

AGENDA

DES MOINES CITY COUNCIL ENVIRONMENT COMMITTEE

VIA ZOOM

Thursday, May 12, 2022 - 4:00 PM

CALL TO ORDER

APPROVAL OF THE MINUTES FROM THE MEETING OF 04/14/2022

- Item 2.1. [Draft April 14, 2022 Meeting Minutes](#)

NPDES PROGRAM OVERVIEW (NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM)

- Staff will provide an update for the ongoing NPDES Program

- Item 3.1. [NPDES Program Overview](#)

SOURCE CONTROL PROGRAM UPDATE

- Item 4.1. [Source Control Program Update](#)

CIP UPDATES

- Staff will provide an update on the 2022 SWM Projects

- Item 5.1. [Capital Project Update](#)

DRAFT MINUTES – ENVIRONMENT COUNCIL COMMITTEE MEETING 04.14.2022

The meeting was called to order at 4:02 PM, Thursday, April 14, 2022, via Zoom, with the following in attendance:

Council Members

Jeremy Nutting
Vic Pennington
JC Harris

City Staff

Michael Matthias – City Manager
Tommy Owen – City Engineer
Beth Anne Wroe – Finance Director
Scott Wilkins - Harbormaster
Tyler Beekley – SWM Civil Engineer II
Ben Stryker – Civil Engineer I
Matthew Hutchins – Assistant City Attorney
Taria Keane – Deputy City Clerk
Jodi Grager – Admin. Assistant

Guests

Mayor Matt Mahoney and Councilmember Gene Achziger

AGENDA:

1. Selection of Chair/Vice Chair
2. Approval of 11.18.21 Minutes
3. 2022 Work Plan

MEETING:

- Deputy City Clerk Taria Keane called for nominations for Chair. Councilmember Nutting was nominated and accepted the position. Chair Nutting called for nominations for Vice Chair. Councilmember Pennington was nominated and accepted the position.
- The 11.18.21 Minutes were approved.
- City Engineer Tommy Owen introduced Civil Engineer II Tyler Beekley to review and discuss the 2022 Work Plan. CEII Beekley gave a high level overview of the Work Plan and mentioned several of the items:

May

NPDES – Staff will explain how the City is meeting Water Quality Standards.

Source Control Update – Staff will discuss this new requirement regarding working with local businesses so that pollution doesn't leave their property.

CIP Updates – SWM projects review and report on construction status

June

SMAP (Basin Planning) – NPDES permit requirement, staff and consultants will present details and discuss timelines.

August

Stormfest – Staff will make a presentation about this middle school outreach program.

September

Public Works Yard Groundwater Remediation Update – Staff will review the historical data and share plans for future work.

October

Poverty Bay Shellfish Protection District Status – King County leads this district, staff will provide an update.

City Engineer Owen stated it will be a busy year for the SWM Department with many important projects. It was mentioned that the committee meetings schedule may be subject to change.

Meeting adjourned at 4:19 p.m.

Minutes respectfully submitted by: Jodi Grager, Admin Asst



NPDES PROGRAM OVERVIEW MAY 2022 UPDATE

NPDES PROGRAM SUMMARY & REQUIREMENTS

- The National Pollutant Discharge Elimination System (NPDES) is a permit program first introduced as part of the Federal Clean Water Act in 1972.
- In 2007, Phase II of the NPDES program was implemented, requiring a permit and development of stormwater management plans.
- 2019-2024 Western Washington Phase II permit requirements are broken out into eight (8) categories aimed at preventing, reducing, and eliminating pollutants.

