



BUSINESS OF THE CITY COUNCIL CITY OF MERCER ISLAND

AB 6350
October 17, 2023
Regular Business

AGENDA BILL INFORMATION

TITLE:	AB 6350: Stormwater Management Program Amendments (Ord. No. 23C-14 First Reading)	<input type="checkbox"/> Discussion Only <input checked="" type="checkbox"/> Action Needed: <input checked="" type="checkbox"/> Motion <input type="checkbox"/> Ordinance <input type="checkbox"/> Resolution
RECOMMENDED ACTION:	Set second reading and adoption of Ordinance No. 23C-14 for November 7, 2023.	

DEPARTMENT:	Public Works
STAFF:	Jason Kintner, Chief of Operations Brian Hartvigson, ROW/Stormwater Manager Deeqa Roble, Stormwater Quality Technician
COUNCIL LIAISON:	n/a
EXHIBITS:	1. Ordinance No. 23C-14
CITY COUNCIL PRIORITY:	n/a

AMOUNT OF EXPENDITURE	\$ n/a
AMOUNT BUDGETED	\$ n/a
APPROPRIATION REQUIRED	\$ n/a

EXECUTIVE SUMMARY

The purpose of this agenda bill is to present Ordinance No. 23C-14 (Exhibit 1) for a first reading. Ordinance No. 23C-14 would amend the following sections of the Mercer Island City Code (MICC) to officially adopt the Washington State Department of Ecology (Ecology) 2019 Stormwater Management Manual for Western Washington (Stormwater Manual) and update stormwater definitions for consistency with the National Pollutant Discharge Elimination System Phase II Municipal Stormwater Permit (NPDES Permit) and Stormwater Manual:

- MICC 15.09, Stormwater Management Program
- MICC 15.10, Storm and Surface Water Utility
- MICC 15.11, Fee In Lieu of Stormwater Detention

BACKGROUND

The National Pollutant Discharge Elimination System (NPDES) permit program addresses water pollution by regulating point sources that discharge pollutants to waters of the United States. Created in 1972 by the [Clean Water Act](#), the NPDES permit program is authorized to state governments by the

Environmental Protection Agency to perform many permitting, administrative, and enforcement aspects of the program.

The Washington State Department of Ecology issued the Western Washington Phase II Municipal Stormwater Permit on July 1, 2019, with an effective date of August 1, 2019, pursuant to the requirements of the Federal Clean Water Act – National Pollutant Discharge Elimination System (NPDES). The NPDES Permit requires the City to adopt the 2019 Stormwater Management Manual for Western Washington, or equivalent, and update stormwater definitions for consistency with the NPDES Permit and Stormwater Manual.

ISSUE/DISCUSSION

The City is required to amend the Mercer Island City Code to meet the requirements of the NPDES Permit, which necessitates revisions to Chapters 15.09, 15.10, and 15.11. The 2019 Stormwater Manual establishes standards and requirements for stormwater conveyance, land disturbing activity, impervious surface, and source control Best Management Practices (BMP). The proposed changes ensure continued compliance with the NPDES permit and adopt updated definitions in the NPDES and 2019 Stormwater Manual.

On August 14, 2023, a completed State Environmental Policy Act (SEPA) checklist was submitted to the City of Mercer Island Community Planning and Development Department for review. Per the SEPA requirement, a public notice was published on August 30, 2023, more than 30 days before the public hearing. An Environmental Determination of Non-Significance (DNS) was issued for the proposed code amendments pursuant to the State Environmental Policy Act (SEPA) on September 11, 2023.

Ordinance 23C-14 would amend MICC 15.09, MICC 15.10, and MICC 15.11 as follows.

- Section 1. Amends MICC 15.09
To adopt the 2019 Stormwater Manual, update stormwater definitions for consistency with the NPDES Permit and Stormwater Manual and allow for business/site source control inspections.
- Section 2. Amends MICC 15.10
To update stormwater definitions for consistency with the NPDES Permit and Stormwater Manual and allow for business/site source control inspections.
- Section 3. Amends MICC 15.11.010
To update stormwater definitions for consistency with the NPDES Permit and Stormwater Manual.

RECOMMENDED ACTION

Move to set Ordinance No. 123C-14 for second reading and adoption at the November 7, 2023, City Council meeting.