



Legislation Text

File #: CB 118588, Version: 3

CITY OF SEATTLE
ORDINANCE _____
COUNCIL BILL _____

AN ORDINANCE relating to Seattle Public Utilities; authorizing the Director of Seattle Public Utilities to enter into a Joint Project Agreement with King County to design, construct, operate, and maintain the Ship Canal Water Quality Project, in partial fulfillment of the objectives of the Consent Decree authorized under Ordinances 123908 and 124129, and the “Plan to Protect Seattle’s Waterways” authorized under Ordinance 124766, to reduce Combined Sewer Overflows; and ratifying and confirming certain prior acts.

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

WHEREAS, the combined sewer system 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 of Seattle must implement control measures to limit untreated combined sewer overflows in accordance with State of Washington requirements by December 31, 2025; and

WHEREAS, under a separate Consent Decree with EPA, Ecology, and DOJ, King County must control its combined sewer overflows, including its 3rd Ave. W outfall by December 2023 and 11th Ave. NW

outfall by 2030; and

WHEREAS, the Consent Decrees of both the City and King County contain a “Joint Operations and System Optimization Plan between the City of Seattle and King County,” (“Joint Plan”), which provides that CSO facilities be identified that may be beneficial to jointly operate and/or monitor; and

WHEREAS, the City of Seattle and King County have identified and evaluated a joint Ship Canal Water Quality Project to control combined sewer overflows from their respective outfalls 147, 174, 150, 151, 152, and 3rd Ave. W (008), and 11th Ave. NW (004); 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 EPA and Ecology approved “Plan to Protect Seattle’s Waterways” (Long-Term Control Plan and Integrated Plan); and

WHEREAS, King County has a 2012 CSO Long Term Control Plan Amendment approved by state and federal regulators identifying independent options to control overflows at its 3rd Ave. W Outfall (008) and 11th Ave. NW outfall (004), and King County is seeking approval from EPA and Ecology to a modified schedule for completion of its 3rd Ave W CSO control project and a change in the project description for the 11th Ave NW CSO project, consistent with the joint Ship Canal Water Quality Project; and

WHEREAS, Seattle Public Utilities will be the lead agency and will construct, own, and operate the completed and commissioned Ship Canal Water Quality Project, and will work with King County in accordance with the Joint Plan in the design, construction, commissioning, operation and maintenance of the project facilities; and

WHEREAS, Seattle Public Utilities and King County have agreed to share the costs of the Ship Canal Water Quality Project, including but not limited to costs for project planning, design, land acquisition, permitting, construction, mitigation required by SEPA, commissioning, operation, maintenance, repairs, replacements, alterations, improvements, monitoring and modeling, and one percent for the arts, with Seattle Public Utilities paying 65 percent and King County paying 35 percent of the costs of the joint

Ship Canal Water Quality Project, subject to change if the Parties mutually agree to modify the Project;
NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. The Director of Seattle Public Utilities is authorized to execute a Joint Project Agreement with the King County Department of Natural Resources and Parks, substantially in the form as attached hereto as Attachments 1 and 2, to design, construct, operate, and maintain the Joint Ship Canal Water Quality Project, in partial fulfillment of the objectives of the City's Consent Decree and Plan to Protect Seattle's Waterways, to reduce Combined Sewer Overflows.

Section 2. The Director of Seattle Public Utilities will prepare and submit to the Seattle Public Utilities and Neighborhoods Committee, or the appropriate Council committee, a semi-annual written progress report focusing on the Ship Canal Water Quality Project. The written report will include a narrative identifying work completed to date, upcoming project milestones, a project schedule assessment, and a cost update for the City's and King County's portions of the project.

Section 3. Any act consistent with the authority of this ordinance taken after its passage and prior to its effective date is ratified and confirmed.

Section 4. 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 _____, 2015, and signed by me in open session in authentication of its passage this ____ day of _____, 2015.

President _____ of the City Council

Approved by me this ____ day of _____, 2015.

Edward B. Murray, Mayor

Filed by me this ____ day of _____, 2015.

Monica Martinez Simmons, City Clerk

(Seal)

Attachments:

Attachment 1 - City of Seattle and King County Ship Canal Water Quality Joint Project Agreement

Exhibit A - SPU/DNRP Ship Canal Water Quality Project - Project Description

Exhibit B - SPU/DNRP Ship Canal Water Quality Project - Change Management

Exhibit C - SPU/DNRP Ship Canal Water Quality Project - One Team Decision Making Guidelines

Exhibit D - SPU/DNRP Ship Canal Water Quality Project - List of Potential Causes for Capital Cost Increases

Exhibit E - DNRP-WTD Invoice Format

Attachment 2 - SCWQP (Ship Canal Water Quality Project) System Illustration