1. STORMWATER PLANNING

- Low Impact Development – preferred and commonly used approach
- Watershed Planning Program (Committee update scheduled for June)
 - Phase 1 is complete (Receiving Water Assessment)
 - Phase 2 is due June 2022 (Receiving Water Prioritization)
 - Phase 3 is due March 2023 (Stormwater Management Action Plan)

2. PUBLIC EDUCATION & OUTREACH

- General Awareness Programs (Puget Sound Starts Here, City Currents, Stormfest, ect.)
- Behavior Change Programs (ECOSS Business Outreach, Dumpster Outreach Group)
- Stewardship Programs (Storm Drain Marker Volunteers, Clean Up Events)

3. PUBLIC INVOLVEMENT & PARTICIPATION

- Stormwater Management Program Updated Annually
- City Website Public Comment Invitation
- Watershed Planning Public Involvement

4. UTILITY MAPPING & DOCUMENTATION

- Ongoing mapping of new developments
- Map updates from PW Crew field investigations
- Outfall Mapping



NPDES PROGRAM OVERVIEW MAY 2022 UPDATE

5. ILLICIT DISCHARGE DETECTION & ELIMINATION (IDDE)

- Spill response tracking & investigation (36 spills reported in 2021)
- Field screening program (42% field screened in 2021)
- Train all staff in IDDE

6. CONTROLLING RUNOFF FROM CONSTRUCTION SITES

- Plan review process (116 projects reviewed in 2021)
- Inspection process (88 inspections in 2021)
- Enforcement actions (9 enforcement actions taken in 2021)

7. OPERATIONS & MAINTENANCE

- Stormwater facility inspections/maintenance
 - 236 total facilities
- Catch basin inspection/maintenance
 - 5,299 total CBs
- Stormwater Pollution Prevention Plan (SWPPP) for City maintenance & storage facilities
- iPad integration & inspection tracking

8. SOURCE CONTROL FOR EXISTING DEVELOPMENT

- Implement a program to prevent pollution from existing developments around the City that have the potential to generate pollutants.



SOURCE CONTROL PROGRAM UPDATE MAY 2022 UPDATE

BACKGROUND – WHAT IS SOURCE CONTROL?

- Under the 2019-2024 Western Washington Phase II Municipal Stormwater Permit (NPDES Permit), Source Control from Existing Developments added as new requirement.
- Source Control Best Management Practices (BMPs)
 - Behavioral: Closing a dumpster lid after use; cleaning up spills immediately
 - Structural: Installing a catch basin insert; Investing in a spill cleanup kit
- Three permit deadlines for development of new source control program:
 - August 1, 2022 – adopt ordinance requiring the application of Source Control BMPs
 - August 1, 2022 – establish an inventory to identify sites that have the potential to generate pollutants
 - January 1, 2023 – implement inspection program for sites, inspect a minimum of 20% of listed sites per year

WHY IS SOURCE CONTROL IMPORTANT?

- Common major sources of stormwater pollution: construction sites, roads & highways, commercial & retail areas, and industrial facilities
- Under current NPDES permit, every major source is addressed, with the exception of commercial and retail areas
- Existing authority allows staff to address on-going spills, which is usually inefficient and often too late to prevent pollution from entering the storm system
- The intent of source control is to act proactively in partnership with local businesses through technical assistance and expertise

PROPOSED ACTIONS FOR 2022

- Present an ordinance to Council to implement a Source Control Inspection Program
- Establish a business inventory that identifies potential pollutant generating sites
- Adopt a Source Control Inspection Program Guidance Manual

CITY ATTORNEY'S FIRST DRAFT xx/xx/2022

DRAFT ORDINANCE NO. 21-064

AN ORDINANCE OF THE CITY OF DES MOINES, WASHINGTON, relating to preventing pollution to the waters of Des Moines and Puget Sound, amending DMMC 11.20.020 and 11.20.070, and adding a new section to chapter 11.20 DMMC.

WHEREAS, the Federal Clean Water Act of 1972 required the establishment of the National Pollution Discharge Elimination System (NPDES) to regulate discharges to waters under the jurisdiction of the United States, and

WHEREAS, the United States Environment Protection Agency has delegated authority to the Washington State Department of Ecology to administer the NPDES program, and

WHEREAS, the Washington State Department of Ecology issued the NPDES-Western Washington Phase II Municipal Stormwater Permit (Phase II Permit) on January 17, 2007, covering the period of February 16, 2007 to February 15, 2012 and subject to renewal every five years, and

WHEREAS, the City of Des Moines was required to apply for coverage under the Phase II Permit in order to discharge stormwater to the waters of Puget Sound, and

