

April 30, 2021

MEMORANDUM

To: Transportation and Utilities Committee
From: Brian Goodnight, Analyst
Subject: CB 120044: 2021 Stormwater Code Update

On May 5, the Transportation and Utilities Committee will consider and possibly vote on [Council Bill \(CB\) 120044](#), a bill that would amend the City's Stormwater Code ([Chapters 22.800 – 22.808 of the Seattle Municipal Code](#)) to incorporate new state requirements, adjust certain policies, and improve the usability of the code. This memorandum provides background information, a brief summary of the proposed changes, and anticipated financial impacts of the proposed changes on City departments.

Background

The City uses its Stormwater Code to protect people, property, and the environment from the adverse impacts of urban stormwater runoff, such as flooding, landslides, erosion, and pollution. The Stormwater Code is also necessary to comply with state and federal regulations. In 2019, the Washington State Department of Ecology (Ecology) issued a new stormwater permit to the City, known as the 2019–2024 Phase I Municipal Stormwater Permit (MS4 Permit).

The MS4 Permit requires that the City's Stormwater Code and its associated technical manual create an effective local program to prevent and control the impacts of stormwater runoff from new development, redevelopment, and construction activity. The technical manual is known as the Seattle Stormwater Manual and is promulgated via a joint Directors' Rule by the Directors of Seattle Public Utilities (SPU) and the Seattle Department of Construction and Inspections (SDCI). A draft version of the updated Stormwater Manual is attached to CB 120044's Summary and Fiscal Note as [Exhibit C](#). SPU is also planning to issue a new Director's Rule addressing new Stormwater Code language relating to public mainline extensions and drainage requirements in the public right-of-way ([Exhibit E](#)).

The Council last amended the Stormwater Code in September 2015, via [Ordinance 124872](#), in response to Ecology modifications made in January 2015 to the City's previous, 2013–2018 MS4 Permit. SPU and SDCI began the process for the 2021 Stormwater Code Update, as proposed in CB 120044, in October 2019. In addition to internal work, the departments have informed stakeholders and solicited input on proposed updates through public meetings, email announcements, newsletter articles, and briefings at stakeholder meetings. A complete list of public engagement activities is included in the Summary and Fiscal Note.

Summary of Proposed Changes

The 2021 Stormwater Code Update proposes to make the following changes:

- Exemptions for certain land-disturbing activities and authority for alternative Stormwater Code compliance;
- Revisions to the effective date of the Stormwater Code relative to project application and construction dates;
- Additions and revisions to definitions and best management practice references;
- Changes to source control requirements for certain activities;
- Changes to the minimum requirements that apply to all development projects to meet the MS4 Permit obligations and account for Seattle's unique development patterns and infrastructure; and
- Additions and revisions to submittal and drainage review requirements.

The Directors' Report and Recommendation, attached to the Summary Fiscal Note as [Exhibit A](#), contains additional information on the regulatory context for the 2021 Stormwater Code Update and a more detailed summary of the proposed changes.

Ecology has reviewed the City's proposed revisions that require Ecology approval and has made a preliminary determination that the revisions meet the regulatory requirements of the MS4 Permit. Ecology requires that the City's updates have an effective date of July 1, 2021 and, after the updates are formally adopted, it is anticipated that Ecology will modify the City's MS4 Permit to include Ecology's determination that the City's updated local program meets the state's requirements.

Financial Impact for City Departments

The proposed changes would have a financial impact on several City departments. Although this legislation does not appropriate funds or make budgetary changes to departments, the following list summarizes expected impacts.

- SPU – Anticipates a small decrease in capital costs for some projects and a small net decrease for future operations and maintenance. In the longer-term, SPU may request an increase in staff to implement new Stormwater Code requirements. SPU may also request approximately \$179,000 in appropriation authority in the 2022 Proposed Budget to account for side sewer permitting work paid for by increased permit revenues.
- SDCI – Anticipates requesting approximately \$340,000 in new, ongoing appropriation authority in the 2022 Proposed Budget to support two new positions: 1.0 FTE Site Development Inspector and 1.0 FTE Civil Engineering Specialist, Sr.

- Seattle Department of Transportation – Estimates no significant financial impact to future long-term transportation levy packages assuming similar types of projects are pursued, but estimates that costs over the next four years may decrease slightly due to the proposed changes. Capital project construction costs are estimated to decrease by approximately \$367,000 over the next four years, and operations and maintenance costs are expected to increase by approximately \$90,000 per year, or \$360,000 over four years.
- Seattle Parks and Recreation – Estimates that capital project costs will increase by approximately \$500,000 and operations and maintenance costs will increase by approximately \$2.6 million over the next six years.
- Seattle City Light – Estimates a one-time cost of \$16,000 to label storm drain inlets.
- Finance and Administrative Services – Estimates a one-time cost of \$27,000 to label storm drain inlets.

cc: Dan Eder, Interim Director
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