



**COMMISSION
AGENDA MEMORANDUM**

ACTION ITEM

Item No. 8f

DATE: January 6, 2026

Date of Meeting January 13, 2026

TO: Stephen P. Metruck, Executive Director
FROM: Elizabeth C. Black, Deputy General Counsel

SUBJECT: Settlement Agreement with Department of Ecology

Amount of this request: N/A

ACTION REQUESTED

Request Commission authorization for the Executive Director to execute a proposed partial settlement agreement (“Agreement”) with the Washington State Department of Ecology (“Ecology”) resolving certain issues related to the administrative appeal of Ecology’s 2025 industrial stormwater general permit.

EXECUTIVE SUMMARY

On December 2, 2024, Ecology issued the 2025 Industrial Stormwater General Permit (ISGP or "Permit"), effective January 1, 2025. Various parties including Port of Seattle, Port of Tacoma, and Northwest Seaport Alliance ("NWSA") (collectively, "the Ports") appealed various aspects of the Permit to the Pollution Control Hearings Board.

Over the last year, counsel for the Ports, other appellants, and Ecology have engaged in settlement discussions relating to many of the issues that were subject to appeal. The proposed Agreement would resolve certain issues without the need for the additional time or expense of litigation, including clarifying ambiguous language in the Permit, revising certain deadlines, and addressing requirements for facilities with multiple drainage basins. The Agreement does not affect the remaining issues raised in the appeal.

This matter was further discussed in privileged attorney-client communications. There are no attachments to this memo.

PREVIOUS COMMISSION ACTIONS OR BRIEFINGS

January 6, 2026 – NWSA Managing Members approved the Agreement for NWSA