WHEREAS, the City Council enacted Ordinance no. 1463 on August 13, 2009 to bring the City stormwater regulations into compliance with the requirements of the Permit, and

WHEREAS, the Washington State Department of Ecology issued a new Phase II Permit on July 1, 2019, covering the period from August 1, 2019 through July 31, 2024, and

WHEREAS, permittees, including the City of Des Moines, are required to adopt certain regulations by ordinance no later than August 1, 2022 in order to be in compliance with the permit, and

WHEREAS, the provisions of this Ordinance will bring the Des Moines Municipal Code into compliance with the requirements of the Permit and will allow the City to continue to discharge stormwater to the waters of Puget Sound under the Permit, and

Ordinance No. ____

Page 2 of 6

WHEREAS, certain references to DMMC sections contained in chapter 11.20 are out of date and need to be updated, and

WHEREAS, the SEPA responsible official reviewed this proposed non-project action and determined that the proposed procedural amendments result in no substantive standards respecting use or modification of the environment and are therefore categorically exempt from threshold determination and EIS requirements in accordance with WA 197-11-800(19)(a) and chapter 16.05 DMMC, and

WHEREAS, the City Council finds that the regulations contained in this Ordinance are appropriate and necessary to protect the public health, safety and the environment; now therefore,

THE CITY COUNCIL OF THE CITY OF DES MOINES ORDAINS AS FOLLOWS:

Sec. 1. DMMC 11.20.020 and section 2(2) of Ordinance No. 1463 is amended to read as follows:

Definitions.

(1) Use of Words and Phrases. As used in this chapter, unless the context or subject matter clearly requires otherwise, the words or phrases defined in this section shall have the indicated meanings.

(2) "Best management practices" means physical, structural, and/or managerial practices that, when used singly or in combination, prevent or reduce water pollution. Best management practices are listed and described in the King County Stormwater Pollution Prevention Manual, as adopted by reference in ~~chapter 11.24~~DMMC 11.08.060, and King County Surface Water Design Manual as previously adopted in DMMC ~~18.86.330~~11.08.060 and supplemented in ~~chapter 11.28~~DMMC 11.08.070.

...

Sec. 2. DMMC 11.20.070 and section 2(7) of Ordinance No. 1463 is amended to read as follows:

Requirement to prevent, control, and reduce storm water contamination by use of best management practices.

(1) Compliance with this chapter shall be achieved through the use of the best management practices in accordance with the King County "Stormwater Pollution Prevention Manual," as adopted by reference in ~~chapter 11.24~~ DMMC 11.08.060. Any owner/operator responsible for premises which are found to be the source of an illicit discharge will be required to implement, at owner/operator's expense, the structural and nonstructural best management practices as specified in the manual to prevent the further discharge of contaminants to the municipal storm water system, ground waters, surface waters, or Puget Sound.

(2) Technical Assistance. The city of Des Moines surface water management division will provide, upon reasonable request, available technical assistance materials and information.

(3) In applying the Stormwater Pollution Prevention Manual to prohibited discharges from single-family residential activities, the director shall use public education and warnings as the primary method of gaining compliance with this chapter and shall not use citations, notice and orders, assessment of civil penalties and fines, or other compliance actions as authorized in this chapter, unless the director determines:

(a) The discharge from a normal single-family residential activity, whether singly or in combination with other discharges, is causing a significant contribution of contaminants to surface and storm water or ground water; or

(b) The discharge from a normal single-family residential activity poses a hazard to the public health, safety or welfare, endangers any property or adversely affects the safety and operation of city rights-of-way, utilities or other publicly owned or maintained property.

(4) Persons implementing best management practices through another federal, state or local program will not be required to implement the best management practices prescribed in the Stormwater Pollution Prevention Manual, unless the director determines the alternative best management practices are ineffective at reducing the discharge of contaminants. If the other

program requires the development of a storm water pollution prevention plan or other best management practices plan, the person shall make the plan available to the city upon request.

Sec. 3. New Section. A new section is added to Chapter 11.20 to read as follows:

Application of source control best management practices to pollutant generating sources.

