



CITY OF LAKE FOREST PARK

CITY COUNCIL

AGENDA COVER SHEET

Meeting Date	July 28, 2022
Originating Department	Public Works
Contact Person	Andrew Silvia
Title	Ordinance 1241 – Code Amendments for NPDES Source Control Program Creation and Stormwater Design Manual Updates.

Legislative History

- First Presentation – May 26, 2022
 - Second Presentation – July 14, 2022
 - Action – July 28, 2022
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Attachments:

1. Ordinance Number 1241
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Executive Summary

The attached ordinance amending six chapters of the Lake Forest Park Municipal Code will update the code's numerous references to the King County's Surface Water Design Manual (Design Manual) to reflect the current 2021 version. The proposal to adopt all future amendments to the Design Manual has been deleted from the current version of the draft ordinance, but code references have been consolidated making future amendments easier. The ordinance will also establish a requirement for owners of pollutant generating sites to apply source control best management practices. The Western Washington 2019-2024 National Pollutant Discharge Elimination System (NPDES) Phase 2 Municipal Stormwater Permit ("Permit") requires adoption of the source control best management practices and that the City adopt a current surface water design manual equivalent to the manual issued by the State of Washington Department of Ecology.

Background

The Permit (Section S5.C.8) requires the implementation of a source control program for existing development and defines specific elements that must be included in the program. The first step (S5.C.8.b.i) required of permittees in implementing the source control program is to enact an ordinance

establishing stormwater pollution prevention requirements for a limited number of existing public and private sites. The sites to be regulated under this new program are those that host the pollutant generating activities defined in Appendix 8 of the Permit. These include Heavy Construction, Chemical and Equipment Manufacturing, Printing and Support Activities, and other commercial and industrial activities. The source control measures that these site owners will be required to implement are defined in the King County Stormwater Pollution Prevention Manual. These include good housekeeping measures such as proper waste disposal, sweeping, labelling chemical containers appropriately, and other measures. The Department of Public Works (DPW), through its consultant Parametrix, Inc., is currently developing an inventory of regulated sites and will be required to inspect 20% of these sites annually starting in 2023.

Separately, the Permit (Section S5.C.6.a) requires that the City enact an ordinance adopting the Permit's updated stormwater management performance standards for regulated types of development. This is a routine Permit requirement that ensures the City's standards for drainage plan review and stormwater pollution prevention during construction are updated for consistency with the state's standards. Permittees satisfy this requirement by adopting the current version of the state's stormwater management design manual, or an approved equivalent. The City has adopted and used the King County Surface Water Design Manual as its chosen resource to satisfy this requirement since it was first required in 2007, and must now update the code's references to the current version of the manual. The proposed ordinance would adopt King County's current Design Manual dated 2021.

Fiscal & Policy Implications

There is no impact to the City budget that will result directly from this action. Starting in 2023, DPW will be required to undertake inspections of regulated sites, maintain its site inventory, manage inspection-related resources, and conduct other programmatic work. DPW's consultant is currently developing an array of resourcing strategies and associated costs applicable to the new regulatory program, which DPW anticipates sharing with Council during development of the City's next biennial operating budget.

Alternatives

<i>Options</i>	<i>Results</i>
Enact Ordinance 1241	The City will remain in compliance with the Permit. DPW will continue working to develop the new source control program and assign resources to implement it. Additionally, future regulated land development and construction activities will be held to the stormwater management performance standards in the 2021 version of the King County Surface Water Design Manual.
Do Not Enact Ordinance 1241	The City will fail to comply with Sections S5.C.6.a and S5.C.8.b.i. of the Permit. This could potentially lead to monetary penalties assessed by the Department of Ecology.

Staff Recommendation

Move to enact Ordinance 1241