receiving water within or contiguous to Port of Seattle Maritime properties, when entering via a service drain, overland flow, as a result of a spill or deliberate dumping, or other methods, include, but are not limited to the following:

- (a) acids
- (b) alkalis including cement wash water
- (c) ammonia
- (d) animal carcasses
- (e) antifreeze, oil, gasoline, grease and all other automotive and petroleum products
- (f) chemicals not normally found in uncontaminated water
- (g) chlorinated swimming pool or hot tub water
- (h) chlorine
- (i) commercial and household cleaning materials
- (j) detergent
- (k) dirt
- (l) domestic or sanitary sewage
- (m) drain cleaners
- (n) fertilizers
- (o) filter backwash wastewater
- (p) flammable or explosive materials
- (q) food and food waste
- (r) gravel
- (s) herbicides
- (t) human and animal waste
- (u) ink
- (v) laundry waste
- (w) liquid and powdered dyes

- 150 (x) metals in excess of naturally occurring amounts, whether in liquid or solid
- 151 form
- 152 (y) painting products
- 153 (z) pesticides
- 154 (aa) process wastewater
- 155 (bb) sand
- 156 (cc) soap
- 157 (dd) solid waste
- 158 (ee) solvents and degreasers
- 159 (ff) steam-cleaning waste
- 160 (gg) yard waste

161

162 (2) Conditionally allowable discharges. Discharges from the sources listed below are

163 permissible discharges only if the stated conditions are met. Even when the

164 stated conditions are met, these discharges are prohibited if the Marine

165 Stormwater Utility Director or Maritime Stormwater Program Manager

166 determines that the type of discharge is causing or contributing to a violation of

167 this policy or is causing or contributing to a water quality problem.

168

169 (a) Discharges from potable water sources, including water line flushing, hyper

170 chlorinated water line flushing, fire hydrant system flushing, pipeline

171 hydrostatic test water, and washing of potable water storage reservoirs are

172 allowed only if planned discharges are de-chlorinated to a total residual

173 chlorine concentration of 0.1 ppm or less, pH-adjusted if necessary, and

174 volumetrically and velocity controlled to prevent resuspension of

175 sediments in the MS4. No chemicals may be added, and settleable solids

176 must be removed prior to discharge.

177 (b) Discharges from lawn watering and other irrigation runoff are allowed only

178 if minimized to the maximum extent practicable.

179 (c) Discharges from swimming pools, spas, hot tubs, fountains, or similar

180 aquatic recreation facilities and constructed water features are allowed

181 only if the discharges are dechlorinated to a concentration of 0.1 ppm or

182 less, pH-adjusted and re-oxygenated if necessary, volumetrically and

183 velocity controlled to prevent resuspension of sediments in the MS4, and

184 thermally controlled to prevent an increase of temperature in the receiving

185 water. Swimming pool cleaning wastewater and filter backwash shall not

186 be discharged to the MS4 under any circumstances.

187 (d) Discharges of street and sidewalk washwater are allowed only when the

188 surfaces are swept prior to washing, detergents are not used, and water

189 use is minimized.

190 (e) Discharges of water from routine external building washdown are allowed

191 only when detergents are not used and water use is minimized.

192 (f) Discharges of water used to control dust are allowed only when water use

193 is minimized.

194 (g) Other non-stormwater discharges may be discharged if the Port approves a
195 stormwater pollution prevention plan that addresses control of such
196 discharges.

197
198 (3) Permissible Discharges. The following list provides examples of permissible
199 discharges. Even though generally permissible, these discharges are prohibited if
200 the Marine Stormwater Utility Director or Maritime Stormwater Program
201 Manager determines that the type of discharge is causing or contributing to a
202 violation of this policy or is causing or contributing to a water quality problem.

203

204 (a) Discharges from surface waters, including diverted stream flows

205 (b) Discharges of uncontaminated groundwater, including uncontaminated
206 groundwater infiltration (as defined at 40 CFR 35.2005(b)(20),
207 uncontaminated pumped groundwater, and rising groundwater

208 (c) Discharges of air conditioning condensation

209 (d) Discharges from springs

210 (e) Discharges of uncontaminated water from crawl space pumps

211 (f) Discharges from riparian habitats and wetlands

212 (g) Discharges from approved footing drains, foundation drains, and other
213 subsurface drains or, where approval is not required, installed in
214 compliance with this policy

215 (h) Non-stormwater discharges authorized by another National Pollutant
216 Discharge Elimination System (NPDES) permit or State Waste Discharge
217 permit

218 (i) Discharges that are from emergency firefighting activities

219 (j) Discharges of tracing dye used to establish or verify a drainage or sewer
220 connection

221

222 C. Illegal Dumping Policy. It is prohibited to spill, dump, release, throw, deposit, or
223 place solid waste, litter, pet and human waste, yard waste, or hazardous substances on Port of
224 Seattle property, without permission from the port.