(1) Any person responsible for land uses and/or activities which generate pollutants will be required to implement, at that person's expense, best management practices ("BMPs") to prevent the further discharge of pollutants to the municipal storm water system, ground waters, surface waters, or Puget Sound.

(a) Applicable operational source control BMPs shall be required for all pollutant generating sources.

(b) Structural source control BMPs, or treatment BMPs/facilities, or both, shall be required for pollutant generating sources if operational source control BMPs do not prevent illicit discharges or violations of surface water, groundwater, or sediment management standards because of inadequate stormwater controls.

(c) In cases where the manual(s) lack guidance for a specific source of pollutants, the Director shall work with the responsible person to implement or adapt BMPs based on the best professional judgement of the Director.

(2) Administration.

(a) The Director shall develop and implement a "Source Control Inventory" which identifies potential pollutant-generating sources that discharge to the municipal storm water system, ground waters, surface waters, or Puget Sound. The inventory shall include, but not be limited to, businesses and/or activities identified in the Western Washington Phase II Municipal Stormwater Permit as potential outdoor pollutant-generating sources.

(b) The Director shall develop and implement a program and procedures for the regular inspection of all potential

Ordinance No. ____

Page 5 of 6

pollutant-generating sources included in the Source Control Inventory described in subsection (2)(a) of this section. The program shall be administered consistent with the administrative provisions contained in DMMC 12.20.080(5).

Sec. 4. Severability - Construction.

(1) If a section, subsection, paragraph, sentence, clause, or phrase of this ordinance is declared unconstitutional or invalid for any reason by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

(2) If the provisions of this ordinance are found to be inconsistent with other provisions of the Des Moines Municipal Code, this ordinance is deemed to control.

Sec. 5. Effective date. This ordinance shall take effect and be in full force thirty (30) days after its passage and approval in accordance with law.

PASSED BY the City Council of the City of Des Moines this ____ day of ____, 2022 and signed in authentication thereof this ____ day of ____, 2022.

M A Y O R

APPROVED AS TO FORM:

City Attorney

ATTEST:

City Clerk

Published: _____

Effective Date: _____

Ordinance No. ____
Page 6 of 6

Environment Committee
May 2022
Capital Project Update

Current Construction	Phase	Status/Comment
S 239th St - Pipe Replacement	CN	Substantially Complete - In Project Close Out
8th Ave S (264th-265th) - Pipe Replacement	CN	Substantially Complete - In Project Close Out
Soundview Dr/Redondo Beach Dr Pipe Project	CN	Substantially Complete - In Project Close Out
Lower Massey Creek 5-year Vegetation Monitoring	CN	In the 5th Year of Monitoring (Project Close Out Fall 2022)
256th Place Outfall Repair	CN	Substantially Complete - In Project Close Out

Planning, Engineering, ROW Acquisition		Status/Comment
Deepdene Outfall Project	PE	Tetrattech is Preparing Updated Design for Outfall Replacement, Construction TBD
Kent-Des Moines Culvert Replacement	PE	WSDOT Led Project; Design at 90%, Construction targeted for 2023
Des Moines Memorial Drive (208th-212th)	PE	On-Call Roster Task Order Being Prepared for Council Approval
Kent-Des Moines/16th Ave S (Segment A)	PE	On-Call Roster Task Order Being Prepared for Council Approval
24th Ave S Pipeline Replacement Project	PE	Transportation Led Project; Design at 90%; Construction targeted for 2023

Planned Construction		Status/Comment
Redondo Creek Pipe Project	PE/CN	Construction is Scheduled for Late Summer 2022; Permitting & Design Complete
10th Ave S Pipe Project	CN	Utility Coordination with PSE-Gas; Construction is Scheduled for Spring 2022
North Fork McSorely Creek Diversion Project	PE	Construction Contract Awaiting Council Approval

Projects Targeted for Grant Funding:	Status/Comment
Massey Creek Pocket Estuary and Fish Project	Property outreach phase; \$365k grant acquired for design

	Working on
	Planning on, some risk
	Resource/Schedule Risk