



**COMMISSION  
AGENDA MEMORANDUM**

**Item No.** 6b

**ACTION ITEM**

**Date of Meeting** October 23, 2018

**DATE:** October 5, 2018

**TO:** Stephen P. Metruck, Executive Director

**FROM:** Sandra Kilroy, Director, Maritime Environment and Sustainability  
Jane Dewell, Maritime Stormwater Program Manager

**SUBJECT:** Policy Directive Prohibiting Illicit and Non-stormwater Discharge through Maritime Stormwater System

**Amount of this request:** \$0

**Total estimated project cost:** \$0

**ACTION REQUESTED**

Request approval of Resolution No. 3750: A resolution of the Port of Seattle Commission replacing the current policy prohibiting illicit and non-stormwater discharges from being discharged through the stormwater system on Port of Seattle Maritime properties; providing revised definitions and describing fully prohibited, conditionally allowable, and permissible discharges; and repealing existing policy in Resolution No. 3596.

**EXECUTIVE SUMMARY**

To meet requirements of its Phase I municipal separate storm sewer system (MS4) permit, the Port must have a policy prohibiting illicit connections, illicit discharges, and illegal dumping. The current port policy, Resolution No. 3596, was approved March 11, 2008. This policy is being repealed and replaced to reflect regulatory changes since that time. The proposed revisions to the current Illicit and Non-stormwater Discharge Policy meet the requirements of the Washington state Phase I MS4 permit. The revisions also incorporate revised stormwater code adopted by the City of Seattle in January 2016. The revisions are primarily technical corrections that clarify language regarding what are fully prohibited, conditionally allowable, and permissible discharges. Overall, the revised policy maintains a protective approach to stormwater and does not significantly modify the original policy. The revised policy supports the Port's Century Agenda Objective 14, *'to meet or exceed agency requirements for stormwater leaving port-owned or operated facilities.'*

**JUSTIFICATION**

Under the Phase I MS4 permit, the Port is required to implement appropriate policies and comply with relevant local ordinances, rules, and regulations related to prohibiting illicit connections, illicit discharges, and illegal dumping. Repealing the 2008 resolution and replacing

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with a revised Illicit and Non-stormwater Discharge Policy will meet these requirements, as well as the intent of Century Agenda Objective 14.

### DETAILS

The Phase I MS4 permit applies to all Maritime Port properties, and requires the Port to conduct education, inspections, and reporting to address a variety of permit requirements. In addition, many of our tenants and some Port facilities have stormwater permits for operations, such as industrial or boat yard, which include specific requirements they must follow.

The MS4 permit requires that the Port do the following:

- Create a stormwater management program plan and make available to the public via a website
- Map the stormwater conveyance system and tributaries and provide to Washington Department of Ecology
- Create and implement an operations and maintenance plan for inspecting and maintaining stormwater features such as catch basins, manholes, treatment systems (e.g., oil/water separators, filters), and flow control facilities
- Ensure that 100 percent of municipal operations have stormwater pollution prevention plans specific to their operations
- Each year, inspect 20 percent of municipal operations to assess compliance with stormwater program
- Each year, screen 20 percent of the stormwater system for illicit discharges or connections
- Complete an annual report that provides information on all elements of permit, including illicit discharges identified and eliminated, stormwater features inspected, operations with stormwater pollution prevention plans inspected, and stormwater monitoring or studies

The Phase I MS4 permit, under which the port is a secondary permittee within the City of Seattle, requires that the Port *‘Implement appropriate policies prohibiting illicit discharges and an enforcement plan to ensure compliance with illicit discharge policies.’* [Section S6(E)(3)(b)] The Phase I MS4 permit also requires the Port to *‘Comply with all relevant ordinances, rules, and regulations of the local jurisdiction(s) in which the Permittee’s MS4 is located that govern non-stormwater discharges.’* [Section S6(E)(3)(a)]

The Port adopted Resolution 3596, establishing a policy prohibiting illicit and non-stormwater discharges and illegal dumping on all port properties, in 2008 to address the permit requirements listed above. Since then, the Washington Department of Ecology most recently modified the Phase I MS4 permit in August 2016, and the City of Seattle revised its stormwater code in January 2016. Port staff reviewed these modifications and revisions and are recommending a revised port policy to reflect and be consistent with the new city and state requirements.

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Summary of changes:

- Specify that policy pertains to Port of Seattle Maritime properties
- Update reference to the current state MS4 permit and applicable permit sections
- Include reference to City of Seattle stormwater code
- Update definitions for illicit connection, illicit discharge, and hazardous substance
- Update specific lists of ‘fully prohibited,’ ‘conditionally allowable,’ and ‘permissible’ discharges

The port’s stormwater program has consistently met the state’s Phase I MS4 permit requirements and the city’s stormwater code. This revised policy ensures that the port also addresses the two Phase I MS4 permit requirements, Sections S6(E)(3)(a) and S6(E)(3)(b), and that our internal policies reflect current local regulations.

This resolution repeals the existing policy and replaces it with the revised policy.

#### **ALTERNATIVES AND IMPLICATIONS CONSIDERED**

**Alternative 1** – Status Quo – retain the 2008 policy, Resolution No. 3596

Cost Implications: No additional stormwater program costs.

Pros:

- (1) No additional effort expended to meet changes in City of Seattle stormwater code.

Cons:

- (1) Do not meet intent of Century Agenda, Objective 14.
- (2) Do not account for City of Seattle stormwater code changes as of 2016.
- (3) Do not keep stormwater policies updated as required by State Phase I MS4 permit.

This is not the recommended alternative.

**Alternative 2** – Approve revised Illicit and Non-stormwater Discharge Policy

Cost Implications: No additional stormwater program costs.

Pros:

- (1) Meet intent of Century Agenda, Objective 14.
- (2) Incorporate City of Seattle stormwater code changes as of 2016.
- (3) Meet requirements of the State’s Phase I MS4 permit to keep policies updated.

Cons:

- (1) Effort expended to revise port policy and incorporate City of Seattle stormwater code requirements.

***This is the recommended alternative.***

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**FINANCIAL IMPLICATIONS**

There are no financial implications of this policy revision.

**ATTACHMENTS TO THIS REQUEST**

- (1) DraftResolution No. 3750
- (2) Version of the Draft Resolution No. 3750 highlighting differences with Resolution No. 3596.

**PREVIOUS COMMISSION ACTIONS OR BRIEFINGS**

March 11, 2008 – Approval of Resolution No. 3596.

February 26, 2008 – Resolution No. 3596, First Reading.