



Legislation Text

File #: CB 120100, Version: 1

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

AN ORDINANCE relating to Seattle Public Utilities; authorizing the General Manager/CEO of Seattle Public Utilities to enter into a Water Quality Combined Financial Assistance Agreement between the State of Washington Department of Ecology and The City of Seattle, Public Utilities Department, to partially finance costs related to the construction of the Ship Canal Water Quality Project through a Clean Water State Revolving Fund Loan.

WHEREAS, The City of Seattle and King County own and operate their own combined sewer systems, portions of which are interconnected and in some locations are at risk of overflows during heavy rain events; and

WHEREAS, the Combined Sewer Overflows (CSOs) are regulated under the federal Clean Water Act and governed by the State of Washington under the terms of National Pollutant Discharge Elimination System (NPDES) permits separately issued to both The City of Seattle and King County; and

WHEREAS, the terms of the NPDES permits require The City of Seattle and King County to limit untreated overflows at each CSO outfall to an average of no more than one per year; and

WHEREAS, under a Consent Decree with the U.S. Environmental Protection Agency (EPA), the Washington Department of Ecology (“Ecology”), and the U.S. Department of Justice (DOJ), authorized by Ordinance 123908 and amended by Ordinance 124129 (the “City’s Consent Decree”), The City of Seattle must implement control measures to limit untreated CSOs in accordance with State of Washington requirements by December 31, 2025; and

WHEREAS, The City of Seattle is required to construct a Shared West Ship Canal Tunnel (aka Ship Canal Water Quality Project) for outfalls 147, 174, 150, 151, and 152 by its approved Plan to Protect Seattle’s

Waterways (“Plan”), Long-Term Control Plan and Integrated Plan; and

WHEREAS, in 2015 the City Council pursuant to Ordinance 124966 authorized Seattle Public Utilities to enter into a Joint Project Agreement (JPA) with King County to design, construct, operate, and maintain the Ship Canal Water Quality Project; and

WHEREAS, under an agreed Non-Material Consent Decree Modification (Case No. 2:13-cv-00677-JCC) with EPA, Ecology, and DOJ, King County under its own Consent Decree must control its combined sewer overflows at 3rd Ave West and 11th Avenue Northwest in accordance with State of Washington Requirements by December 31, 2025, and will also retain its ability to construct and implement its original individual storage and increased conveyance piping project at 3rd Ave West and 11th Ave Northwest, respective, in case the City and County mutually agree in writing to terminate the joint tunnel project, pursuant to the Joint Project Agreement; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. The General Manager/CEO of Seattle Public Utilities is authorized to execute a Water Quality Combined Financial Assistance Agreement (Agreement No. WQC-2021- SeaPUD-00191) between the State of Washington Department of Ecology and Seattle Public Utilities, substantially in the form as attached hereto as Attachment 1; to partially finance costs related to the construction of the Ship Canal Water Quality Project through a Clean Water State Revolving Fund Loan in the amount of \$66,000,000; to fulfill obligations under the City’s Consent Decree and consistent with its approved Plan to Protect Seattle’s Waterways; and to reduce Combined Sewer Overflows (CSOs), as required by law, in furtherance of the objectives of the Clean Water Act, the Environmental Protection Agency’s CSO Control Policy, and the Washington Water Pollution Control Act.

Section 2. This ordinance shall take effect and be in force 30 days after its approval by the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it shall take effect as provided by Seattle Municipal Code Section 1.04.020.

Passed by the City Council the _____ day of _____, 2021, and signed by me in open session in authentication of its passage this _____ day of _____, 2021.

President _____ of the City Council

Approved by me this _____ day of _____, 2021.

Jenny A. Durkan, Mayor

Filed by me this _____ day of _____, 2021.

Monica Martinez Simmons, City Clerk

(Seal)

Attachments:

Attachment 1 - Water Quality Combined Financial Assistance Agreement No. WQC-2021-SeaPUD-00191